



## **Abracadabra Convenience Store, 3 High Street, Christchurch**

*This representation is in support of an Application for Review of a Licensed Premises submitted on behalf of Dorset Police. This report is intended to provide both the members of the Licensing Sub-Committee and the licence holder (and their representative) with additional information, context, and evidence in support of the representation. This representation is being completed and submitted as soon as practicable for the benefit of all parties. Whilst all details are correct at the time of completion, Dorset Police reserve the right to amend / introduce additional information and evidence in advance of the hearing.*

### **Background**

Abracadabra, also known as 'E & E', is a small convenience store located on Christchurch High Street near to the junction with Bargates. The licence was transferred to the current Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS), Mr Yunis Mohammad, on the 30<sup>th</sup> May 2023.

There have been a variety of reports received by Dorset Police since May 2023 relating to ongoing Youth Anti-Social Behaviour (ASB), the availability of counterfeit and prohibited products, namely vapes and cigarettes, and more concerning reports of child grooming, violence and the use of weapons by staff.

The operator had submitted a Full Variation Application in August 2023 seeking additional operating hours for the provision of alcohol and the removal of conditions relating to Staff Training and a requirement to be involved in the local Town Watch scheme. This application was refused.

Engagement has continued with the premises, with the support of our partners. Whilst it is encouraging that the premises have since passed two 'Test Purchase' exercises, arranged by the BCP Council Trading Standards Department, concerns remain that the operator continues to fail in their responsibility to consistently promote the licensing objectives.

### **Concerns**



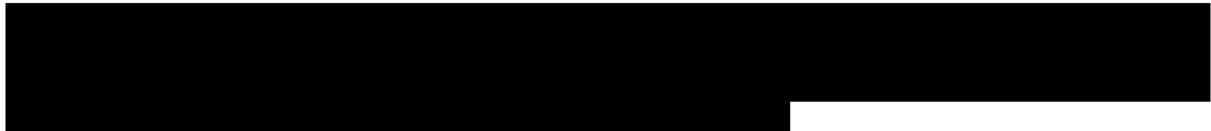
On the 8<sup>th</sup> August 2023 a multi-agency visit occurred following receipt of the above information and intelligence and regarding the sale of alcohol to children, proxy sales being commonplace and information which indicated that prohibited products, including illicit vaping products and cigarettes, were being offered from this premises.

The sole member of staff at the premises denied working at the premises, stating that they were 'helping out' and were not being paid. He had received no training in the sale of alcohol. A variety of conditions attached to the Premises Licence were not being met, however, the operator was not available for officers to discuss their concerns. There were two rooms at the premises that were secured, and the

person present could not confirm their purpose. A letter was sent to the operator advising of our concerns.

On the 21<sup>st</sup> August 2023 Dorset Police received a report of further ASB was occurring during the late evening outside this premises, involving youths. Loud music, swearing and shouting could be heard by youths for prolonged periods of time. This was unchallenged by the operator of the store and was believed to have been caused by persons under the age of 18.

A Full Variation was received on the 22<sup>nd</sup> August 2023, applying for the removal of licence conditions and the extension of the hours permitted for the provision of alcohol. Evidence was presented by Dorset Police which led to the refusal of the application. Details of that determination have been attached.



Reports were received in September 2023 of persons residing at the premises. Loud noise could be heard emanating from the store, sometimes until as late as 4am, which understandably impacts on nearby residents.

A further multi-agency visit was conducted in October 2023 and Mr Mohammad was present. Some improvements were noted, however, key conditions continued not to be met, despite our letter advising of the requirement to consistently meet all conditions. No CCTV could be accessed to enable officers to confirm that 31 days of CCTV was being stored and Mr Mohammad advised that he understood that only 25 days were being stored at that time. No CCTV Logbook was being maintained and refusals of alcohol sales were not being fully recorded as Mr Mohammad claimed that there would be '20 a day' if he had to write them all in the log.

During this visit, Mr Mohammad allowed access to an 'office' at the rear of the store, the contents of which indicated that the room was being used as a dwelling, with makeshift sleeping area and food preparation area noted. The CCTV camera in that room was claimed not to be working and the Smoke Alarm had adhesive tape on the cover which would likely have inhibited its effectiveness in the event of a fire. A baseball bat was noted as being present in an open cupboard adjacent to the rear door. Mr Mohammad stated that the item did not belong to him. A further letter was sent to Mr Mohammad confirming the concerns highlighted during the visit.

Further to a referral to Dorset & Wiltshire Fire and Rescue Service (DWFRS), an inspection was conducted, and a Prohibition Notice served which prevented sleeping at the premises. No Fire Risk Assessment has been conducted, however, the tape on the smoke detector had been removed.

