

**Report of:** Service Director, Public Protection

| Meeting of              | Date             | Agenda Item | Ward    |
|-------------------------|------------------|-------------|---------|
| Licensing Sub-Committee | 13 February 2013 |             | Bunhill |

|                              |  |            |
|------------------------------|--|------------|
| <b>Delete as appropriate</b> |  | Non-exempt |
|------------------------------|--|------------|

**Subject: PREMISES LICENCE REVIEW APPLICATION  
RE: CITY HOUSEHOLD, STATIONARY & OFF LICENCE, 153-157 GOSWELL ROAD,  
LONDON EC1V 7HD**

**1. Synopsis**

- 1.1 This is an application by Trading Standards for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review are related to the licensing objectives:
  - i) Prevention of Crime and Disorder

**2. Recommendations**

- 2.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 2.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 2.3 The steps stated in Sections 52(4) of the Act are as follows:
  - a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
  - b) to exclude a licensable activity from the scope of the licence;

- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;
- f) the Committee also have the option to leave the licence in its existing state;
- g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

**3. Background**

3.1 The premises is currently licensed for the sale of alcohol for consumption off the premises Monday to Saturday from 08:00 to 23:00 and on Sunday from 10:00 to 22:30. The premises licence was granted by the Licensing Sub Committee on 5 January 2012.

3.2 Papers are attached as follows:-

- Appendix 1: application form and Trading Standards;
- Appendix 2: current premises licence and plan;
- Appendix 3: Police representation;
- Appendix 4: suggested conditions and map of premise location.

3.3 The Licensing Authority has received a representation from the Police.

**1. Planning Implications**

The lawful use of this property appears to be retail (A1).

**2. Conclusion and reasons for recommendations**

4.1 The Council is required to consider this application for review in the light of all relevant information from the applicant and the licence holder. It may attach such conditions necessary to promote the licensing objectives.

**Background papers:**

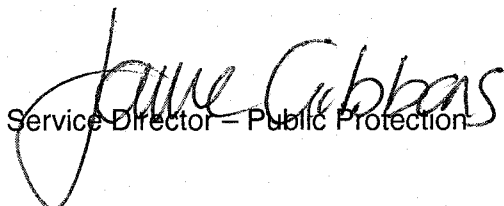
The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

**Signed by**

  
Service Director – Public Protection

Date

3/1/13

**Received by**

Head of Scrutiny and Democratic Services

Date

Report author: The Licensing Team

Tel: 020-7527-3031

Fax: 020-7527-3057

E-mail: [Licensing@islington.gov.uk](mailto:Licensing@islington.gov.uk)

**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 David Fordham, Service Manager Trading Standards

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described on Part 1 below (delete as applicable)~~**

**Part 1 – Premises or club premises details**

|   |                            |
|---|----------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description: |                            |
| <b>City Household and Stationery<br/>153-7 Goswell Road</b>                           |                            |
| <b>Post town: London</b>  | <b>Post code: EC1V 7HD</b> |

|  |
|--|
| <b>Name of premises licence holder or club holding club premises certificate:</b><br>Ilhan Ornek |
|--|

|   |
|---|
| <b>Number of premises licence or club premises certificate: LN/13441-050112</b> |
|---|

**Part 2 - Applicant details**

I am

Please tick ✓/yes

an interested party (please complete (A) or (B) below)

a person living in the vicinity of the premises

a body representing persons living in the vicinity of the premises

a person involved in business in the vicinity of the premises

a body representing persons involved in business in the vicinity of the premises

a responsible authority (please complete (C) below)

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

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  | <b>David Fordham<br/>Service Manager (Trading Standards)<br/>Public Protection Division<br/>222 Upper Street<br/>London<br/>N1 1XR</b> |
| Telephone number: | <b>020 7527 3458</b>   |
| E-mail:           | <u><a href="mailto:david.fordham@islington.gov.uk">david.fordham@islington.gov.uk</a></u>  |

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

**Please tick one or more boxes**

- the prevention of crime and disorder**
- public safety**
- the prevention of public nuisance**
- the protection of children from harm**

This application to review relates to the objective to prevent crime and disorder. It is made with the aim of preventing the use of a licence which is only in existence due to the dishonesty or neglect of the applicant and / or others.

