

AGENDA

LICENSING ACT 2003 SUB COMMITTEE MEETING



Date: Thursday 13 June 2013

Time: 10.00 am

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Barned, Mrs Gibson and Parvin

Legal Representative: Mrs Jayne Bolas

Page No.

1. Disclosures by Members and Officers
2. Disclosures of Lobbying
3. To consider whether any items should be taken in private because of the possible disclosure of exempt information
4. Report of the Head of Democratic Services - Application for Review of a Premises Licence for Capitol Express, 11 Snowden Parade, Vinters Park, Maidstone, Kent, ME14 5NS 1 - 60

Continued Over/:

Issued on 5 June 2013

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact JANET BARNES on 01622 602242**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

Agenda Item 4

Agenda Item No: 1 – Summary of Report

Licence Reference MAID0185/LPRM/1086
Report To: LICENSING SUB – COMMITTEE
(UNDER THE LICENSING ACT 2003)

Date: 30 MAY 2013

Report Title: CAPITOL EXPRESS, 11 SNOWDEN PARADE, VINTERS PARK,
MAIDSTONE, KENT, ME14 5NS

Application for Review of a Premises Licence

Report Author: Lorraine Neale

- Summary:**
1. The Applicant for Review – Richard Strawson on behalf of Kent County Council Trading Standards
 2. Type of application applied for: Review of a Premises Licence.
 3. Grounds for Review

PROTECTION OF CHILDREN FROM HARM

The licence holders of Capitol Express are believed to have failed in the Licensing Act objectives of protection of children from harm, in that a sale of a bottle of WKD Blue was made to volunteers on a test purchase operation, who were aged 15 and 16 years old. The sale comes after a long history of complaints being made and advisory visits to the premises.

Affected Wards: East Ward

Recommendations: **The Committee is asked to determine the application and decide whether to take such steps as members consider appropriate for the promotion of the licensing objectives.**

Policy Overview: The decision should be made with regard to the Secretary of State's Guidance and the Licensing Authority's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and that such departure be supported by proper reasons.

Other Material Implications: **HUMAN RIGHTS:** In considering this application it is **appropriate** to consider the rights of both the licenceholder and the applicant together with other parties, such as **“responsible authorities” and/or “interested parties”** (objectors). The hearing procedure for reviewing premises licences has been formulated to ensure a fair hearing for all parties.

LEGAL: Under the Licensing Act 2003 the **Licensing Authority** has a duty to exercise licensing control of relevant premises.

Background Papers: Licensing Act 2003
DCMS Guidance Document issued under section 182 of The Licensing Act 2003 as amended
Maidstone Borough Council Statement of Licensing Policy

Contacts: Mrs Lorraine Neale at: lorraineneale@maidstone.gov.uk – tel: 01622 602028

Agenda Item No. 1

**Report Title: CAPITOL EXPRESS, 11 SNOWDEN PARADE, VINTERS PARK,
MAIDSTONE, KENT, ME14 5NS**

Application for Review of a Premises Licence

Purpose of the Report

The report advises Members of an application for the review of a premises licence, brought by Richard Strawson on behalf of Kent County Council Trading Standards in respect of the premises Capitol Express, 11 Snowden Parade, Vinters Park, Maidstone, Kent, ME14 5NS

Issue to be Decided and Options

1. Members must, having regard to the application and any relevant representations, take such steps mentioned below as members consider appropriate for the promotion of the licensing objectives.
2. The steps are:
 - To modify the conditions of the licence (including for a period not exceeding 3 months);
 - To exclude a licensable activity from the scope of the licence (including for a period not exceeding 3 months);
 - To remove the designated premises supervisor;
 - To suspend the licence for a period not exceeding 3 months;
 - To revoke the licence.
 - To issue a warning or caution.
 - To take no action.

Background

3. The relevant statutory provisions are sections 51 to 53 inclusive of the Licensing Act 2003. the Licensing Objectives are as follows:
 - The prevention of crime and disorder;
 - Public Safety;
 - The prevention of public nuisance; and
 - The protection of children from harm
4. The current premises licence was granted on 25 August 2005 a copy is attached as Appendix B.
5. The application has been correctly advertised with a notice displayed on the premises and at the Council offices for the required period.
6. The applicant is requesting that the Sub-Committee:-
 - 1) Suspend the premise licence ~~for~~ 3 months.

and

- 2) add 15 further conditions to the premise licence and modify the licence hours
1. CCTV will be fitted to a standard agreed by Kent Police and Local Authority Officers. The system must comply with The CCTV Code of Practice (2008 edition) produced by the Information Commissioners Office (or subsequent revisions.)
2. The CCTV system will be maintained and serviced on a regular basis
3. Any recording made via the use of the CCTV will be retained and stored for a minimum of 31 days and made available to any police officer, Local Authority Licensing Officer or any Trading Standards Officer on request or in any case within 48 hours of a request being made.
4. CCTV coverage will include areas inside and outside of the premises in accordance with advice from Kent Police and may include reasonable requests to reposition cameras.
5. Signs to be displayed to inform the public passing the premises and customers that CCTV is in use at the premises
6. A sign is to be prominently displayed at the exit to the shop to remind departing customers to minimise noise.
7. The only forms of identification acceptable will be photographic driving licence, passport or a 'PASS' approved identification card.
8. A policy of Challenge 25 will be adopted and publicised in the shop including at the entrance, till point and around the alcohol display areas to the agreement of Kent Police and Local Authority Officers.
9. All staff will be trained in Challenge 25 and this training will be auditable as per condition 12
10. The electronic point of sale (EPOS) system to include the facility to prompt cashiers when scanning age restricted goods to positively confirm that they have checked the purchaser's age.
11. A written refusals and challenges book will be kept at the premises and all staff fully trained in its use. As well as refused sales a record should be kept where customers are challenged and subsequently served as per the Challenge 25 policy of condition 8. The following information will be recorded in this book: -
 - a. Time of refusal or challenge
 - b. Item refused
 - c. Description of person refused sale
 - d. Reason for refusal
 - e. Name of staff member making refusal
12. The premises licence holder must audit the refusals and challenges log weekly to identify current trends or members of staff who may require further training to challenge customers.
13. The refusal book will be made available for inspection to any police officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time.
14. All staff training will be auditable and will be available to any police officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time.

15. The sale of alcohol may only be transacted by a personal licence holder or under the direct supervision of a personal licence holder at all times. When no personal licence holder is present on the premises a sign will be prominently displayed to make all purchasers aware that there are to be 'NO ALCOHOL SALES'.

Permitted hours for alcohol sales should be restricted 8am to 6pm seven days a week

3).Remove the designated premises supervisor .

7. Members are advised that they may only modify premises licences if it is appropriate **to promote the licensing objectives.**
8. Relevant sections of **The Guidance issued under section 182 of The Licensing Act 2003;**
Chapter 2 Licensing Objectives – para 2.25 onwards, protection of children from harm.
Chapter 10 Conditions attached to Premises Licences
Chapter 11 Reviews
9. Relevant policy statements **contained in The Licensing Authority's Statement of Licensing Policy (Jan 2008);**

Chapter 23 Protection of Children from Harm

The relaxation in the Licensing Act giving accompanied children greater access to licensed premises is seen as a positive step, which may bring about a social change in family friendly leisure but the risk of harm to children remains the paramount consideration. Clearly, this relaxation places additional responsibilities upon licence holders as well as upon parents and others accompanying children.

The protection of children from harm includes the protection of children from moral, psychological and physical harm and, in relation to the exhibition of films, the transmission of programmes by video or DVD. This includes the protection of children from exposure to strong language, sexual imagery and sexual expletives.

In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.

Concerns

The applicant should consider those factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the prevention of children from harm. These may include the potential for children to:-

- purchase, acquire or consume alcohol
- be exposed to drugs, drug taking or drug dealing
- be exposed to gambling
- be exposed to activities of an adult or sexual nature
- be exposed to incidents of violence or disorder
- be exposed to environmental pollution such as noise
- be exposed to special hazards⁴ such as falls from a height

Additional Steps

The following examples of additional steps are given to assist applicants. The Licensing Authority considers them to be important matters that applicants should take account of in the preparation of their Operating Schedule, having regard to their particular type of premises and/or activities:-

- Effective and responsible management of premises.
Provision of a sufficient number of people employed or engaged to secure the protection of children from harm.
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm.
- Adoption of best practice guidance (Public Places Charter).
- Limitations on the hours when children may be present, in all or parts of the premises.
- Limitations or exclusions by age when certain activities are taking place.
- Imposition of requirements for children to be accompanied by an adult.
- Acceptance of accredited 'proof of age' cards, 'new type' driving licences with photographs, passport, an official identity card issued by HM Forces or by an EU country bearing the photograph and date of birth of bearer.

N.B. In exceptional circumstances, where **appropriate**, and only where the licensing authority has received relevant representations, it may impose conditions restricting access or excluding children from premises or part of licensed premises:-

- a) at certain times of the day, or
- b) when certain licensable activities are taking place, or
- c) to which children aged under 16 years should have access only when supervised by an adult, or
- d) to which unsupervised children under 16 will be permitted access.

Examples of premises where these conditions may be considered include those where:-

- a) There have been convictions for serving alcohol to minors or where there is some evidence of under-age drinking.
- b) There is a known association with drug taking or dealing.
- c) There is a strong element of gambling on the premises.
- d) Entertainment of an adult or sexual nature is commonly provided.
- e) There is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except where under 18 discos are being held)
- f) Licensable activities are taking place during times when children under 16 may be expected to be attending compulsory full-time education.

Members of The Licensing Act 2003 – Licensing Sub – Committee are reminded of their duty under section 17 of the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the Licensing Authority's responsibility to co – operate in the reduction of crime and disorder in the Borough.