On the 29<sup>th</sup> November 2023 a multi-agency visit was conducted at the premises. Agencies included Dorset Police, DWFRS, BCP Licensing Authority and BCP Council ASB Officer. The DPS/PLH were not present and a further member of staff and the same person as had been the sole occupant of the store on the 8<sup>th</sup> August 2023 was present, who again confirmed that were not working at the premises. They were unable to operate the CCTV, had received no training and were instead claiming that they were a student 'helping out' the owner.

DWFRS were unable to lift the Prohibition Notice as access to the storeroom was refused by the PLH by telephone, citing that he was suffering with a contagious condition and that the room presented a health risk to anyone entering the room. No Fire Risk Assessment could be produced.

No Training Logs for the person at the store could be produced and no entries in the Refusals log beyond 25<sup>th</sup> October 2023.

A conversation occurred between the Licensing Consultant of the PLH, Tony Clarke, the BCP Council ASB Officer and the Licensing Officer for BCP Council. The Licensing Officer advised that the conditions of the Premises Licence must be consistently met, whether the PLH/DPS is present or otherwise. The baseball bat was again present at the premises during this visit.

During this visit a female visited the store, appearing to be deterred from entering the store on sighting persons of authority. When questioned, the female advised that she had some fresh food products for sale which she had found nearby. The operator stated that they did not wish to purchase any products,

however, there is intelligence which suggests that staff at this premises have previously purchased stolen goods. It is not routine for licensed premises to be offered goods to purchase by members of the public,

Statement have been completed by the Licensing Officer for BCP Council and the CSAS Officer responsible for Christchurch Town Centre. We have also included a copy of the Prohibition Notice served by DWFRS which clarifies the significance of the intervention.

Dorset Police are extremely grateful for the support and expertise offered by our partners. Whilst Dorset Police remain concerned that conditions are persistently being breached, we are pleased that there is currently no further evidence of illegal vape products or illicit tobacco being offered for sale at the premises following intervention from Trading Standards.

### **Available Outcomes to the Sub-Committee**

To assist the members of the Sub-Committee in their determination, Dorset Police make the following submissions in relation to the available outcome options in respect of this Application for Review of a Premises Licence.

#### **Take No Action**

Dorset Police are concerned that this premise has been brought to our attention on many occasions since the operator took control of the premises in May 2023. Whilst it is accepted that there may be a requirement for support and engagement to achieve compliance, and consequently a safe and valuable facility for the community, ensuring that the premises are safe and not presenting a risk to the community is imperative. Dorset Police are concerned that, despite the efforts of Dorset Police and our partners to seek improvements, this premises continues to undermine the licensing objectives.

The concerns identified by Dorset Police and those highlighted by our partners and the public, demonstrates that taking no action is not an appropriate determination following this hearing.

#### **Exclude Licensable Activities from the Premises Licence**

The current Premises Licence permits the sale of alcohol between 0700 – 2300hrs each day for consumption off the premises.

Removing this condition would effectively result in a revocation of the premises licence. Dorset Police cannot provide any evidence which suggests that reducing the hours permitted for the sale of alcohol will reduce the likelihood of the licensing objectives being undermined.

Dorset Police accept that if no licensable activities were taking place the premises could remain operational as a convenience store and that many of the concerns highlighted above would remain. This would then be managed by the authorities under legislation outside of the Licensing Act 2003.

#### **Modify / Add Existing Conditions**

If the Sub-Committee members were inclined to consider modifying the existing conditions, Dorset Police draw the attention of the members to the existing conditions attached to the Premises Licence, which were agreed between the operator and Dorset Police. Several of these conditions continue not to be met.

Dorset Police do not consider that any further conditions would resolve the concerns that have been detailed above, however, if the members of the Sub-Committee were inclined to allow the Premises Licence to remain, Dorset Police would ask that consideration be given to a requirement for a Personal Licence Holder to be always present at the premises when licensable activities are taking place.

Dorset Police do not consider that this condition would address the concerns detailed above.

#### **Remove the Designated Premises Supervisor**

Paragraph 11.21 of the Revised Guidance under Section 182 of the Licensing Act 2003 states that, *“licensing authorities should be alive to the possibility that the removal and replacement of the*

*designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decision made by the individual".*

Dorset Police can evidence that the current Premises Licence Holder and DPS is responsible for the mismanagement of this premises and is the cause of much of the concern detailed above. They have failed to meet the conditions of the premises licence, support their staff to do the same and have been the subject of some of the more serious incidents highlighted above.