Ilhan Ornek applied for a licence at this address in November 2011. Mr Love of Trading Standards was aware that the premises was owned by City Supermarket (UK) Ltd. and that the premises licence at the company's other shop, City Supermarket at 190-4 Goswell Road, was revoked subject to appeal. Mr Love requested Mr Ornek attend a meeting at the council.

During the meeting, also attended by Licensing Officer Katie Tomashevski, Mr Love asked whether Mr Ornek had any connection to City Supermarket and he replied that he did not. Mr Ornek said that he was buying the shop to run it as an independent business. Mr Love told Mr Ornek that he would oppose the application unless there was a condition in place making the licence invalid if the sale of the business fell through. On 15<sup>th</sup> December 2011, Mr Love made representations that reflected the conversation he had had with Mr Ornek.

Some time after, Mr Love received a copy of a Management Contract apparently made between Salman Capti Snr and Ilhan Ornek. The Contract purported to confer upon Mr Ornek the right to use and occupy the shop at 153-7 Goswell Road for 5 years from 1<sup>st</sup> November 2011, for consideration of £45,000 per annum. Mr Love did not, at this time, have any reason to doubt it was genuine.

The licence was granted by a Licensing Sub-Committee on 5<sup>th</sup> January 2012 with a condition (Annex 3, 15) requiring the licensee to surrender the licence should the Management Contract end for any reason, unless there was explicit agreement given by the licensing authority to transfer the licence.

On 22<sup>nd</sup> June 2012, Mr Love visited City Household & Stationery. He saw Atay Kasapoglu working there and apparently in charge. Mr Kasapoglu used to work at City Supermarket and was the licensee and designated premises supervisor at the time the licence for that premises was revoked.

On 2<sup>nd</sup> July 2012, Mr Love attended a Licensing Sub-Committee which heard an application by Salman Capti Jnr for a premises licence for City Supermarket at 190-194 Goswell Road. During the meeting, Mr Love heard Mr Capti, or someone else from the business, state words to the effect "We have a licence at our other shop, but we do not use it".

After the meeting Mr Love spoke with the applicant and Mahir Kilic of NARTS, who was representing him. He referred to the condition on the licence granted to Mr Ornek and said that he expected the licence to be surrendered if Mr Ornek was not running the business there.

Mr Love followed this up the following day with letters to Mr Ornek and Salman Capti Senior, giving a period of 14 days in which the licence could be surrendered without further action being taken. No response was received.

On 26<sup>th</sup> July 2012, Mr Love wrote to Mr Ornek inviting him to a PACE interview where he wished to put question to Mr Ornek about the apparently fraudulent application. There was no response and Mr Ornek did not attend the proposed interview.

On 30<sup>th</sup> October 2012, Salman Capti Jnr attended a PACE interview about other matters that had taken place at 190-194 Goswell Road. During the course of the interview I asked him if City Supermarket (UK) Ltd had any other shops. He stated that the company owned City Household and Stationery at 153-157, and had, he thought, for "a couple of years". Later in the interview he said that Atay Kasapoglu had worked in the store since all that time and that Ilhan Ornek - who he knew, describing him as a cousin - had occasionally attended the shop, but have never really worked there.

On 31<sup>st</sup> October 2012, Atay Kasapoglu sold fireworks to a 15 year old girl who was assisting Trading Standards during a Test Purchasing operation.

Section 13(4) of Licensing Act 2003 and Regulation 7 of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 makes a local weights and measures authority a responsible authority for the purposes of the legislation. Islington Council is a local weights and measures authority and that function is carried out by the trading standards team.

**Here is a summary of events supporting this application**

|                  |                        |  |
|------------------|------------------------|--|
| 05/01/12         | Licence granted        | Licence granted for 153-157 Goswell Road to Ilhan Ornek  |
| June & July 2012 | Evidence of dishonesty | Atay Kasapoglu's apparent status at the business and comments in LS-C indicate that Ilhan Ornek is not running City Household and Stationery |
| 30/10/12         | PACE interview         | Confirmation that Ilhan Ornek is not running City Household & Stationery   |
| 31/10/12         | Firework sale          | Atay Kasapoglu sold a firework to a 15 year old volunteer working with Trading Standards   |

**Recommendations:**

It is clear that this licence should be revoked.