Section 17 of the Crime and Disorder Act 1998 states:

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”

Implications Assessment

- 10 The decision should be made with regard to the Secretary of State's Guidance and the Licensing Authority's Statement of Licensing Policy under the Licensing Act 2003.

Where the decision departs from either the Guidance or the policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.

11 **Human Rights:** While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 - Right to respect for private and family life
- Article 1 of the First Protocol - Protection of Property
- Article 6(1)- Right to Fair Hearing
- Article 10 – Freedom of Expression

The full text of each Article is given in the attached Appendices.

Conclusion

Members must ensure that the application is considered on its merits, as well as against the relevant guidance, policy and statutory framework.

List of Appendices

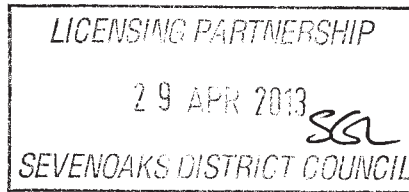
- 12 Appendix A Application for Review
- Appendix B Premises Licence
- Appendix C Plan of the premises
- Appendix D Plan of the area
- Appendix E Human Rights Article
- Appendix F Order of Proceedings

Appeal

13. The applicant, any interested party and the licence holder may appeal the Licensing Act 2003 Sub Committee's decision within 21 days beginning with the day on which the Appellant is notified. All any appeals must be lodged with the Magistrates' Court.

Contact:	Senior Licensing Officer
Email:	lorryneale@maidstone.gov.uk

APPENDIX A



13/01249/REVIEW



Maidstone Borough Council
Licensing Partnership
P.O. Box 182
Sevenoaks
Kent TN13 1GP
Tel: 01622 602255
Fax: 01622 602978

TRADING STANDARDS
West Kent Area Office
PO Box 286
West Malling
Kent ME19 4HW
Tel: 01732 525291
Fax: 01732 525319

Website: www.tradingstandards.gov.uk/kent
Email: oliver.jewell@kent.gov.uk
Ask for: Oliver Jewell
Ref: 369486
Date: 25 April 2013

Dear Sir or Madam:

Application for the review of a premises licence - MAID0185/LPRM/1086

Please find enclosed an application by this authority for the review of the premises licence at Capitol Express, 11 Snowdon Parade, Vinters Park, Maidstone. If you have any questions regarding this application please do not hesitate to contact me.

Yours faithfully

A handwritten signature in cursive script that reads "Oliver Jewell".

Oliver Jewell
Trading Standards Officer

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Richard Strawson of Kent County Council Trading Standards

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Capitol Express 11 Snowdon Parade Vinters Park	
Post town Maidstone	Post code (if known) ME14 5NS

Name of premises licence holder or club holding club premises certificate (if known) Mr Ferhat Ok and Ms Olcay Ok

Number of premises licence or club premises certificate (if known) MAID0185/LPRM/1086

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Mr Richard Strawson Area Manager Kent County Council Trading Standards PO Box 286 West Malling Kent ME19 4HW
Telephone number (if any) 01732 525291
E-mail address (optional) <u>Richard.strawson@kent.gov.uk</u>

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

A sale of a bottle of WKD Blue (an alcohol based drink) and a pack of cigarettes was made to volunteers working with Trading Standards on 7th March 2013. The volunteers were aged 15 and 16 years old.

The sale was made by Mr Bulent Ok, a brother of the premises licence holders Ferhat and Olcay Ok.

This sale comes after a long history of complaints being made and advisory visits to the premises as detailed in the application.

Please provide as much information as possible to support the application (please read guidance note 3)

Kent Trading Standards work closely with Kent Police towards the licensing objective '**The Protection of Children from Harm**'. As part of this remit intelligence is shared where concerned parties believe that a premises is believed to be selling **alcohol** and other age restricted products to those under the legal age limit.

In cases where complaints are made against a business, Trading Standards will routinely make a visit to advise on the best practice including the use of Challenge 25 (and Challenge 21 prior to a phased introduction from 2007 onwards), refusals books and regular training for members of staff. If the Intelligence is considered to be sufficient a Test Purchase will be carried out to determine if the premises will sell to underage volunteer.

The use of a **Challenge 25 policy** allows the member of staff a 'buffer zone' when assessing the age of a young person, and provides sufficient allowance if followed correctly to avoid selling to those under the legal age limit. **Refusals books** allow a premises licence holder or his/her Designated Premises Supervisor to monitor refusals made of age restricted products and is also used to assess the general number of refusals made by a given premises by Trading Standards and Police. Finally the use of **Training Records** allow a premises licence holder or his/her Designated Premises Supervisor to prove that anyone he/she allows to sell alcohol from their premises is sufficiently trained in age restricted sales. From 2009 onwards, Kent Trading Standards have provided follow up guidance by way of a folder of information and template documents as can be found in **Appendix 1**

The shop known as **Capitol Express** at **11 Snowdon Parade, Vinters Park** has given cause for concern over a period of time to both Kent Trading Standards and Kent Police. The shop is run by the premises licence holder Mr Ferhat Ok, with his sister Ms Olcay Ok, being the joint premises licence holder, assisting at times when Mr Ok cannot be present.

As consideration must be given for the welfare of the young people volunteering, as well as evidential integrity; test purchase attempts have historically be carried out in a set format. It is likely that with a degree of caution a potential test purchase volunteer could be identified by a shop owner intent on only selling alcohol to underage persons that he personally knows or under certain conditions (such as no other persons being present in the shop). Previous Codes of Practice also restricted the ability for volunteers to act in a manner that would reflect a 'realistic' attempt from a young person to purchase age restricted products (for instance no attempt could be made to dress up to give an older appearance).

Whilst unproven it is considered given the long standing, detailed and persistent nature of the complaints made, that the owners of Capitol Express were aware of these methods and took steps to avoid selling age restricted products to persons or in situations considered to be 'risky'. A summary of these reports and the action taken is made below: -

June 2006 – a member of the public witnessed youths judged to be approximately 11 years old buying **vodka** from the shop. An advisory visit was made during which **no refusals book** was found to be in use, advice was given at the time. A test purchase followed in **September 2006** at which time **Ferhat Ok sold alcohol to 15 year old volunteers**. Mr Ferhat Ok was prosecuted for this incident and plead guilty.

November 2006 – anonymous complaint received from a member of the public that young persons were being sold **tobacco**

March 2007 – information from Kent Police that a new assistant was working in the shop and selling to those under the legal age limit. This had resulted in numerous complaints of **Anti-Social Behaviour** in the vicinity. An advisory visit followed in June 2007 prior to a test purchase in **August 2007** where no sale was made.

September 2007 – detailed information was received from an off duty Police Community Support Officer regarding a witnessed event where a male judged to be underage purchase **beer** from Capitol Express. The shop assistant acted suspiciously however sold the beer without asking for any identification.

September 2007 – a local school advised that pupils named Capitol Express as a shop that sold **cigarettes** to them.

December 2007 – a Kent resident stated that their 15 year old brother had bought **alcohol** from this shop with no questions asked. An advisory visit followed in **January 2008** during which Ferhat Ok stated **no refusals book** was kept or felt necessary. A test purchase followed in **February 2008** which was refused.

August 2008 – a resident complained to Kent Police that their 15 year old son had been served **alcohol** from Capitol Express. Also in **August 2008** a Kent Police officer reported that numerous residents had complained of **underage drinking** and **Anti-Social Behaviour** in grounds in the vicinity of Capitol Express. An advisory visit was conducted in **August 2008** when again **no refusals book** was maintained, prior to another test purchase attempt which was refused.

January 2009 – two separate reports were received from Kent Police regarding Capitol Express selling **alcohol** to young people. An advisory visit followed at which time **no refusals book** was being kept.

April 2009 – a member of the public reported an incident to Kent Police where his 15 year old stepdaughter had visited friends in the Vinters Park area and come home **drunk**. He had visited the area and spoken with residents who were having to clear up alcohol bottles and cans from grassed area outside the shop. Another test purchase attempt followed which was again refused.

May 2009 – a report was received from a local resident to Kent Police. They had witnessed a youth buying large amounts of alcohol from Capitol Express. The informant believed that the shop often would sell to those underage and there was a lot of trouble in the area with young people.

October 2009 – An advisory visit was conducted where once again no refusals book was being kept.

November 2010 – Intelligence was received from a Police Community Support Officer who had been told by local youths that they bought alcohol from Capitol Express.

February 2011 – A further advisory visit showed no refusals book being kept.

March 2012 – a report was received from a police officer who lived locally to Capitol Express. He had personally witnessed cigarettes and alcohol being sold to young persons while off duty and was aware that the shop had a reputation among police cadets as a shop that would “serve all”.

March 2012 - An advisory visit was carried out during which no refusals book was being kept. Additionally a tobacco notice as required by law was not being displayed. A test purchase followed which was refused.

November 2012 – While visiting for other matters Trading Standards Officer Clare Hooper advised Mr Ferhat Ok on age restricted sales. Once again no refusals book was being kept despite the continued advice and still no tobacco notice was being displayed.

Clare Hooper issued a written notice to Mr Ferhat Ok, which he signed to acknowledge receipt. The notice included the recommendations to keep a refusals book, train staff and display the statutory tobacco notice. After the visit Clare Hooper sent a letter of advice to Mr Ferhat Ok including a Kent Trading Standards Underage Sales Advice folder and a tobacco notice in the

required format. A statement from Clare Hooper including copies of the inspection document issued and a duplicate copy of the follow up letter are included as **Appendix 2** (n.b. a signed copy of the letter as delivered can be seen in the photographs in Appendix 4).