If the members of the Sub-Committee have no confidence in the current DPS, who is the same person as the PLH, Dorset Police invite the members of the Sub-Committee to reflect this by revoking the Premises Licence. The only other alternative would be to transfer the Premises Licence to another PLH, which is not an option available to members of this Sub-Committee.

### **Suspend the licence for a period (not exceeding 3 months)**

Any temporary suspension of this Premises Licence is unlikely to result in any substantial improvement as we have, together with our partners, attempted to support and encourage improvement at this premises on several occasions since May 2023, with limited success.

Dorset Police would only support a short suspension of the Premises Licence if the Sub-Committee members would be reassured that a short suspension, whilst the Premises Licence Holder put in place any necessary measures as required in the final determination, would assist the Premises Licence Holder and provide the necessary confidence to the members of the Sub-Committee that the changes imposed would be effective.

### **Revoke the Licence**

Dorset Police support the view that this option should be a last resort for the Sub-Committee. Whilst fiscal issues are outside of the considerations of the Sub-Committee, Dorset Police consistently adopt a proportionate approach, wherever possible, to remain sensitive to commercial viability of businesses and to ensure that we support an outcome which reflects the concerns identified. If this premises were to have the permission for the sale of alcohol revoked, they could continue to offer cigarettes, groceries and other convenience items.

Dorset Police acknowledge the value that licensed premises add to communities as places of social and economic value, however, where the presence of a licensed premise becomes detrimental to a community or presents a risk to those that enjoy the use of a licensed premise, appropriate action must be taken to seek improvement and address those concerns.

Dorset Police have identified and continue to receive reports of concerns associated with this premises. No further engagement tools are available to Dorset Police that will support the management of this premises to improve their operating practices to enable compliance and if this Premises Licence were to remain in effect then it is likely that the conditions of the licence will continue to be breached and the licensing objectives will continue to be undermined.

### **Conclusion**

Dorset Police invite the Sub-Committee to follow the Section 182 Guidance, issued by the Secretary of State, which invites the members of the Sub-Committee to consider the above options in their determination. It is our view that to avoid the revocation of the Premises Licence, the members of the Sub-Committee should be satisfied that one of the alternative outcomes will mitigate the concerns that have been highlighted above.

This premises have required a disproportionately high level of support and intervention than other premises of a similar nature and size throughout the BCP Council area. Dorset Police and our partners recognise our role to engage positively and support licence holders to achieve compliance and to uphold the licensing objectives.

Whilst Dorset Police value the significance of each of the licensing objectives, concerns are heightened when there is a risk to the protection of children from harm, where immediate action is prioritised. This is particularly the case for matters where violence against women and girls (VAWG) is apparent, which includes low-level sexual harassment, which has been reported as being associated to this premises on two occasions by two separate individuals.

Dorset Police invite the members of the Sub-Committee to consider this report, alongside the appendices, and support us to ensure that we only permit licensed premises that operate to the highest standard in BCP Council area.

Dorset Police do not intend to repeat our above concerns to the members of the Sub-Committee during the hearing, however, as the Licensing Authority's main source of advice on matters relating to crime and disorder, we will be pleased to answer any further questions that you may have during the hearing.



Mr Yunis Mohammed  
EE  
3 High Street  
Christchurch  
Dorset  
BH23 1AB

Drug & Alcohol Harm Reduction Team  
Bournemouth Police Station  
Madeira Rd  
Bournemouth  
BH1 1QQ

Phone: [REDACTED]  
Email: [REDACTED]

Date: 21<sup>st</sup> August 2023  
Our ref: [REDACTED]

### **WARNING LETTER**

Dear Mr Mohammed

I am writing to you in your position as the Premises Licence Holder at EE.

The condition(s) below were not being met at the time of their visit on 8<sup>th</sup> August 2023.

On attendance, there was a sole male in the premises who told us he was not working there but 'looking after' the shop whilst the owner was shopping. The layout of the premises is not as per the plan. Illegal vapes were seized by Trading Standards.  
The following breaches were identified.

CONDITION	REMARKS
2.1 All staff shall be trained to a competent level including licensing law, drug awareness and shall be trained to Level 2 Award in Conflict Management.	
2.2 A refusals book shall be maintained at the premises	
2.3.1 The refusals book shall be checked and signed by one of the management staff on a weekly basis.	
2.3.2 The refusals book shall be kept on the premises and made available for inspection by Licensing, Police and other authorised officers.	
2.3 The premises shall actively participate in any local Town Watch initiative.	
2.6.2 Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31-day period. The CCTV system shall be updated and maintained according to police recommendations.	



