

Application for review under Licensing Act 2003
McColls 3-7 Fleming Avenue North Baddesley.

McColls is a small convenience store situated in a parade of shops in Fleming Avenue, North Baddesley. It is owned by Martin McColl Ltd who are a nationwide chain of newsagents whose stores have also traded under the names Forbouys, Martins and Dillons.

Martin McColl Ltd holds a Premises Licence for the shop authorising sale of alcohol off the premises.

North Baddesley is a predominantly residential area which has suffered disproportionate levels of anti-social behaviour and street crime, such as criminal damage, assaults and a robbery, much of which is alcohol fuelled.

The area has been designated a PRIME (**P**roblem **R**esolution **I**n a **M**ulti-agency **E**nvironment) area and Hampshire Police are working with various partner agencies and interested parties to attempt to resolve the problems.

As part of our approach to tackling the identified issues a meeting was held with management from the three off license premises in the North Baddesley area which had been highlighted as attracting offending behaviour. In some cases the stores and their staff were the victims. The purpose of this meeting was to engage with the stores in order to work in partnership to improve the situation and to discuss general licensing issues in the area. The meeting, which took place on 17th November 2006, was productive and police outlined each store's obligations under licensing legislation.

Neil GRAYDON (Area Manager) and Natalie KING from McColl's were present.

During the meeting Mr GRAYDON appeared unclear regarding his store's legal obligations in respect of the Licensing Act and in particular the licensing objectives. He remarked, for example, that he could only lose his licence for underage sales. This confusion was

Hampshire Constabulary 6 OCU Licensing Team

clarified by police and he was reminded of the three other licensing objectives.

All three stores were advised a licensing visit would be conducted at each premises in the near future.

- At the time of the meeting the Designated Premises Supervisor (DPS) on Police and Licensing Authority records was Brenda Lawson. She worked 16hrs a week which only represented around 15% of the stores total weekly opening hours. We believe she is not therefore in a position to be in day to day control as required by the Act.
- At the meeting the Area Manager stated that Natalie KING was the DPS. The fact that Brenda LAWSON was recorded as DPS was highlighted and the Area Manager undertook to resolve the issue later that day. No application was received by either Test Valley Borough Council or Hampshire Police until 29.12.06. This application was to have Mrs Lawson replaced as DPS by Natalie King. Our enquiries revealed that she had by that time left the company. On 12th January 2007 a further application to change the DPS was received. Hampshire Police have objected to the application on the grounds that the person identified will not be in a position to be in effective day to day control of the premises. This is subject of a separate hearing on 8th February 2007

On 22nd November 2006 Acting Inspector Barbara HARDCASTLE from Romsey Police and Sergeant Tim ADAMS from the Western OCU Licensing Team conducted a licensing visit at the shop where they spoke with the store manager Nathan LePAGE. This visit highlighted such poor practices and breaches of legislation that we seek a review

- It was noted that a CCTV monitor above entrance was not working and staff said it had been unserviceable for considerable time.
- The manager had changed all the CCTV tapes on the morning of our visit. We asked to see the previous nights tape to check the quality of the recording. The old tapes had been put into a bin bag which the manager had to search through to find particular tape. The quality of the recording was appalling and would be completely unusable in court. It was unlikely that any satisfactory identification could ever be made from it. The new tapes were checked but the quality was almost as poor. It is clear that the entire system is in urgent need of upgrading/ replacing. The image from only one camera can be recorded at any one time; it is not viewable by till staff in real-time (monitor in rear office).
- The video recorder was in a lockable box in the rear office but the box was open with the keys in it -the safe keys were also in the safe.
- There was no tape log or record of tapes seized by police etc.