Even if the Management Contract was genuine at one time, which I find doubtful, the shop is clearly not being operated by Mr Ornek currently and the licence should have been surrendered.



Please tick ✓ yes

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

If yes please state the date of that application

Day      Month      Year

|  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|
|  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|

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

N/A

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 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date

6<sup>th</sup> December 2012

Capacity

Service Manager (Trading Standards)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

**Notes for Guidance**

**The ground(s) for review must be based on one of the licensing objectives.**

**Please list any additional information or details for example dates of problems which are included in the grounds for review if available.**

**The application form must be signed.**

**An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.**

**This is the address which we shall use to correspond with you about this application.**





**ISLINGTON**

**PUBLIC PROTECTION DIVISION**

Trading Standards  
222 Upper Street  
London N1 1XR

Tel: x 3874  
E-mail: doug.love@islington.gov.uk

Please reply to: Doug Love

**MEMO TO:**

**LICENSING TEAM  
222 UPPER STREET**

Our Ref:  
Your Ref: YA CON ORNEK  
Date: 15/12/2011

## **LICENSING ACT 2003: REPRESENTATIONS BY RESPONSIBLE AUTHORITY**

**City Household, Stationery and Off Licence, 153-7 Goswell Road, EC1V 7HJ**

The application for a licence for the above premises has been examined by me and I wish to make the following representations on behalf of the Trading Standards Section. I make them as I have concerns over the steps to prevent crime and disorder and to protect children from harm outlined in the application. I have met the applicant, Mr Ornek, and discussed my thoughts with him.

### **1. Enforcement action**

1.1 Trading Standards have done a lot of work recently to ensure that Islington off licences do not supply alcohol to underage customers or supply illicit alcohol (ie. non-duty paid or counterfeit alcohol) and to detect those who do.

1.2 Between April 2008 and March 2011 there were 106 sales of alcohol to underage volunteers working with Trading Standards from 399 attempts – over one in four.

1.3 In the last year Trading Standards have started looking for illicit alcohol and have found some in over 80% of off-licences visited. Illicit alcohol is supplied to the shops by organised crime groups, often through direct 'door-to-door' selling.

1.4 Each instance of selling alcohol to an underage person or possessing illicit alcohol is an offence.

1.5 This premises is currently owned by a Mr Salman Capti. In recent months, Mr Capti's other shop at 190-4 Goswell Road has had its licence revoked (subject to appeal) and there was a near sale of fireworks to an underage volunteer working with Trading Standards at this address

### **2. Trading Standards' concerns**

2.1 We do not believe that the proposed operating schedule satisfactorily describes appropriate precautions that a business should take to avoid committing the offences referred to above and that they are thereby in danger of failing to promote the licensing objectives.

2.2 Further, because of the history of the previous owner, we must be satisfied that if the licence is granted, there are safeguards in place to prevent it being used if the sale of the business does not proceed.

### **3. Proposed steps to prevent crime and disorder and to promote the protection of children from harm**

3.1. Trading Standards does not object to the application being granted, but believe a number of conditions should be added to the licence to reflect current best practice that will ensure that the possibility of further sales to minors or supply of smuggled goods is minimised.

- No alcoholic goods will ever be purchased from sellers calling to the shop.
  - The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
  - No spirits in re-sealed cases will be purchased.
  - Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.
  - A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
  - An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
  - If any spirits bought by the company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.
  - The licensee shall adopt the Challenge 25, the Retail of Alcohol Standards Group's advice for off-licences.
  - The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.
  - The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards for example proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
  - The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.
  - This licence will only come into effect when the sale of the business to Mr Ornek is completed and the Licensing Team have been provided with a solicitor's letter to confirm this.
- 3.2 I recognise that some of these will duplicate to proposed conditions 7, 10 and 11 in the application. However, I have put them in full and if these conditions are acceptable it may be easier to adopt them in entirety and remove the duplicates from the list in the application.
- 3.3 It was also drawn to Mr Ornek's attention that where a condition exists on a licence, the licensee will be committing a criminal offence if it is not being complied with. It is very important that Mr Ornek understands the proposed conditions and is confident that he can comply with them. I wonder if this is true of all conditions proposed on the licence.