2.6.3 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.	
2.6.4 CCTV shall be downloaded on request of the Police or authorised officer of the council.	
2.6.5 Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.	
2.6.6 A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained	
2.10 All staff working at the premises concerned with the sale of alcohol shall be trained in respect of the Licensing Objectives and in accordance with any guidance given by TSSW (Trading Standards South West) in relation to all age restricted goods.	
2.11.1 Refresher training shall be provided at least once every 6 months.	
2.11.2 A record of all staff training shall be maintained and kept on the premises and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available on request to an authorised officer of the Council or the Police.	
2.12.2 Training on "No Proof of Age – No Sale" shall be provided and records of that training shall be kept at the premises. Such records shall be made available on request to an authorised officer of the Council or Police.	

Details of this breach have been passed to the Licensing Authority for their information and any action as appropriate.

Regards,



Gareth Gosling 2551

Sergeant

Drug and Alcohol Harm Reduction Team

Prevention Department | Bournemouth Police Station, Dorset Police

E: [\[redacted\]](#)



Licensing Team  
BCP Council Civic Centre  
Bourne Avenue  
Bournemouth BH2 6DY



Mr Tony Clarke  
540 Antrim Road  
Belfast  
BT15 5GJ  
Via email to:

Date: 17 October 2023  
Our Ref: LDBv3: Misc. Act.: 209942: EAK02096  
Contact: Mrs Ellie King  
Email: [REDACTED]  
Tel: 01202 123789

Dear Mr Clarke

**Licensing Act 2003 – Notice of Decision**  
**Abracadabra 3 High Street Christchurch BH23 1AB**

The Licensing Board sat on 11 October 2023 to consider the application dated the 22 August 2023 to vary the premises licence in respect of Abracadabra 3 High Street Christchurch BH23 1AB. I can confirm that BCP Council has reached the following decision:

**Decision**

**RESOLVED** that the application to vary the premises licence for the premises known as 'Abracadabra', 3 High Street, Christchurch, BH23 1AB, to extend the terminal hour for off sales of alcohol daily from 23:00hrs to 02:00hrs be **REFUSED** and that conditions 2.1 and 2.3 be amended to read as follows:

**2.1 All staff working at the premises concerned with the sale of alcohol shall be trained with regard to the law on restricted sales (to persons under the age of 18 and/or who are intoxicated), conflict management and with regard to the terms and conditions of the premises licence. A written record of all staff training shall be maintained and kept on the premises and made available on request to an authorised officer of the Council or the Police.**

**2.3 The premises shall actively participate in any local Town Watch initiative, which is operational.**

**Reasons for Decision**

The Sub-Committee considered all the information which had been submitted before the Hearing and contained in the report for Agenda Item 5, together with the verbal submissions made at the hearing by Mrs June Clarke, JMC Licensing Consultant, representing the Applicant, Mr Yunis Mohammad, and Louise Busfield, of Dorset Police, objecting.

The Sub-Committee is of the view that Mr Mohammad, exercised little due diligence, when he took over the premises, they were advised by Mrs Clark, that the business was bought quickly and cheaply in a fire sale, that he left an untrained friend, Mr Merchant, in charge of the premises whilst he went to the cash and carry on the 8 August 2023 and that he bought vapes which were later identified as illegal stock from a man from Birmingham driving by in a car outside the premises.

Any personal information you provide us with, will be held and used in accordance with the law and the Data Protection Act 2018. If you would like to find out more information about how we use your information, please see our Privacy Notice here: [bcpCouncil.gov.uk/privacy](https://bcpCouncil.gov.uk/privacy)

The Sub-Committee currently have no confidence in Mr Mohammad's ability to uphold the licensing objective of the prevention of crime and disorder evidenced by his lack of understanding regarding his purchase of illegal vapes and his lack of awareness and confusion when asked questions regarding alcohol strength and off-sales.

The Sub-Committee were advised and accept that Mr Mohammad had recently undergone some training, including the level 2 award in conflict management and it was always open to him to approach JMC Licensing for further support. They acknowledged that licensing law can be complex, but they were not confident he was aware and would seek that necessary support required to promote the licensing objectives.

The Sub-Committee noted the representation of Dorset Police supported by trading standards and were very concerned that both were still receiving intelligence about under-age sales.

The Sub-Committee noted the submissions made by Mrs Clark regarding the joint visit and the alleged breaches of licensing conditions identified by Dorset Police on the 8 August 2023. They listened to the response made by Dorset Police and were satisfied that Dorset Police were aware of the conditions that were attached to the licence at that time. It appears that Mr Merchant, who Mr Mohammad had left in charge at the time of the visit may not have accurately reported back to Mr Mohammad details of the visit. The Sub-Committee were satisfied that Dorset Police had tried to explore the breaches identified with Mr Merchant, but he was unable to assist, probably as he told the Police at the time of the visit, because he was not trained. They were disappointed that Mr Mohammad had not responded to Dorset Police during or after the visit made to the premises on the 8 August 2023 or on receipt of the letter from Sgt Gosling dated 21 August as Dorset Police offer support and engage with businesses and try to work in partnership with them to promote the licensing objectives, particularly the prevention of crime and disorder.