January 2013 – A member of the public reported on behalf of his daughters (Aged 13 and 15) that school peers were able to purchase alcohol and tobacco from Capitol Express even when dressed in school uniform of the nearby school.

A similar report was also made in **January 2013** to Kent Police. While it could not be confirmed whether this informant was different to that above, the report also included the information that their 16 year old brother in law bought age restricted foods from Capitol Express.

Also in **January 2013** a report was received from a member of the public that Capitol Express sold alcohol to a group of girls known to be 16 years old.

Finally in **February 2013** the manager of a Maidstone based youth facility advised that young people attending his facility reported that the convenience store in Vinters Park would regularly sell alcohol to those under 18. The information continued that the young people were aware that the shop keeper will only do this if there were no adults in the shop at the time.

In **March 2013**, Kent Trading Standards carried out a test purchase operation. On this occasion the covert equipment was used allowing the volunteers to make the test purchase attempt with no Trading Standards Officers in the shop at the same time to reflect the Intelligence received.

A sale was made of a bottle of **WKD Blue** and a pack of **10 Marlboro Smooth cigarettes** to volunteers aged 15 and 16. The seller in this incident was Mr Bulent Ok, brother of Ferhat Ok. Statements of the volunteers who made the purchases are included in **Appendix 3**.

Mr Bulent Ok had previously served as a Director of Erna Ltd, the legal owner of Capitol Express, between 12th January 2004 and 3rd November 2005 holding a 50% share.

Evidence from the young volunteers also stated that Mr Bulent Ok opened what appeared to be an alcoholic beverage for the customer in front of them, and also offered to open the bottle of WKD Blue for them, which they declined. This action is contrary to the Annex 5 Embedded Conditions of the premises licence such that: -

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Following the sale Mr Bulent Ok made reference to a previous incident he was involved in, in a London Borough, however to date no further information can be obtained in relation to this incident.

Premises Licence Holder Mr Ferhat Ok was interviewed by Trading Standards Officers on 26th March 2013. During this interview Mr Ok made the following statements:

- He is the main person in terms of the premises licence. Despite the licence being held by both himself and his sister Olcay Ok, she will only fill in for him in his absence
- He remembered receiving advice from Trading Standards on numerous occasions
- He paid little attention to the recommendations from the advisory visits as he felt it was just a 'procedure' for such visits to be carried out
- He didn't keep refusals books despite advice as his was a local shop that didn't experience problems with young people attempting to buy age restricted goods
- His brother Bulent Ok was just 'helping out' in the shop however Ferhat said he felt Bulent was not an appropriate person to be trusted in the job
- Ferhat Ok made references to the fact the test purchase was setup to catch them out and stated that 8pm was close to closing time which meant they were lax in their responsibilities.

- Ferhat Ok also felt that amongst other factors, as the volunteers were a couple this would lead him to assess their age as over 18.

Following the interview, the officers requested to see a copy of refusals books that were alleged to be part used. From the till area, **three** Kent Trading Standards advice folders were produced and were unused. One of these folders was that which was sent by Trading Standards Officer Clare Hooper following the advisory visit in November 2012. Within that folder was the letter of advice and another statutory tobacco notice (which was still not displayed) with a covering note reminding of its importance.

In addition to photographs taken on the evening of the test purchase, further photographs were taken following the visit on 26th March 2013. These photographs are included as **Appendix 4** and serve to demonstrate that Mr Ferhat Ok had all the material and information within his possession to prevent 'accidental' sales to minors and that policies purported to be in place were either disregarded or only displayed to pay 'lip service' to enforcement agencies attempting to prevent young people from causing themselves serious harm through alcohol consumption.

Further to these reported incidents and the failed test purchase, a report was received from Kent Police who had responded to a call regarding Anti-Social Behaviour outside the shop. When spoken to, the youths claimed that Capitol Express was known to sell to young people, but on this occasion the owner had been rude to them when he refused to sell them alcohol.

Trading Standards consider this incident with the utmost severity given the long term nature of the complaints received. Coupled with the acknowledgement from Mr Ferhat Ok that the advice given by Trading Standards on no less than **TEN** advisory visits to his premises between June 2004 and November 2012 had been disregarded it is felt that merely imposing conditions on the premises licence is not sufficient in this case.

Intelligence received from independent consumers, young people and other concerned parties, as well as the evidence of Test Purchasing, suggest that Capitol Express take measures to avoid selling age restricted products when they believe there is an attached risk of 'getting caught'. As such the imposition of licence conditions is not considered enough in this instance to fulfil the licensing objective of the 'Protection of Children from Harm'.

Kent Trading Standards recommend that the premises licence be suspended for a period of three months. Three months will allow the licence holders sufficient time to implement the suggested conditions and facilitate a change of Designated Premises Supervisor.

Additionally the following conditions should be attached to the premises licence and be complied with prior to the re-commencement of licensable activity at the premises.

1. CCTV will be fitted to a standard agreed by Kent Police and Local Authority Officers. The system must comply with The CCTV Code of Practice (2008 edition) produced by the Information Commissioners Office (or subsequent revisions.)
2. The CCTV system will be maintained and serviced on a regular basis
3. Any recording made via the use of the CCTV will be retained and stored for a minimum of 31 days and made available to any police officer, Local Authority Licensing Officer or any Trading Standards Officer on request or in any case within 48 hours of a request being made.
4. CCTV coverage will include areas inside and outside of the premises in accordance with advice from Kent Police and may include reasonable requests to reposition cameras.
5. Signs to be displayed to inform the public passing the premises and customers that

CCTV is in use at the premises

6. A sign is to be prominently displayed at the exit to the shop to remind departing customers to minimise noise.
7. The only forms of identification acceptable will be photographic driving licence, passport or a 'PASS' approved identification card.
8. A policy of Challenge 25 will be adopted and publicised in the shop including at the entrance, till point and around the alcohol display areas to the agreement of Kent Police and Local Authority Officers.
9. All staff will be trained in Challenge 25 and this training will be auditable as per condition 12
10. The electronic point of sale (EPOS) system to include the facility to prompt cashiers when scanning age restricted goods to positively confirm that they have checked the purchaser's age.
11. A written refusals and challenges book will be kept at the premises and all staff fully trained in its use. As well as refused sales a record should be kept where customers are challenged and subsequently served as per the Challenge 25 policy of condition 8. The following information will be recorded in this book: -
 - a. Time of refusal or challenge
 - b. Item refused
 - c. Description of person refused sale
 - d. Reason for refusal
 - e. Name of staff member making refusal
12. The premises licence holder must audit the refusals and challenges log weekly to identify current trends or members of staff who may require further training to challenge customers.
13. The refusal book will be made available for inspection to any police officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time.
14. All staff training will be auditable and will be available to any police officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time.
15. The sale of alcohol may only be transacted by a personal licence holder or under the direct supervision of a personal licence holder at all times. When no personal licence holder is present on the premises a sign will be prominently displayed to make all purchasers aware that there are to be 'NO ALCOHOL SALES'.
16. Permitted hours for alcohol sales should be restricted 8am to 6pm seven days a week.

Additionally it is considered that a change in responsibility for alcohol retailing is required to take account of the seriousness of the matter. The previous inaction following advice visits of Mr Ferhat Ok demonstrates a lack of accountability and appreciation for the Licensing regime. As such this authority requests a change of Designated Premises Supervisor to someone not currently connected with the premises licence.

The licensing committee are reminded that these are the recommendations of Kent Trading Standards deemed necessary to **Protect Children from Harm**. The panel can choose to implement, modify or add conditions to those above in addition to suspending the licence for any period up to three months. The panel may deem the circumstances are such that the only option

available is to revoke the premises licence permanently.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

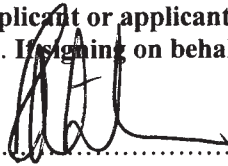
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

25/4/13

Capacity

TRADING STANDARDS MANAGER (WEST)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Oliver Jewell
Kent Trading Standards
8 Abbey Wood Road
Kings Hill

Post town
West Malling

Post Code
ME19 4YT

Telephone number (if any) 01732 525291

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) oliver.jewell@kent.gov.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Kent Trading Standards

advice pack





How to prevent underage sales

Underage sales advice pack

Accept that it is difficult to judge the age of youngsters

Most people will have some difficulty with judging the age of a young person. Whether or not someone appears to be over 18 will depend on who is making the decision.

Operate a “Challenge 25” policy

This gives staff support and encouragement to ask for ID from any person appearing to be under 25 years of age. This allows for a window of error as a young person can look much older. You can use the signage included in this pack.

Always ask for ID

You and your staff should always ask for proof of age when selling an age restricted item. This can take the form of a passport, driver's licence or a PASS approved ID card.

Train staff

You must ensure that your staff members are aware of their responsibilities under the legislation for age restricted products. This training should be given before they are allowed to operate the till system and should be repeated regularly. An example of this might be an intense training session used at the start of their employment with regular updates and refreshers continued throughout. Evidence of this training should be documented.

Keep a refusals book

The law recognises that despite your best efforts, mistakes can be made. It is good practice to keep a refusals book to show that your procedures and training are working. By keeping a refusals book you are building a due diligence defence against potential offences. You should review this on a regular basis to see if any patterns emerge. See an example of a refusals book in this pack.

Stay on the ball

Underage sales are a constant threat to retailers who sell age restricted products and you and your staff should remain on guard at all times. Sales assistants that have been caught out by Trading Standards often admit to being distracted or losing focus near the end of their shift.



How to refuse a sale

Remain vigilant

Keep an eye on the people in your shop and/or queue and encourage staff to do the same. Who do you think looks over 18? Who is going to buy age restricted items? By being aware of the customers around you, you will be assessing their age before they come to the till and are therefore more likely to ask for ID if in doubt.