We believe these representations are specific and proportionate to the known trading characteristics of this retail sector and are consistent with the Islington Council Statement of Licensing Policies 28, 32 and 39.

Doug Love  
Principal Consumer Services Officer

**DATE 21<sup>st</sup> December 2011**

**SALMAN CAPTI (1)**

**-and-**

**ILHAN ORNEK (2)**

## **MANAGEMENT CONTRACT**

**of**

**CITY HOUSEHOLD, STATIONERY & OFF-LICENCE**

**153-157 GOSWELL ROAD**

**LONDON**

**EC1V 7HJ**

**THIS LICENCE** is made on the **21<sup>st</sup>** of **December 2011**

**BETWEEN: -**

- (1) **The Licensor:** **SALMAN CAPTI** of 319 Lordship Lane,  
London, N17 6AB
- (2) **The Licensee:** **ILHAN ORNEK** of 45 Clifton Court,  
London, N4 3NH

**NOW IT IS AGREED** as follows

1. The Licensor hereby grants the Licensee the right to use and occupy the Premises described in part 1 of the Schedule ("**the Premises**") for the period stated in part 2 of the Schedule ("**the Licence Period**") commencing from and including the day of **1<sup>st</sup> November 2011**
2. The Licence fee payable by the Licensee to the Licensor is the amount specified in Part 3 of the Schedule payable as set out in Part 3 of the Schedule
3. The Licensee agrees to observe the following stipulations
  - 3.1 During the Licence Period to pay the Licence Fee as provided in Clause 2 and
    - (a) all telephone charges payable in respect of the Premises as may be incurred from the Licence Period;

(b) all accounts for the cost of the supply of electricity and gas to the Premises as may be incurred from the Licence Period

(c) To pay all other business rates, taxes, duties, charges, assessments, impositions and outgoings whatsoever (whether of a capital or revenue nature) now or at any time during the Licence Period payable in respect of the Premises or by its owner by the Licensee save that there Licensee shall not be responsible for any such sums or outgoings owed by the Licensor or prior occupiers as at 1<sup>st</sup> November 2011.

3.2 Not to do or permit to be done upon the Premises or the remainder of the Licensor's property anything which may cause a nuisance annoyance or disturbance

3.3 not to assign the benefit of this Licence or sub-let or part with possession or share the possession of the Premises or any part of the Premises (as opposes to the whole) except as authorised

3.4 to use the Premises only for the purpose specified in Part 4 of the Schedule

3.5 to keep the Premises and the Licensor's fixtures and fittings in at least the state of repair and condition which they are in at the date hereof



3.6 not to carry out any structural alterations or additions whatsoever to the Premises

3.7 to comply with all requirements in respect of the Premises for which as occupier is liable under any statute order regulation byelaw or any modification or re-enactment thereof for the time being in force and to indemnify the Licensor in respect of any non-compliance

3.8 at the expiry of the Licence Period or on the earlier determination of this Licence to vacate the Premises and deliver vacant possession to the Licensor in such state and condition as shall be consistent with the due performance to the Licensee's obligations under this Licence

3.9 to fully insure the Premises against third party and occupiers risks and to fully indemnify the Licensor against all liability and costs in respect thereof

4. The Licensor agrees to observe the following stipulations.-

4.1 The Licensor agrees to pay and discharge all debts and liabilities of and in connection with the Premises (including the business and the Lease) arising and existing as at 1st November 2011 and will at all times keep the License identified against the same such expenses debts and liabilities are to

include, but not be limited to, electricity, gas, taxes, business rates, rent and other utilities.