The Sub-Committee accepted Mr Mohammad may have good intentions and want to run the business responsibly but currently the sub-committee are not convinced he has enough experience and understanding of licensing law to do this. The premises are already licensed and open until 23:00 hrs daily. Operations later at night can be more challenging as customers leave other licensed premises and the sub-committee were of the view that it was not appropriate at this time to extend the opening hours as this could further risk undermining the licensing objectives. They felt the application was poor and noted nothing was set out in section M about any additional steps that Mr Mohammad intended to take to promote the licensing objectives for example there appeared to be no proper plan of how the shop will be staffed during the additional hours.

The sub-committee were encouraged to hear that Mr Mohammad was happy to work with Dorset Police and strongly advise that he do engage and work with Dorset Police to ensure compliance with the conditions on his licence and run his premises responsibly and to a high standard.

The Sub-Committee considered it proportionate to amend condition 2.1 and remove the need for staff to undertake a formal level 2 qualification in conflict management to reduce costs for this small premises, but considered it was necessary for all staff to be trained in restricted sales, conflict management and about the terms and conditions of the premises licence so the licensing objectives are not undermined. Regarding condition 2.3 the Sub-Committee felt that Town Watch offered excellent support to any new local business so if such an initiative was operational in the area, then to assist Mr Mohammad, he should engage.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Statement of Licensing Policy, the revised Statutory guidance issued under s182 of the Licensing Act 2003 and the licensing objectives, as set out in the Licensing Act 2003.

**All parties have a right of appeal against this decision. Any appeal must be commenced by way of complaint laid by the appellant to the Designated Officer, Dorset Magistrates' Court, Deansleigh Road, Bournemouth, BH7 7DS within the period of 21 days beginning with the date of this Notice.**

Yours Sincerely

**Mrs Ellie King**  
Licensing Officer

cc. Dorset Police Licensing



Mr Y Mohammad  
Abracadabra  
3 High Street  
Christchurch  
Dorset  
BH23 1AB

Drug & Alcohol Harm Reduction Team  
Bournemouth Police Station  
Madeira Rd  
Bournemouth  
BH1 1QQ

Phone: [REDACTED]  
Email: [REDACTED]

Date: 26<sup>th</sup> October 2023  
Our ref: [REDACTED]

### **WARNING LETTER**

Dear Mr Mohammad

I am writing to you in your position as the Premises Licence Holder at Abracadabra.

The condition(s) below were not being met at the time of their visit on 25<sup>th</sup> October 2023.

CONDITION	REMARKS
2.3.1 The refusals book shall be checked and signed by one of the management staff on a weekly basis.	The refusals book was produced however it has not been signed off weekly. Additionally, the PLH advised that he does not document every refusal due to there being so many.
2.3. The premises shall actively participate in any local Town Watch initiative.	The premises does not participate in Town Watch.
2.6.3 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.	No one on the premises was able to operate CCTV due to the location of the hard drive in the ceiling void.
2.6.6 A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.	No documented check log was produced; PLH stated that CCTV records for 25 days
2.11.2 A record of all staff training shall be maintained and kept on the premises and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available on request to an authorised officer of the Council or the Police.	Staff training records were produced however they were poorly completed (for example, a page on restricted age products was marked as correctly completed however several of the answers were incorrect)

Details of this breach have been passed to the Licensing Authority for their information and any action as appropriate.


Regards,



**Gareth Gosling 2551**

**Sergeant**

Drug and Alcohol Harm Reduction Team

Prevention Department | Bournemouth Police Station, 



**WITNESS STATEMENTS  
(CRIMINAL PROCEDURE RULES, PART 27)**

**Statement of witness**

(Criminal Procedure Rules, r27.2;  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980,s.5B)

STATEMENT OF (name of witness) Elise Anne King (Ellie)

Age of witness (if over [18] enter over [18]) Over 18

Occupation of witness Licensing Officer

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 23<sup>rd</sup> day of January 2024

Signed: *E A King*

My name is Elise King and I am a Licensing Officer of BCP Council, I have worked for BCP Council since May 2019 and my role involves carrying out various licensing enforcement duties. Bournemouth, Christchurch and Poole Council is the Licensing Authority for the relevant area.