Handle the goods

As the customer places the item on the counter, pull it towards you. This will give you ownership of the item while you are deciding whether to serve the customer or not.

Ask for ID but don't apologise

Never ask a person's age, always ask for ID instead to prove they are over the required age. This will avoid a confrontation if they tell you they are 18 and then you go on to ask for ID. Avoid starting your sentence by saying "I'm sorry... but I need to ask you for ID." This puts you on the back foot straight away. Instead be confident and polite.

Handle the ID

If a person provides an ID document to you take hold of it. Don't allow them to just wave it in front of you. Have a good look at it. Check the photo matches the person in front of you. Check that the date of birth means they are older than the required age. Does it feel like a genuine document to you? For Pass cards check that the hologram is genuine. See further page on Fake IDs.

Be confident

You are only doing your job by asking for ID and if this can not be provided then you are within your rights to refuse the sale. If you decide to refuse the sale explain that you can not sell to them without a valid ID. Don't enter into an argument, refuse politely and remain calm and professional. Call a colleague for support if necessary.

Remember if YOU make a sale YOU will be responsible

Age restricted products

Underage sales

advice pack

As well as alcohol and tobacco there are other products which can not be sold to underage persons.

Product	Restricted Age
Knives and other offensive weapons	18
Fireworks and sparklers	
Solvents or volatile substances (where it is believed they may be used for intoxication)	
Lighter refills containing butane	
Crossbows, airguns and pellets	
Lottery tickets and scratch cards	16
Aerosol paint	
Caps, party popper, cracker snaps, novelty matches and throw downs	

What happens if a sale is made?

The retailer and/or the person making the sale could be prosecuted and fined up to £5,000 in most cases and £2,500 for aerosols. There is also the possibility of up to 6 months imprisonment and up to 2 years for lottery tickets.

What can I do to prevent sales to underage youngsters?

It is very difficult to judge ages and how old a person looks is subjective depending on who is trying to guess their age. The best way to prevent underage sales is not to try to guess their age but to ask for a valid form of photo ID which could be a passport, driving licence or a PASS approved ID card. This should be supported by the introduction of a Challenge 25 policy which allows for a margin of error.

What does the law say?

The sale of alcohol is governed by the Licensing Act 2003. There are two main offences that you as an off-licence alcohol retailer need to be aware of. These are:

- It is an offence to sell alcohol to a person under the age of 18
- It is an offence to supply alcohol to someone you believe is buying for a person under the age of 18 (often called a proxy sale)

What happens if a sale is made?

The member of staff making the sale could be prosecuted for committing this offence or they may receive an on the spot £80 fine. As the licensee you are responsible for the sale of alcohol from your premises whether you actually make the sale or not. You could, therefore be held responsible if one of your staff members sells alcohol to a person under 18. Such a sale could result in a review of your licence. This will involve you attending a review hearing and having certain conditions placed on your licence in order to continue to sell alcohol. In cases where there is a history of offences, suspension or revocation of your licence may be considered. You could also be prosecuted in these circumstances which may result in a fine of up to £5,000.

Is there any defence for the sale?

The defence for the person making a sale is that they asked the young person for ID and was shown a form of ID that would have convinced any reasonable person. Accepting an obviously fake ID would not be a sufficient defence. It is also a defence that nobody could have reasonably suspected from the young person's appearance that he or she was under 18. This does include an objective test and in practice could cover people well into their twenties. The defence for the licensee is that he or she exercised all due diligence to avoid the commission of any offence. Due diligence means setting up a system to prevent offences being committed, and monitoring that system to ensure that it is effective and that staff are following it. Clear policies and effective staff training are essential to showing a due diligence defence.

What can I do to prevent sales to underage youngsters?

It is very difficult to judge ages and how old a person looks is subjective depending on who is trying to guess their age. The best way to prevent underage sales is not to try to guess their age but to ask for a valid form of photo ID which could be a passport, driving licence or a PASS approved ID card. This should be supported by the introduction of a Challenge 25 policy which allows for a margin of error.

What can I do to prevent proxy sales?

Encourage staff to be vigilant about the possibility of proxy sales. This could include 18 year olds with the correct ID buying drinks on behalf of their underage friends. It could also include an older adult who has been stopped by youngsters outside the store and asked to help them out by buying alcohol. Steps to help staff in making these assessments would include removing unnecessary signage from the windows so they can monitor who is hanging around outside. Display proxy sales posters in your store to remind adults such sales are an offence and most important of all remember you can refuse to serve someone if you believe that they are buying the alcohol on behalf of an underage person.



What does the law say?

It is an offence for any person to sell cigarettes, tobacco products or cigarette papers to anyone under the age of 18. It is also an offence to sell cigarettes unless they are in quantities of ten or more and in their original packaging. This means that packets of cigarettes can not be split to be sold in lesser quantities.

What happens if a sale is made?

You may face prosecution for selling tobacco to a child and receive a potential fine of up to £2,500. There are also new sanctions for cases of persistently selling tobacco to an underage child. If a person makes three illegal sales to a young person within a two year period, then local authorities can apply for a restricted premises order or a restricted sale order. A restricted premises order means that the retail business from where the sales were made is prohibited from selling tobacco products for up to 12 months. Whereas a restricted sale order means that the named person within a business is prohibited from selling tobacco or from having any management role in any premises relating to tobacco sales for up to 12 months. It is an offence in itself not to comply with these orders and a maximum penalty for this is a fine of up to £20,000. A business can still be sold with one of these orders in place however the order will remain in force for the new owner until it expires.

What can I do to prevent sales to underage youngsters?

It is very difficult to judge ages and how old a person looks is subjective depending on who is trying to guess their age. The best way to prevent underage sales is not to try to guess their age but to ask for a valid form of photo ID which could be a passport, driving licence or a PASS approved ID card. This should be supported by the introduction of a Challenge 25 policy which allows for a margin of error.

Training Record

Underage sales advice pack

For Licensee/Retailer

Please use this sheet to record training given to employees on the sale of age-restricted goods. Each employee should tick the products for which they have received training and include the date they were trained. Repeat this training regularly and keep the record of training sheets in your files.

Staff Member Declaration

I have been trained in the law with respect to the sale of the following age restricted goods. I have ticked and dated those products, which I have been trained in.

I understand that by signing this declaration I confirm that I am aware of the age restriction for the goods ticked and that it is an offence to sell age restricted goods to young people under these ages.

Product	Tick and date here if received training
Alcohol	
Tobacco	
Knives	
Lottery/ Scratch cards	
Solvents/ Lighter refills	
Fireworks/ Party poppers	
Spray paint	

Name..... Signed..... Date

Product	Tick and date here if received training
Alcohol	
Tobacco	
Knives	
Lottery/ Scratch cards	
Solvents/ Lighter refills	
Fireworks/ Party poppers	
Spray paint	

Name..... Signed..... Date

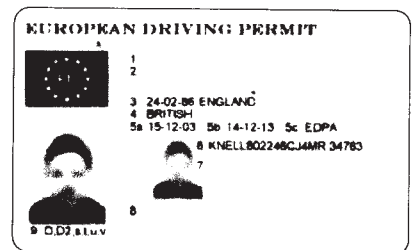
Fake ID- points to remember

Underage sales advice pack

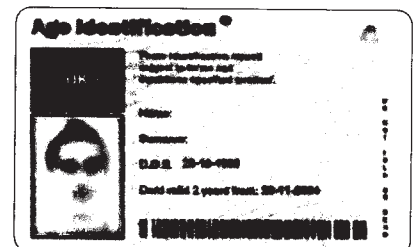
Many young people will try to purchase products that they are not legally old enough to such as alcohol, tobacco and knives

Fake ID Cards can be purchased over the internet for as little as £10, a few examples are shown on this page. Some cards can appear to be quite realistic, although these can be spotted by remembering a few basic points: -

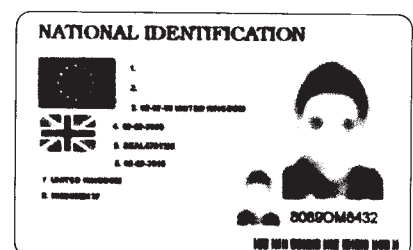
- Stop and take a moment to properly read the details on the card. A young person may be using a genuine ID card but will hope that by putting you on the spot you won't work out their actual date of birth



- Be aware of ID schemes that don't actually exist. For example European Driving Permit, Age Identification or currently National Identification card. Some young people may try and tell you they are part of a trial for such cards. Remember if you are in any doubt about the card you should not accept it



- Take a moment to feel the card. Does it feel of good quality? Does it feel mass produced or home made?



- Invest in a UV light, not only can you use it to check for counterfeit bank notes but many forms of ID such as a UK Driving Licence will carry a UV mark within it



APPENDIX 2

**KENT COUNTY COUNCIL - TRADING STANDARDS
STATEMENT OF WITNESS**

Statement of (full name): Clare Michelle Hooper

Age of Witness: 33 Date of birth: 2nd June 1979

Occupation of Witness: Trading Standards Officer

This statement (consisting of one 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.