5. Provided that and it is agreed :-

4.1 the Licensor shall not be responsible for any loss or damage which may be done to or suffered by the Licensee or the Licensee's employees agents visitors or invitees by reason of the state and condition of the Premises or any act neglect or default of the Licensor or the Licensor's agents visitors licensees or invitees or the owner or other tenant licensee or occupier of any adjoining or adjacent premises or any part or parts of such premises

4.2 the Licensor may determine this Licence and re-enter upon the Premises if the Licensee (being a company) shall enter into liquidation or (being an individual) shall become bankrupt or enter into any arrangement or composition for the benefit of the Licensee's creditors or shall suffer any distress or execution to be levied on the Licensee's goods or shall fail to pay the Licence fee within 28 days of the same becoming payable (whether formally demanded or not) or shall fail to perform or observe any of the stipulations on the Licensee's part contained in this Licence

- 4.3 the Licensee may determine this Licence on any anniversary of the commencement of the Licence Period by giving to the Licensor at any time at least three calendar months notice in writing to that effect and on the expiry of that Notice this Licence and the Licence Period shall immediately cease and determine and the Licensee shall give up possession of the Premises to the Licensor
- 4.4 nothing contained in this Licence shall be construed as creating a legal demise or any greater interest than a bare licence on the terms contained in this Licence
- 4.5 the Licensor is entitled to enter upon the Premises or any part of them (causing as little interference as possible with the business of the Licensees) at all reasonable times on prior written notice of not less than 7 days notice having been given and for all reasonable purposes without any interference whatsoever by the Licensee or the Licensee's employees agents visitors licensees or invitees
- 4.6 it is agreed between the Licensor and the Licensee that nothing in this Licence shall imply or warrant that the user of the premises herein authorises is or will be authorised under the Planning Acts or any byelaws or regulations from time to time in force

**THE SCHEDULE**

**Part 1**

**(Description of Premises)**

City Household, Stationery & Off-Licence, 153-157 Goswell Road, London, EC1V 7HJ edged with red on the plans

**Part 2**

**(Term of Licence)**

5 years from and including 1st November 2011

**Part 3**

**(Licence Fee)**

FORTY FIVE THOUSAND POUNDS (£45,000.00) per annum paid by equal monthly payments in advance on the first day of every month

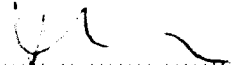
**Part 4**


**(Permitted user of premises)**

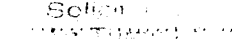
To be used as an Off-Licence & Store for sale of household goods and stationery

EXECUTED AS A DEED )

by SALMAN CAPTI in the presence of )

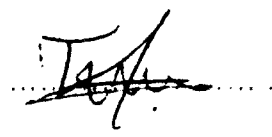
Witness's Signature..... 

Name..... 

Address..... 

Occupation.....

EXECUTED AS A DEED )



by ILHAN ORNEK in the presence of )

Witness's  
Signature



Name.....SAMET KARAMUGARA.....

Address.....34 HOLMWOOD ROAD.....

ENFIELD, MIDDLESEX EN3 6QJ

Occupation.....SHOP ASSISTANT.....



# ISLINGTON

Trading Standards Service  
Public Protection Division  
222 Upper Street  
London N1 1XR

T : 020 7527 3874  
E-mail : doug.love@islington.gov.uk

Website : www.islington.gov.uk

Our ref:

Date: 02/07/12

Ilhan Ornek  
45 Clifton Court  
London  
N4 3NH

## **Çok önemli!**

### **Bu duyuruyu mutlaka dikkate alın.**

İlişikteki belge ya da belgeleri mutlaka okuyun ve gereğini yapın.  
Bu konuda bir avukata danışmanız gerekebilir.

Dear Mr Ornek,

### **PREMISES LICENCE – 153-7 GOSWELL ROAD, EC1V 7HD FRAUD ACT 2006**

I am writing to ask you to surrender this licence.

When you applied for the licence you produced a copy of a Management Contract, apparently effective from 21/12/11, made between yourself and Salman Capti. The contract – and what you told Licensing Officer, Katie Tomashevski, and me when we met during the application process - assured the Council that Mr Capti would not be involved in the running of the business.

You also agreed to a licence condition:

15. If the management contract dated 21 December 2011 and made between Salman Capti and Ilhan Ornek ends for whatever reason, the licensee will forthwith surrender this licence unless the licensing authority, in consultation with the police and trading standards have agreed for it to be transferred to a new licensee.

It has come to my attention that you are not operating the business at the moment, if indeed you ever were.