At approximately 10:00 am on 29 November 2023 I accompanied Louise Busfield (Dorset Police Drug and Alcohol Harm Reduction team) Stephen Broad (Dorset and Wiltshire Fire & Rescue) and Adam D'eath (BCP Council Antisocial Behaviour team) on a visit to 3 High Street, Christchurch. The Premises Licence is in the name of Abracadabra however the premises signage shows E & E.

On entering the premises each of us introduced ourselves and provided ID to the lone male who was working in the premises. He identified himself as Shad Ali, [REDACTED]. He said he wasn't working, just covering the shop for the day as the owner Yunis Mohammed had returned to his city (which we established to be Dover) for a medical appointment.

Louise asked about the other employee who has been present at the shop on previous visits. Shad advised that he had returned to his city.

Louise asked Shad if he had been trained. He said he hadn't been trained but Yunis had explained how to run the shop and that he had been told about not selling to under 18s or drunk people.

Louise asked to see the refusals log. Shad searched for and found the book behind the service counter. Louise and I checked it and noted that there were multiple entries up to 13 October 2023 but not a single entry since.

Louise then asked for the CCTV log which Shad located. The CCTV log didn't contain a single entry. Shad advised he was unable to operate the CCTV and knows nothing of how it works.

I also noted and pointed out to Shad that the premises licence wasn't on display. This is a requirement under

the Licensing Act 2003.

Louise and I then checked the training log which showed training had been completed by

DASARI(MR VIJAYKUMAR)

FAHZAD SLEMAN ALI

Stephen Broad (DWFR) asked to see a copy of the fire risk assessment, Shad showed him a fire extinguisher. Stephen then asked for access to the office as a prohibition notice had been served and he needed to check that the bed etc had been removed. Shad spoke to Yunis on the phone, Yunis told Shad that he has been told by the Dr that he has a virus and no one should go into his personal space but that he would be back by lunchtime if we could wait. Shad relayed the message to us. Shad then received a further call from Yunis telling him that his solicitor was going to call.

Tony Clarke of JMC Licensing called on Shads phone and was put on speaker. Adam De'Ath spoke and explained the purpose of our visit and who was present. Tony Clarke advised that Yunis Mohammad has Scabies and is in hospital and unable to return until tomorrow. Tony said that these were exceptional circumstances and that we should make an appointment to see Yunis as we don't have a warrant and it was unfair to expect a response. Stephen Broad said that he has powers of entry to carry out the reinspection following the issue of a prohibition notice.

Tony then said that Yunis Mohammad is the only person who can answer our questions. I pointed out that the licence conditions specifically state that this information must be immediately available on request irrespective of who is working.

At approx 10:40 a slim female entered the shop carrying a bag, she saw us in there and immediately left, Louise opened the door, called to the female and told her that she didn't need to leave and that the shop was still open. The female re entered the premises, I could smell alcohol on her breath and she appeared to me to be intoxicated. She took 2 packets of fresh chicken from Sainsburys out of the bag and said she had found it while walking down the hill from Southbourne to Christchurch. She then attempted to sell the Chicken to Shad who declined. The female then left the shop.

Two males then entered the premises, they appeared to me to be intoxicated and smelt of alcohol, they were chatty and appeared to be familiar with Shad, Shad sold one of the males a small bottle of whisky, which was placed in a black carrier bag. The men then left the premises.

All officers left the shop at approximatley 10.50

Signed: *E A King*

Dated: 23 January 2024



**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of: [REDACTED]

Age if under 18: **Over 18**

(if over 18 insert 'over 18')

Occupation:

**Community Safety****Accredited Officer**

This statement (consisting of ..... page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: [REDACTED]

Date: **5<sup>th</sup> January 2024**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

My full name is [REDACTED]. I am employed as a Community Safety Accreditation Scheme Officer by Bournemouth, Christchurch and Poole Council and seconded to Dorset Police. My day-to-day role includes dealing with anti-social behaviour, street begging and youths/adults consuming alcohol anti-socially in my designated patrol area of Christchurch. I am duly authorised to give this statement from my own knowledge and where I allude to information provided to me by a 3<sup>rd</sup> party, I have provided the source for the same.

I have worked in CHRISTCHURCH since June 2023, initially my role was to gather information from businesses around any Anti-Social Behaviour or Crime that they had experienced. This was completed in the form of surveys. During this time and through my work to date, I actively patrol and encourage reporting, whether to the police, Anti-Social Behaviour Team or myself.

