



Licensing Officer
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For the attention of the Licensing Dept. M.B.C.

Kent Police have received the Premises Licence review which has been submitted by Kent County Council Trading Standards in respect of Capitol Express, 11 Snowden Parade, Snowden Avenue, Maidstone.

Kent Police make the following representations in respect of this application under the "Prevention of crime and disorder" and the "Protection of children from Harm" Licensing objectives.

In July 2016 Kent Police began receiving complaints from a local resident regarding nuisance youths in the area of Snowden Parade. At first the calls were to the youths being a general nuisance making noise and throwing things around, however around December 2016 the calls started to report that the youths were drinking and the informant believed the youths to be underage. Specifically calls reporting that the youths were drinking were made at 21:58hrs on the 02/12/16, at 22:26hrs on the 23/12/16, at 21:29hrs on the 27/12/16 and at 20:00hrs on the 30/12/17.

As a result of this last call PC Anna Verrall attended the area and spoke to a group of 9 youths all of whom were either 17 or younger. PC Verrall confiscated a bottle of Rose wine from a 15 year old female who told the officer that the alcohol had come from Capitol Express. As a result of this information PC Verrall attended the premises and spoke to shop staff. Although the staff member was apparently aware that the youths had been causing problems in the area, they denied that they had sold the wine to the young girl. Despite this denial PC Verrall warned the staff member not to sell alcohol to children.

In the New Year, the problems of youths causing a nuisance in the area did not improve, with the Police and the local PCSO still receiving complaints about youths drinking and causing damage etc. There are no other licensed premises in the area except for Capital Express. In addition Kent Police received specific information from a member of the public that their 15yr old daughter had been buying alcohol and cigarettes from the premises. This information was passed to trading standards.

Kent Police were in attendance with Kent County Trading Standards when they conducted a test purchase operation at the premises on the 21st March 2017, they were also present when the bottles of suspected counterfeit alcohol were seized. Kent Police have seen the video footage from that test purchase operation and are aware that the store's Designated Premises Supervisor, Mr Ferhat Ok was convicted of selling alcohol to a person under 18 on the 11th September 2017. This prosecution was as a result of the failed test purchase operation conducted on the 21st March 2017.

In light of the information supplied above and the information provided in the review by Trading Standards Kent Police believe that the licensing objectives are being undermined in the following ways:

The Designated Premises Supervisor (Ferhat Ok) of this premises failed a test purchase in March 2017. This happened despite the fact that staff at the venue were warned by Police in December 2016 not to sell alcohol to persons under 18. On viewing the video footage of the test purchase it can be seen that this wasn't a simple error, Mr Ferhat Ok has asked all the right questions but when the volunteer cannot provide identification Mr Ok deliberately facilitates a plan whereby the sale can still proceed but will not be recorded by the store's CCTV system.

When the Police attended the venue on the 30th December 2016 the staff stated that they knew the youths were causing problems in the area but denied being the ones who were selling them alcohol. The failed test purchase on the 21st March 2017 along with the fact that there are no other off licences in the area, strongly indicates that, not only are these youths in fact getting their alcohol from Capitol Express but also that the staff are aware of this.

It should also be noted that this same premises failed an earlier test purchase in 2013 when Mr Bulent Ok (The current DPS's brother) also made a sale of alcohol to a person under 18.

Thus despite breaking the law previously, a relatively recent warning from the Police about selling alcohol to children, and knowing that that children fuelled up on their alcohol are causing issues in the area they were still prepared to break the law again when simply refusing the sale would have been the correct, legal and easier option. There appears to be a profits first attitude.

This is not a case of where they are simply not promoting the prevention of crime and disorder licensing objective, they are actually responsible for the crime and disorder, this of course also goes hand in hand with undermining the protection of children from harm licensing objective. We notice that trading standards are asking for the licence to be revoked and totally agree that this is the appropriate response to this matter as we have no trust in the premises and genuinely believe that after a short period of time they will revert back to their old ways.

It has been demonstrated that conditions will not work at this premises, as staff either work out ways to avoid them i.e. moving to parts of the shop not covered by CCTV, or simply ignore them, as shown by the lack of external CCTV, lack of Challenge 25 posters, a refusals book that hadn't been completed for some time and a lack of till prompting when an age restricted item is purchased.

Kent Police are also concerned by the fact the "smuggled" goods were on sale in the premises. The account from the premises being that they were purchased from a Cash and Carry in Maidstone however enquiries by Trading Standards showed that this premises ceased trading some time before those goods were allegedly purchased by the premises. This again indicates that the premises put profit before the law and are willing to try and deceive the relevant authorities when they are being investigated.

Because of this Kent Police have no trust in the premises.

Both of the owners/staff members of this premises have now been convicted for selling alcohol to persons under 18 and therefore Kent Police simply believe that this premises is not suitable to hold a premises licence.

As stated in the S182 Guidance, there are some offences in which revocation should be considered even in the first instance. This is not the first instance and the opportunity for compliance and to demonstrate responsible management has passed. Kent Police seek revocation of the premises licence.

Yours sincerely



PP. Chief Inspector Mick Gardner