Signed. *chooper* Date *27/03/2013*

I am employed by Kent County Council as a Trading Standards Officer for the Trading Standards Department, working from the West Kent Area Office, which is currently located at 8 Abbey Wood Road, Kings Hill, West Malling, ME19 4YT. On Thursday 1 November 2012 I visited a shop called Capitol Express, located at 11 Snowdon Parade, Snowdon Avenue, Maidstone, ME14 5SN. I spoke to Mr Ferhat Ok, who told me he was the director of Erna Ltd trading as Capitol Express. The visit included advice on preventing the underage sale of age restricted products, such as tobacco and alcohol. At the time of my visit the shop displayed a Challenge 25 poster, but did not display a tobacco notice. Mr Ferhat Ok informed me they did not keep a refusals log, which is a record of attempted, but refused, purchases of age restricted products. I advised Mr Ferhat Ok to keep a refusals record and that I would send a training folder and a tobacco notice in the post. The advice I provided on the visit was summarised in a hand written notice which Mr Ferhat Ok signed, before I gave him a copy of the notice near the end of the visits. I produce and identify this notice uniquely referenced TS 2659 as CH/CapitolExpress/01. Following my visit to Capitol Express I sent Mr Ferhat Ok a letter dated 19 November 2012. The letter was about the sale of age restricted products, a copy of which I produce and identify as CH/CapitolExpress/02. *chooper 27/03/2013*

Signed. *chooper* 31 Date *27/03/2013*

CH/CapitolExpress /01

1.15pm

Business Name

Legal Entity

CAPITOL EXPRESS

ERNA LTD

Address

11 SNOODOWN AVENUE

Postcode

ME14 5NS

Telephone Number

During the course of a visit to your premises the following points were noted.

I recommend:

1. Follow a challenge 2s (posters displayed)
2. Keeping a refusal book
3. You tell staff its a criminal offence to sell to under 18's and trading standards may test them.
4. You must display a tobacco notice. (I will send one)

Please contact me if you have any questions.

Failure to follow the advice outlined above as being a legal requirement may lead to you breaching the law and facing legal action.

Issued by (please print name)

CLAIRE STEINER

Officer Number

237

Telephone number

01732

Signed

(Signature)

Dated

1/11/12

525291

Received by (please print name)

FERHAT OK

Position

OWNER / DPS

Signed

(Signature)

Dated

1/11/12

Reference Number

TS 2659

Data Protection Act

Any personal information provided will be processed in accordance with the requirements of the Data Protection Act 1998

1.30pm

CH/CapitolExpress /02



Mr Ok
Capitol Express
11 Snowdon Parade
Snowdon Avenue
Maidstone
ME14 5NS

W TRADING STANDARDS
West Kent Area Office
17 Kings Hill Avenue
Kings Hill
West Malling
Kent ME19 4UL
Tel: 01732 525291
Fax: 01732 525319

Website: www.tradingstandards.gov.uk/kent
Email: clarem.hooper@kent.gov.uk
Ask for: Clare Hooper
Ref: CH/358931
Date: 19 November 2012

Dear Mr Ok

Age Restrictions – Licensing Act 2003

I am writing further to my visit to you on Thursday 1st November 2012, about the sale of age restricted products. The visit included a discussion on the following:

1. Challenge 25 Policy

This is where anyone who appears under 25 should be asked for valid proof of age before being sold age restricted products, as this provides a clear margin of error when judging a young persons' age.

At the time of my visit, a Challenge 25 policy was in place with 'Challenge 25' posters being displayed.

2. Staff Training

Everyone who serves customers must be trained. Training includes anything you ask your staff to read or what you discuss with them.

A training folder is enclosed. I recommend everyone who serves customers to read the information in the folder, drawing particular attention to the sections on Challenge 25 and Making the Refusal. I recommend you sign and date any information you read and ensure anyone working or helping out do the same.

3. Keeping and Monitoring a Refusals Record

At the time of my visit no refusals record was being kept. An example refusals log is enclosed.

A refusals record is recommended to be made for any type of refused sale. This includes if the buyer is drunk or is supplying alcohol to persons aged under 18.

A refusal record should be monitored, preferably by the DPS, to ensure all people who serve customers are making and recording refusals. It is also recommended that monitoring checks are recorded. If any issues are identified by the monitoring, the staff members involved should be informed and retrained, with a record made of the corrective action taken.

4. Checking Proof of Age

Only valid proof of age, which displays a picture of the customer, should be accepted. I would recommend that you only accepted photo driving licences, passports or proof of age cards which display a 'pass' hologram. Photocopies must not be accepted.

5. Trading Standards Enforcement

Trading Standards Authorities, including this Service, make test purchases of various age restricted products using volunteers under the relevant legal age. This means that any business may be tested in this way. It is a criminal offence to sell to a volunteer.

Trading Standards have been involved in various projects about the sale of age restricted products, with all types of businesses. These projects have identified a number of reasons why individuals may sell to underage customers. I have listed some examples below, merely for your information to consider when you train your staff:

- The server being so attentive to calculate the customer's age from ID, they omit to check the photograph.
- Misjudgement of customers' age, thinking the buyer is around 18, along with additionally not following the employers Challenge 25 policy.
- Not following a Challenge 25 policy, as servers don't always appreciate the policy is there to protect them.
- The server either not being able to calculate the customers age from a date of birth, or not calculating the customers age at all, as the seller has been distracted by other customers.
- The person serving not knowing or not following the employers' policy on the sale of age restricted products.
- Not taking enough care, as the seller did not understand the social and legal consequences of underage sales.

Further guidance notes which may be useful for businesses and consumers may be viewed on our website www.tradingstandards.gov.uk/kent. Please contact me if you have any questions.

Yours sincerely

Clare Hooper
Trading Standards Officer



APPENDIX 3

Statement of Witness

Statement of (full name)

[REDACTED]

Age of Witness

15

Date of Birth

[REDACTED]

Occupation of Witness

Student

This statement (consisting of 1 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.

Signed

[REDACTED]

Dated

7/03/13

on the 7th March 2013 at about 8:05, I visited 'capital Express, 11 snowdon parade'. Before we got out the car Jill gave us the money and I put on the jacket with the camera. I was told to purchase alcohol and cigarettes. I went into the shop with [REDACTED]. We went into the shop and got some sweets, then went to where the alcohol was, picked up a WKO blue, went to the till, there was another boy/man in front, I then asked for 10 Marlborough light, he said the amount, I put what I was purchasing down and payed for it. I payed about £6. The man who served me was roughly six foot, Turkish/foreign looking and around 35/40 years old. We left the shop around 8:10, we went back to the car and gave the alcohol and cigarettes to Jill Powell I gave the cigarettes to Jill Powell. [REDACTED]

Signed

[REDACTED] 38

Dated

7/03/13

Statement of Witness

Statement of (full name)

[Redacted]

Age of Witness

15

Date of Birth

[Redacted]

Occupation of Witness

student

This statement (consisting of / 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.

Signed

[Redacted]

Dated

7/03/13

further to my previous statement dated 7th March 2013, I should like to add that; the boy/man who got served before me got his bottle opened by the shop keeper. when he served me he then asked if I wanted my wkD blue opened, I said no.

[Redacted]

Signed

[Redacted]

Dated

7/03/13

Statement of Witness

Statement of (full name)

Age of Witness

16

Date of Birth

Occupation of Witness

Student

This statement (consisting of _____ 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.

Signed

Dated

7/03/2013

On the 7th March 2013 at roughly 20:05 [redacted] and I entered Capital Express at 11 Snowden parade. When we entered the shop we went and got some sweets, after that we got some WKD blue from the alcohol section, once we had got that we (went into) went up to the counter and [redacted] asked for (some) 10 malbrough light which was given at once. We then paid for it all, [redacted] picked up the sweets and cigarettes so I took the change and WKD. We then left the shop at 20:07 where I gave the alcohol to Gill Powell and [redacted] gave her the cigarettes. The man that served us was around six foot tall, Turkish (looking) looking and looked to be around forty years old. k Max