For the purpose of this statement and in relation to E & E, 3a HIGH STREET, CHRISTCHURCH I am highlighting in various reported incidents or observations from members of the public, residents or businesses, all which have been logged in a matrix used by Community Safety Accredited Scheme Officers – (CSAS). [REDACTED]

Signature:

Signature witnessed by:

Continuation of Statement of: [REDACTED]

A summary of concerns raised are as follows:

A local business had concerns around youths gathering outside E & E and that it the possibility that vapes were being sold to underage children. The same business reported that there was an increase in street drinking outside the shop which resulted in Anti-Social Behaviour in the form of loud noise and shouting. This often led into the early hours of the morning.

I had 2 separate resident reports concerning several incidents which involved the shop and Anti-Social Behaviour linked to it including: -

The likelihood of staff living on the premises, gatherings at night in the yard, with loud noise and cooking in the yard into the early hours. Following this report, a combined agency approach led to a visit to the shop involving, licensing, ASB Officer and CSAS Officers. At one point during the visit the owner opened the door to which he stated was his 'OFFICE'.

The 'OFFICE' appeared to have been recently used for showering and sleeping in. Personal items were around, such as clothing and toiletries. CCTV was in the room and a CCTV monitor. There was a Hookah pipe and burnt coals. This room was concerning as the fire alarm was taped over and this was a risk to neighbouring residents and businesses.

The fire service was informed through licensing and conducted checks, they liaised with the LICENSING Officer and Anti-Social Behaviour Officer. Concerns were raised around the fire risk and carbon monoxide. This in turn led to an Article 31 Prohibition/restriction notice under the FIRE SAFETY ORDER. [REDACTED]

Signature:

Signature witnessed by:



Continuation of Statement of: [REDACTED]

The possibility of the premises being used as a residence alongside the intended use, that being business/commercial premises was raised by the Anti-Social Behaviour Officer to the landlord, with the landlord addressing the concerns in communication with the ASB Officer.

The premises and staff also came to light from reports of possible grooming of young girls. One report was received through another public service of a detailed explanation of an incident which occurred in the shop. I received another report from a member of the community who wanted to remain anonymous, this was in relation to attempted grooming of a young female.

In my role I receive community intelligence and must report back in relation to safeguarding or a duty of care. The business that initially reported was impacted as they were observing concerning behaviours within the proximity of the shop. There was concern around young persons, their well-being and physical safety. The business that initially reported their observations become distracted from the day-to-day operational running of their own business. There may be possible financial losses due to footfall decrease because of anti-social behaviour near their business.

Illegal vapes were seized by Trading Standards, this is concerning that they were in the shop and if young persons are being sold vapes as suggested there is a risk to their health and well-being. Children may become addicted to nicotine and the illegal vapes in question did not meet safety standards. Illegal vapes sold to children can cause medical and psychological damage.

[REDACTED]

Signature:

Signature witnessed by:

Continuation of Statement of: [REDACTED]

The first resident who reported the street drinking and loud noise to me was severely impacted by the incidents as it interrupted sleep patterns, at times they were being kept awake until 4am, this will impact the physical and mental health of this resident through continued nuisance behaviour. The male resident got to a point of almost addressing it directly this could have led to a confrontation that could have escalated. This resident as a direct result of this business had feelings of anger and was annoyed with the situation.

The second resident was concerned around loud noise that impacted her sleep, again this can impact emotional and physical health and can have a knock-on effect impacting the residents working day. The cooking smells that occurred into the early hours of the morning were disturbing the resident and the confidence of walking as a lone individual started to become a concern for them.

As a Community Safety Accredited Scheme Officer, my role is to detect and deter anti-social behaviour and crime. I have a duty to assist other departments in resolving issues within the community, partly relying on community intelligence. I feel directly impacted. I am concerned for the health, safety, physical and mental health well-being of individuals. I am deeply concerned around reports of possible grooming and accusations in relation to a staff member at the shop. I have witnessed young person's gathering outside or exiting the shop without buying anything when I walk in, I try to deter any possible risk to young persons and safeguard reporting to further reduce this risk.

Signature:

Signature witnessed by:

Continuation of Statement of: [REDACTED]

I believe the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

[REDACTED]

Signature:

Signature witnessed by:

**From:** [REDACTED]  
**Sent:** 04 January 2024 16:35  
**To:** Busfield, Louise  
**Subject:** RE: Application for Review of Premises Licence - Abracadabra Convenience Store - BH177977

Louise

By way of support, please find attached Prohibition Notice issued to the above address.

Following safety concerns, I visited the premises and believed it was unsafe to be used for the purposes of sleeping. The premises has been designed for commercial use only. Based on this I issued the Notice.

I also attach some notes taken by one of my Fire Safety Inspectors who also followed up on a visit to the premises.