Hampshire Constabulary 6 OCU Licensing Team

- Staff can view a monitor above of till point which shows area immediately outside shop. Staff say that the lighting is very poor outside and they cannot make out faces etc. after dark.
- On 1st October 2006 the store was subject of a robbery where a member of staff was threatened with a screwdriver. Police enquiries were significantly hampered by the fact that CCTV procedures had not been followed and the system was not recording at the time of the offence - the case remains unsolved to date. The manager stated that Natalie KING was the duty supervisor on the day of the offence and she would have been responsible for the video tapes. She was subsequently seen and conceded that she had forgotten to switch the tape on as she had been distracted by an unusually large number of juvenile in the store. Mr LE PAGE stated she had also done this on previous occasions.
- The officer in the case Detective Constable Jon DAVIES will say that a suspect has not been identified and "*.....One of the aggravating factors in the lack of identification of the offender is that the stores CCTV was not running at the time of the offence.....Whilst by no means certain that the existence of their CCTV would have led to the identification of the offender by now it is reasonable to assume that it may have been beneficial to the enquiry and yielded vital clues*"
- The company are registered with the Information Commissioners for a number of purposes including use of CCTV. The stores operation of the CCTV fails to comply with the Codes of Practice issued by the Information Commissioners.

Hampshire Constabulary 6 OCU Licensing Team

- We believe these issues represent examples of non-compliance of the operating schedule and their own marketing literature which states *"Our stores are laid out with security and safety in mind. They are fully covered by 24 hour recorded CCTV for the protection of our staff and customers."*
- The refusals book behind till was checked. The record was started in Sept 06; there were only half a dozen entries (only two for alcohol). The book appeared to be very new and underused.
When asked to produce the previous book it could not be located.
- The Manager was unsure of the Challenge 21 scheme and was under the impression that a blanket ban of alcohol sales to anyone under 21 had been imposed.
- A sticker on the alcohol fridge alerting people to the age limits for purchase of alcohol was ripped and illegible.
- No adequate training records were evident. In their operating schedule the company have stated *"All staff undergo training concerning knowledge of Licensing Laws together with social impact upon the sale of alcohol"* The only evidence of any training we were shown was a memo dated 14th March 2005. The details in the memo were incorrect as it referred to the old Licensing Act. It had not been signed by all members of staff. The date of the first signature was 17/11/06 (the day of the meeting at Romsey Police Station); the manager had not signed it. There was a section for "area manager" checks where they were required to sign with a declaration that all staff had signed

Hampshire Constabulary 6 OCU Licensing Team

the sales of goods checklist, are refusing age restricted sales to minors and age restricted products were being monitored and refused as necessary this section was blank and unsigned. Staff have previously been spoken to regarding proxy sales and our concerns that they were selling to associates of local youths to whom they were then passing alcohol and cigarettes on to. They had responded that Head Office would have to issue such an instruction but they felt it would make little difference in any case.

- The manager produced a training pack they had received since the meeting on 17th November. The booklet was completely out of date and referred to the old Licensing Act which ceased to be law in November 2005 – it made no reference to the new act whatsoever.
- Mr LePAGE could not locate the incidents book.
- The Premises Licence could not be found and was not on display as is required by Section 57 Licensing Act 2003. None of the staff could recall ever seeing it. The manager did not know it had to be on display nor could he produce it.
- The store layout was not conducive to minimising theft of alcohol as the Lottery card stand blocked staff view of alcohol shelves.
- It was disclosed that one of the member of staff's partners, Jonathan BAMFORD, comes into the store on some evenings effectively acting a doorman/security officer. There is no trace of him being registered with the Security Industry Authority

Hampshire Constabulary 6 OCU Licensing Team

Enquiries reveal he is employed by Test Valley Borough Council as a refuge operative.

- The store manager did not know who had organised this but believed that the arrangement was with the full knowledge of the area manager. Mr LePAGE did not know if Mr BAMFORD was formally employed by the company and it was understood that his partner was given extra money in her wages to cover for him.
- Mr BAMFORD has signed in the Branch Attendance record on 18/11/06 and 19/11/06.
- PCSO James BROWN produced a report on 2nd November 2006 outlining concerns about the store. In summary the staff were concerned that there was no effective mechanism of bans of people who had committed crime in the store or acted in an anti-social manner. He also states that he has witnessed first hand named individuals acting in an anti-social manner within the store and not being challenged by the staff.