Signed

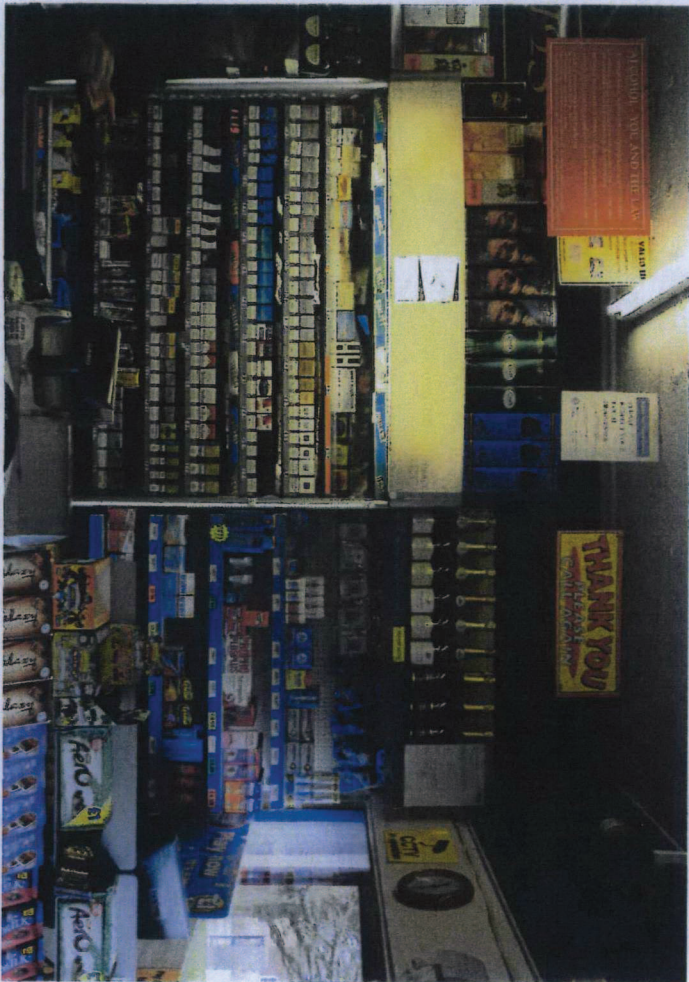
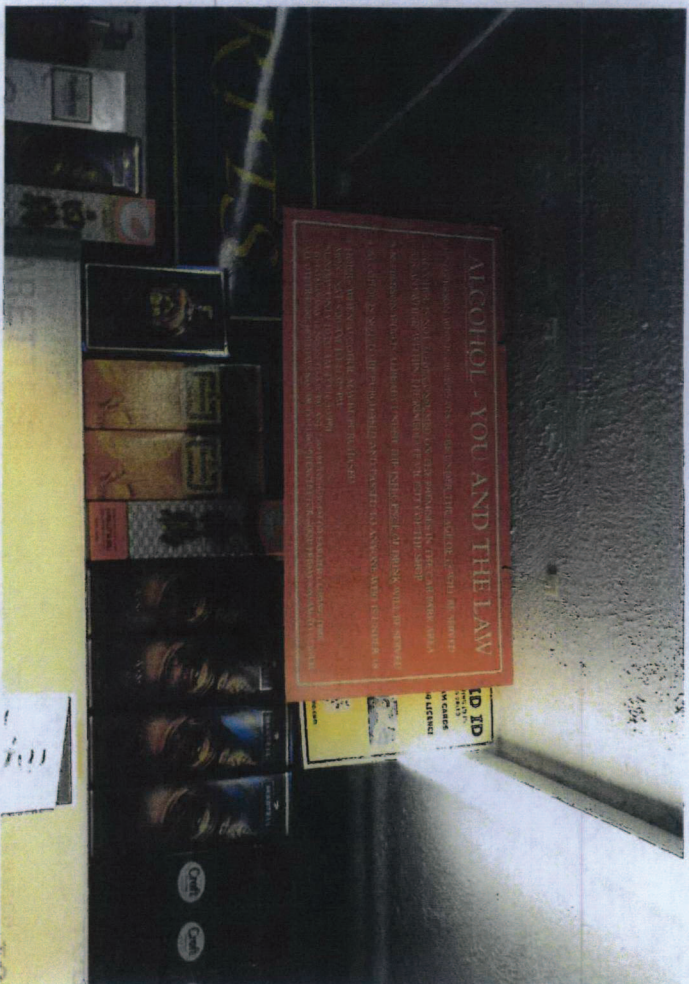
40

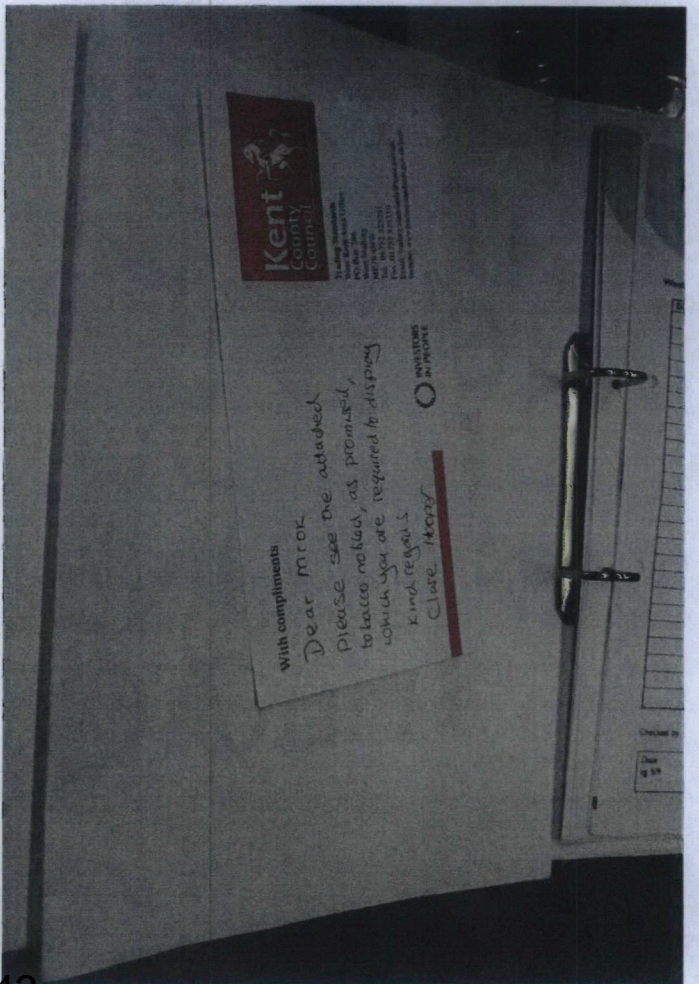
Dated

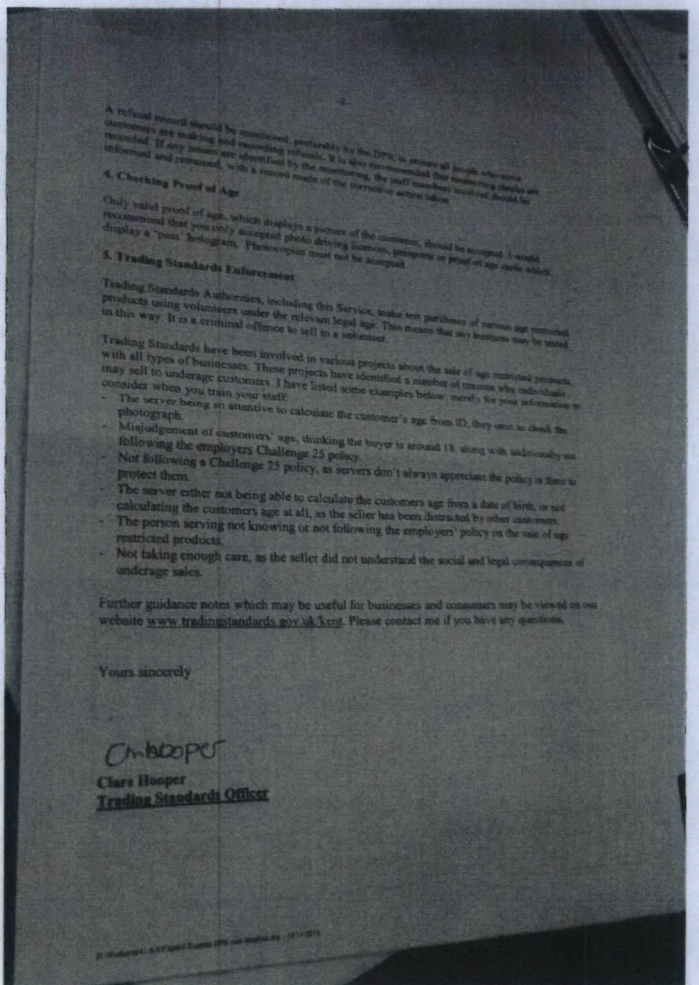
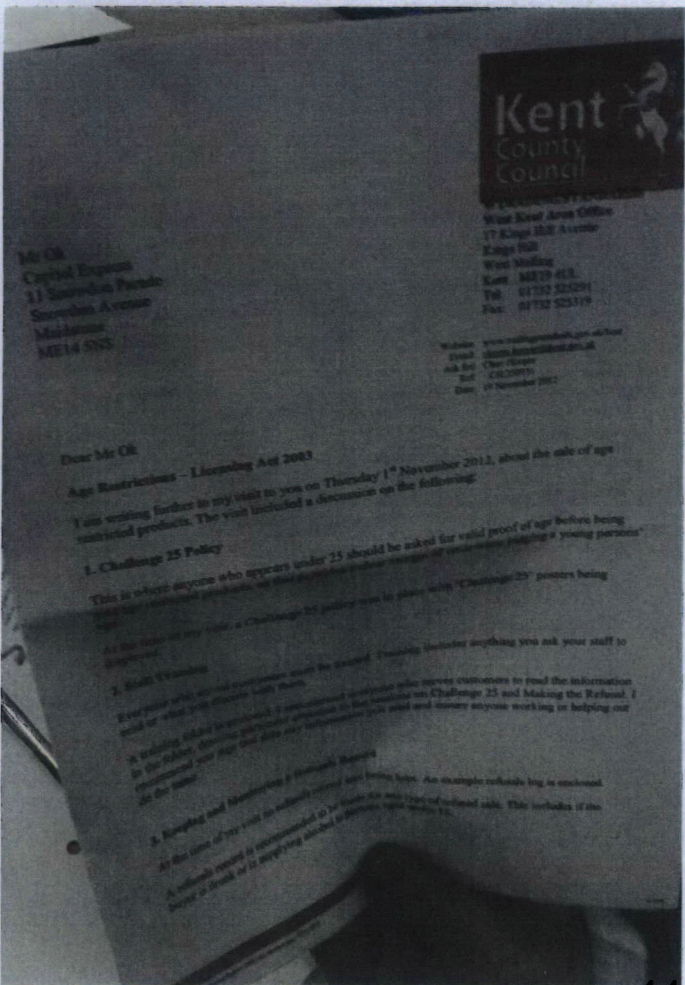
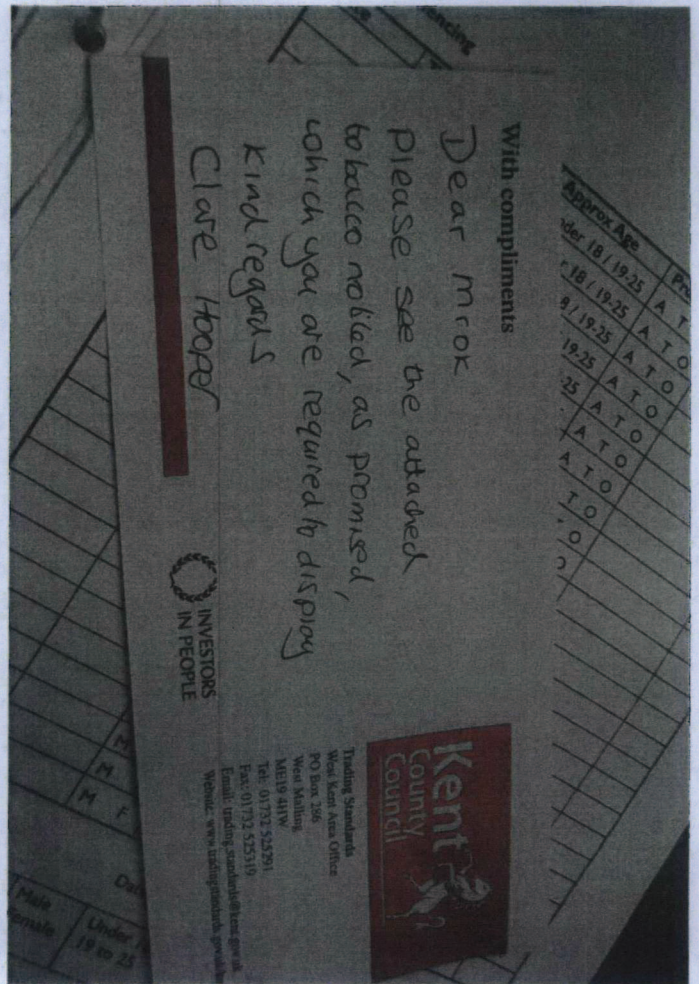
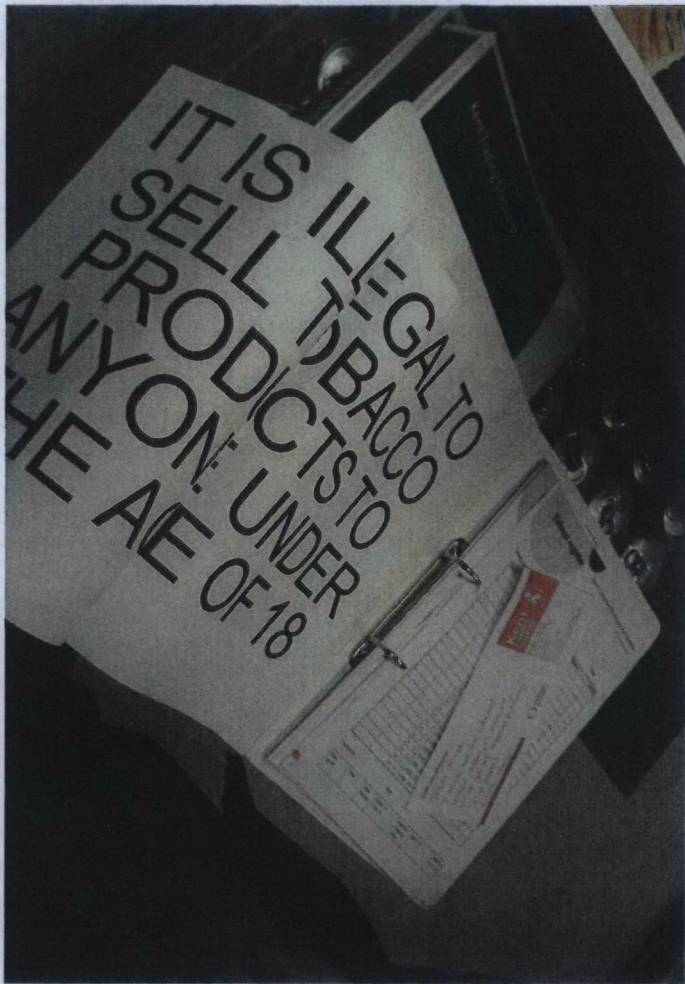
7/03/2013