[REDACTED],  
*I attended E & E convenience store on 29th November 2023 at 10 am with Louise Busfield (Dorset Police), [REDACTED] (BCP Council) and [REDACTED] (BCP Council licencing). The Responsible Person (RP) was not there, and we were informed he was in Dover and was seeing a doctor. As you are aware the RP had been served with a Prohibition Notice following information that the office at the back of the premises was being used for sleeping. I requested access to the managers office at the rear of the building and was refused access. I was told that I could come back the following day to gain access. I also asked to see the Fire Risk Assessment (FRA) the person looking after the shop initially directed me to a smoke alarm, I explained to him that a FRA is a document that forms a part of the conditions of the licence and that it should record the hazards and who is at risk and that this should be written down and available to see. I was then directed to a CO2 fire extinguisher in the hallway.*

*I have been in correspondence with the RP, they are hoping to get a FRA completed sometime this week.*

Regards

[REDACTED]

Please get in touch with any further update.

Kind regards

[REDACTED]  
Station Manager - Protection  
Dorset & Wiltshire Fire and Rescue Service  
dwfire.org.uk  
@DWFireRescue





**DORSET & WILTSHIRE  
FIRE AND RESCUE**

**Dorset & Wiltshire Fire and Rescue Service**  
Five Rivers Community Health & Wellbeing  
Centre, Hulse Road, Salisbury,  
Wiltshire SP1 3NR

**URGENT – PROHIBITION NOTICE – ACTION REQUIRED  
REGULATORY REFORM (FIRE SAFETY) ORDER 2005: ARTICLE 31**

To: The Responsible Person  
(As the responsible person / person having control of the premises)

Address: [REDACTED]

**Premises to which this Notice relates:**  
**E & E Convenience store, 3 High Street, Christchurch, BH23 1AB**

The Dorset & Wiltshire Fire and Rescue Authority is of the opinion that use of the premises to which this notice relates involves a risk to people so serious that use of the premises ought to be restricted.

The use of premises to which this notice relates is restricted to the following extent:	There must be no domestic or residential occupation of the Managers Office / Store Room. This includes sleeping or resting. Access may be granted to conduct maintenance operations or to rectify the detailed matters.
Matter(s) which give rise are:	There is inadequate protection to the means of escape. Premises is not designed for use as residential accommodation.
The measures which must be taken to remedy the matters are:	Premises only to be used for retail purposes, unless appropriate planning and building control consents are obtained and supported by an appropriate Fire Risk Assessment.

The restriction takes effect from: 1<sup>st</sup> November 2023 at 1700

The premises are restricted as stated until the specified matters have been remedied.

Signed:

[REDACTED]

Dated 01/11/23

On behalf of, and duly appointed by the Dorset & Wiltshire Fire and Rescue Authority



## Notes to accompany Prohibition Notice

1. You can legally appeal to this notice (under article 35 of the said Order). You must appeal 'to the magistrates' court, for the area in which the premises is situated', within 21 days from the date shown on the notice. Bringing an appeal does not have the effect of suspending this notice, unless the court so directs.
2. It is an offence for any person to fail to comply with the terms of this notice under Article 32(2)(h) of the Order. The offender is liable, on summary conviction, to a fine, imprisonment, or both.
3. In any proceedings for an offence referred to in Note 2 where the commission of an offence is due to the act or default of some other person, then that person is guilty of the offence, and may be charged with and convicted of the offence.
4. Nothing in the Order operates to afford an employer a defence in any criminal proceedings for a contravention by an employee.
5. Subject to Note 2, it is a defence for the person charged to prove that he/she took all reasonable precautions and exercised due diligence to avoid the commission of the offence. The defence does not apply to a failure to comply with article 8(a) (Duty to take general fire precautions) or article 12 (Elimination or reduction of risks from dangerous substances).
6. If proceedings for an offence consisting of a failure to comply with a duty or requirement so far as is practicable or so far as is reasonably practicable, it is for the accused to prove that it was not practicable or reasonably practicable to do more than was in fact done to satisfy the duty or requirement.
7. Please note that in order to satisfy the "Environment and Safety Information Act 1988" the Fire and Rescue Authority must enter details of any prohibition notice onto a register to which the public have access. If you feel that such an entry would disclose secret or confidential trade or manufacturing information, then you should appeal in writing to the authority within fourteen days of the service of this notice.
8. The works or actions specified in the notice are intended to reduce the excessive risk (to a level at which the risk is not so serious). More safety may be required to reduce the risk to an acceptable level. The Fire and Rescue Authority served this notice without prejudice to any other enforcement action that this or any other enforcement authority might take.
9. The Fire and Rescue Authority is willing to consider any proposals you may have to remedy the matters specified in the notice by other means.