APPENDIX 4







Kent Community Alcohol Partnership
14203000268

Alcohol restriction

Continuing

Page

Date	Class	Sex	Age	Product	Reason	Length
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		
M	F	Under 18	18-20	A T O		

Checked by _____ Date _____

Kent Community Alcohol Partnership
14203000268

For Licenses/Retailer

Please use this sheet to record training given to employees on the sale of age-restricted goods. Each employee should tick each product for which they have received training and include the date they were trained. Repeat this training regularly and keep the record of training sheets in your file.

Staff Member Declaration

I have been trained in the law with respect to the sale of the following age-restricted goods. I have ticked and dated those products which I have been trained in.

I understand that by signing this declaration I confirm that I am aware of the age-restriction for the goods ticked and that it is an offence to sell age-restricted goods to young people under those ages.

Product	Tick and date here if received training
Alcohol	
Tobacco	
Knives	
Lottery/ Scratch cards	
Solvents/ Lighter refills	
Fireworks/ Party poppers	
Spray paint	

Name _____ Signed _____ Date _____

Product	Tick and date here if received training
Alcohol	
Tobacco	
Knives	
Lottery/ Scratch cards	
Solvents/ Lighter refills	
Fireworks/ Party poppers	
Spray paint	

Name _____ Signed _____ Date _____

Premises Licence

Maidstone Borough Council
Licensing Section
London House
5-11 London Road
Maidstone
Kent
ME16 8HR

APPENDIX B

Premises Licence Number – MAID0185/LPRM/1086

Part 1 – Premises details

Postal address of premises or if none, Ordnance Survey map reference or description	
CAPITOL EXPRESS, 11 SNOWDON PARADE	
Post Town MAIDSTONE	Post Code ME14 5NS
Telephone Number 01622 688255	

Where the licence is time limited the dates
Not time limited

Licensable activities authorised by the licence:-
The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities:-
Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:
a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
d. On Good Friday, 8 a.m. to 10.30 p.m.

The opening hours of the premises
Subject to relevant legislation

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
Off supplies only

(1) Insert licensing authority details

Part 2

Name, (registered) address, telephone number and E-mail (where relevant) of holder of premises licence

Mr Ferhat Ok
11 Snowdon Parade
Maidstone
Kent
ME14 5NS

01622 688255

Ms Olcay Ok
11 Snowdon Parade
Maidstone
Kent
ME14 5NS

01622 688255

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Ferhat Ok
11 Snowdon Parade
Maidstone
Kent
ME14 5NS

01622 688255

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

MAID0185/LP/0483

Maidstone Borough Council

MC1 – The supply of alcohol

Licensing Act 2003 (c.17 Part 3, s.19)

MC1.1 – Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence –

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or**
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**

MC1.2 – Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

N/A

N/A

As attached

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.**
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.**
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.**
- d. On Good Friday, 8 a.m. to 10.30 p.m.**










The above restrictions do not prohibit:

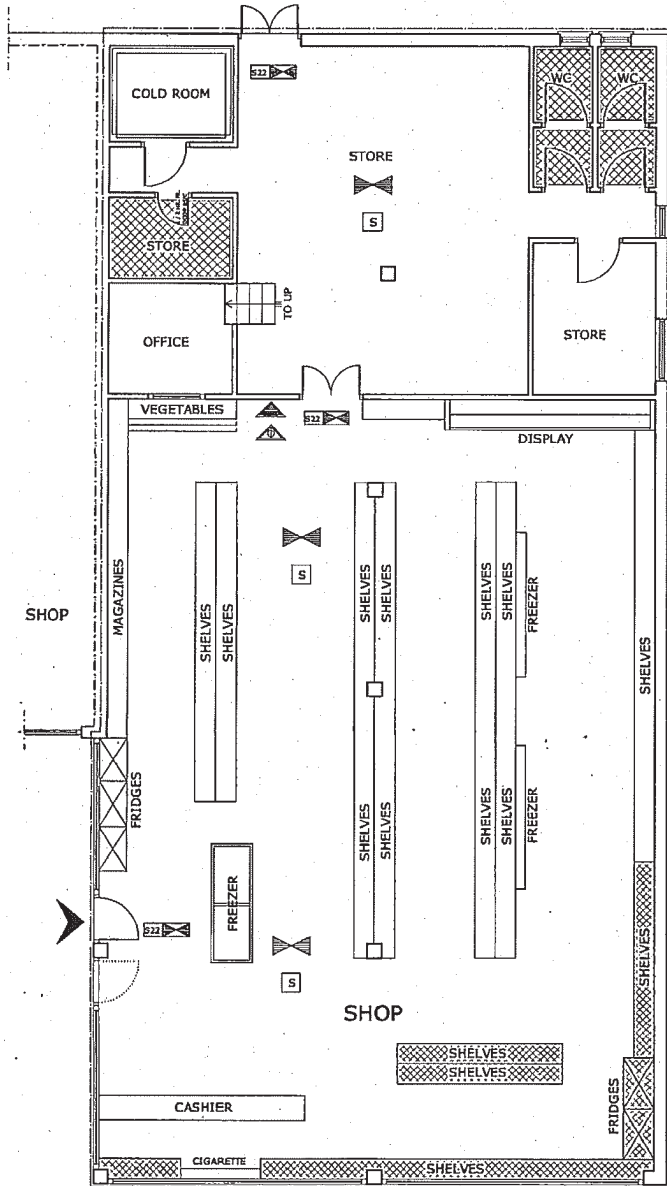
- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;**
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;**
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;**
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty’s naval, military or air forces;**

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

APPENDIX C

LEGEND

-  LIQUOR SALE
-  WC, PASSAGEWAY, ETC
-  LIQUOR STORAGE
-  AMBIT OF LICENSED PREMISES
-  SAFETY LIGHTING
-  SMOKE DETECTOR
-  CARBON DIOXIDE FIRE EXTINGUISHER
-  9 LT. WATER FIRE EXTINGUISHER
-  INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)



EXISTING GROUND FLOOR

27 JUL 2005

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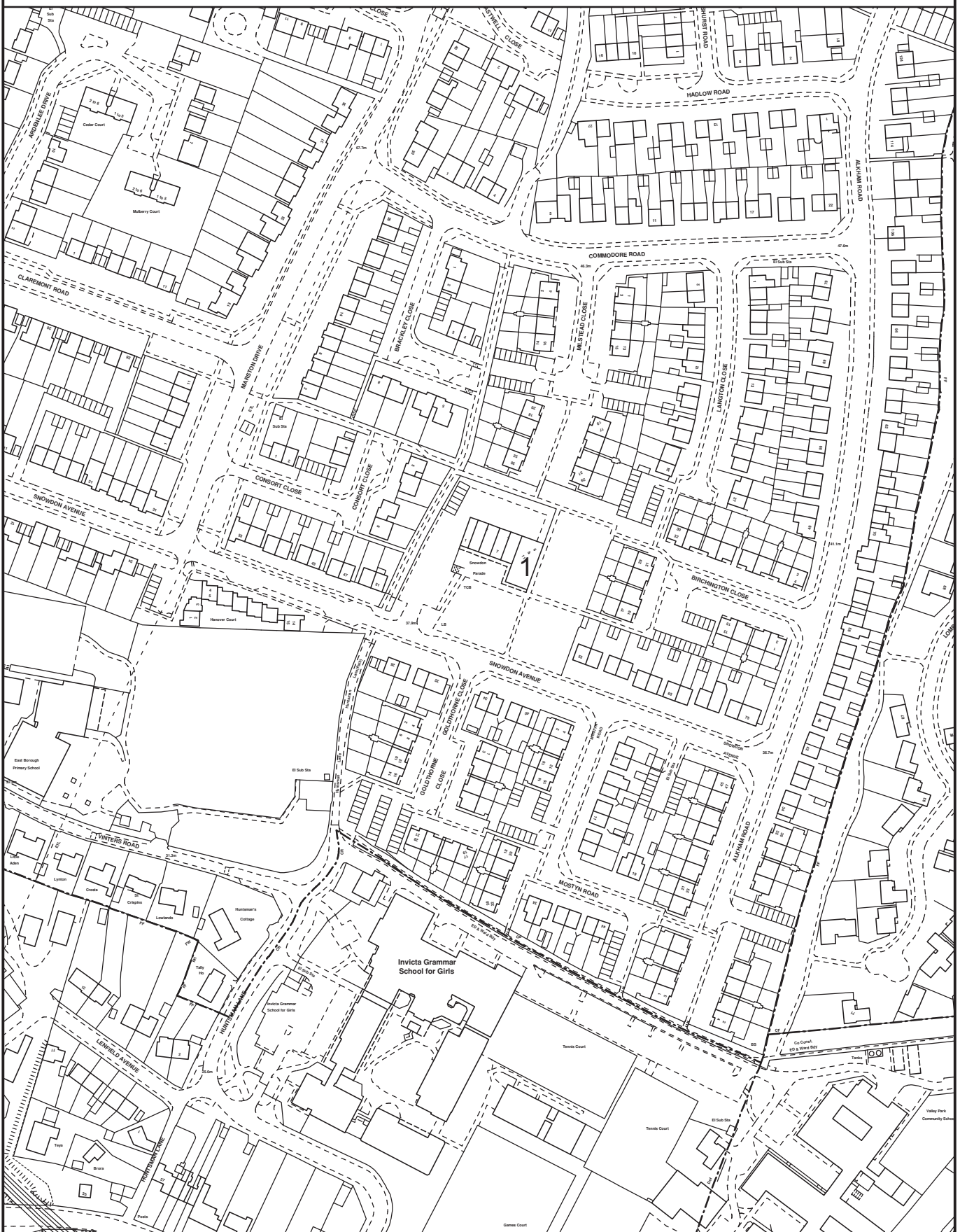
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DATE: JUNE 05	DRG BY: A.AY

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- 1 JUL 2005

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Appendix E

HUMAN RIGHTS

Article 8

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 6(1)

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Article 10

3. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
4. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

Licensing Act 2003 Sub-Committee Hearing Procedure of Applications for the Review of a Premises Licence or Club Premises Certificate

Introduction and Procedure

i) Introductions

The Chairman will request all those persons participating in the hearing to identify themselves, starting with the:

- ✘ Members of the sub-committee (who will, if applicable, declare any personal or prejudicial interests)
- ✘ Legal advisor
- ✘ Committee clerk
- ✘ Maidstone Borough Council licensing officers/managers
- ✘ The licence/certificate holder (and any representative)
- ✘ The applicant for review* (and any representative)
- ✘ Each responsible authority (and any representative)
- ✘ Each interested party (and any spokesperson or representative)

ii) Procedural Matters

- **Procedure**

The Chairman will:

- ✘ Confirm that all parties are aware of the sub-committee hearing procedure and that each party has a copy of the hearing procedure document.

* Not applicable following a closure order.

- **Submissions**

The Chairman will:

- ⌘ Explain that the sub-committee will allow all parties to put their case fully and make full submissions, within a reasonable time frame.

- **Discussion and cross-examination**

The Chairman will:

- ⌘ Explain that the sub-committee procedure shall take the form of a discussion led by the sub-committee.
- ⌘ Explain that the sub-committee will usually permit cross examination (conducted within a reasonable time frame).

- **Disruptive Behaviour**

The Chairman will:

- ⌘ Explain that where any person attending the hearing behaves in a disruptive manner, the sub-committee may direct that person to leave the hearing (including temporarily) and thereafter the person may submit to the sub-committee in writing any information which the person would have been entitled to give orally had the person not been required to leave the hearing.

- **Reading of Papers**

The Chairman will:

- ⌘ Confirm that all sub-committee members have pre-read all the papers and any other documents contained in the report regarding the hearing.

- **Draft Conditions**

The Chairman will:

- ⌘ Enquire whether draft conditions have been agreed between the licence/certificate holder and any of the other parties for the sub-committee to consider.

- **Witnesses**

The Chairman will:

- ⌘ Enquire whether any parties request to have any witnesses give evidence at the hearing; and if so grant the request unless the request is unreasonable.
- ⌘ Invite the parties, where appropriate, to appoint a spokesperson.

The Hearing

Outline of the Application and Representations

- ⌘ The Chairman will ask the legal advisor or community services manager to briefly outline the application and all representations regarding the application.

i) The Applicant for Review

- ⌘ Opening remarks by the applicant for review (or their representative).
- ⌘ Evidence of the applicant for review and any witnesses.
- ⌘ After each person has given evidence the person may be questioned by the licence/certificate holder, each responsible authority, interested party and sub-committee member.
- ⌘ If necessary, the applicant for review (or their representative) may clarify any matter that arose during questioning.

ii) Responsible Authorities (where applicable)

RESPONSIBLE AUTHORITY	Tick if applicable
Police	
Trading standards	
Environmental Health	
Child Protection (Social Services)	
Planning	
Fire and Rescue	

- ⌘ Opening remarks by the officer representing the responsible authority (or their representative).
- ⌘ Evidence of the responsible authority officer and any witnesses.
- ⌘ After each person has given evidence the person may be questioned by the applicant for review, the licence/certificate holder, each other responsible authority, interested party and sub-committee member.
- ⌘ If necessary, the officer (or their representative) may clarify any matter that arose during questioning.

iii) Interested Parties

- ⌘ Opening remarks by the interested party (or spokesperson/representative).
- ⌘ Evidence of the interested party and any witnesses.

- ⌘ After each person has given evidence the person may be questioned by the applicant for review, the licence/certificate holder, responsible authorities, each other interested party and sub-committee member.
- ⌘ If necessary, the interested party (or spokesperson/representative) may clarify any matter that arose during questioning.

iv) The Licence/Certificate Holder

- ⌘ Opening remarks by the licence/certificate holder (or their representative).
- ⌘ Evidence of the licence/certificate holder and any witnesses.
- ⌘ After each person has given evidence the person may be questioned by the applicant for review, each responsible authority, interested party and sub-committee member.
- ⌘ If necessary, the licence/certificate holder may clarify any matter that arose during questioning.

Closing Speeches

In the following order:

- ⌘ **The applicant for review**
- ⌘ **Each responsible authority**
- ⌘ **Each interested party**
- ⌘ **The licence/certificate holder**

End of Hearing

- ⌘ The Chairman will ask the members of the sub-committee if they have any final questions for any party to the hearing.
- ⌘ The Chairman will ask the legal advisor whether there are any further matters to be raised or resolved before the hearing is closed.
- ⌘ The Chairman will invite the legal advisor to remain with the sub-committee during its deliberations.

- ⌘ The Chairman will bring the hearing to a close and shall declare that the sub-committee will retire, to private session, to consider the application, all relevant representations, evidence, the relevant extracts of Licensing Authority's Statement of Licensing Policy, the relevant extracts of the National Guidance issued under section 182 of The Licensing Act 2003 and the licensing objectives under the Licensing Act 2003.
- ⌘ The Chairman shall ask all other persons to withdraw from the room.

The Decision

The Chairman shall declare in public session:

- ⌘ The sub-committee's determination.
- ⌘ All parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination.
- ⌘ All parties may appeal against the sub-committee's decision within 21 days beginning with the day on which the appellant is notified of the Licensing Authority's written determination. Appeals must be lodged with the Magistrates' Court. The decision of the sub-committee does not take effect until the period for appealing has ended, or if there is an appeal, upon completion of the appeal. Parties should be aware that the Magistrates Court may make an order with respect to costs on any appeal.
- ⌘ The hearing is formally closed.