On Friday 22<sup>nd</sup> June, I visited the premises. Mr Atay Kasopoglu, Mr Capti's son-in-law, was the only person in the shop and when asked he said that Mr Capti was the owner.

At a Licensing Committee hearing last night, Salman Capti Jnr admitted the business remained part of the Capti family's business and stated "We've got a licence at 153...".

If you surrender the licence within 14 days, I am not going to investigate this matter further. However, I feel that I should point out that if you applied for the licence at the request of the Capti family and produced the Management Contract in the knowledge that it was never intended to take effect, you would have committed an offence under the Fraud Act 2006.

The maximum penalty for this offence if you were found guilty at Magistrates' Court is one year in prison, or a fine of £5000. At Crown Court, the maximum term of imprisonment is 10 years and an unlimited fine can be given.

You can surrender the licence by writing in to our Licensing team. I will be copying this letter to them.

I have written separately to the Capti family.

Yours sincerely,

Doug Love  
Islington Trading Standards

*cc: Licensing team*



# ISLINGTON

Trading Standards Service  
Public Protection Division  
222 Upper Street  
London N1 1XR

T : 020 7527 3874

E-mail : doug.love@islington.gov.uk

Website : www.islington.gov.uk

Our ref:

Date: 26/07/12

Ilhan Ornek  
45 Clifton Court  
London  
N4 3NH

## **Çok önemli!**

**Bu duyuruyu mutlaka dikkate alın.**

İlişikteki belge ya da belgeleri mutlaka okuyun ve gereğini yapın.

Bu konuda bir avukata danışmanız gerekebilir.

Dear Mr Ornek,

### **PREMISES LICENCE – 153-7 GOSWELL ROAD, EC1V 7HD FRAUD ACT 2006**

Further to my letter, dated 02/07/12, to which I have received no response and a copy of which is enclosed, I note that the above premises licence has not been surrendered.

I am now inviting you to a PACE interview. I want to ask you questions about the alleged Fraud Act offence outlined in my earlier letter and to give you the chance to comment.

- Any interview will be take place at these offices
- The interview will comply with the PACE codes of practice
- You will be cautioned\*
- The interview will be recorded
- You may be accompanied by a legal representative
- You may stop the interview at any time.

\* *PACE caution: "You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence".*

I will ask questions about the licence application; your relationship with Mr Capti; and about the business itself. You will have a chance to say anything you like about the allegations at the end of the interview. Please bring with you any documents or other things that you might refer to during the interview.

The purpose of the interview is to help us decide what action to take in respect of the offences. I intend to recommend that you are prosecuted.

I propose to hold the interview at **12.00 on Thursday 9<sup>th</sup> August**. I can arrange for an interpreter to attend the interview, if you think this will help you. Please confirm as soon as you can, if you need an interpreter.



If you wish to be interviewed, please contact me to confirm attendance and agree the time. If you choose not to be interviewed, please confirm this in writing (e-mail or letter).

Please contact me if anything in this letter needs further explanation or if you have any questions.

Please respond within 7 days of the date of this letter.

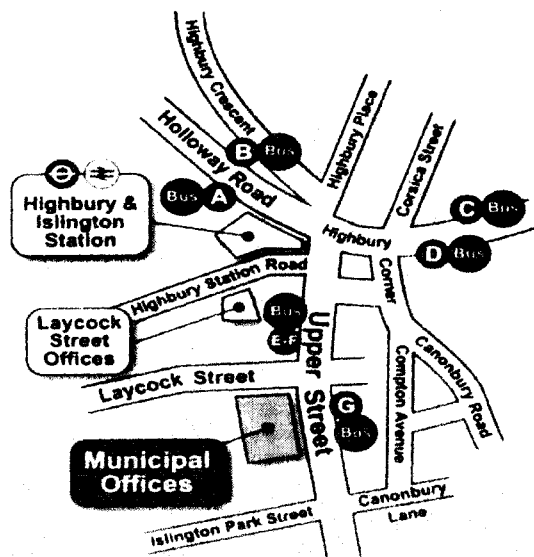
The maximum penalty for the alleged offence if you were found guilty at Magistrates' Court is one year in prison, or a fine of £5000. At Crown Court, the maximum term of imprisonment in 10 years and an unlimited fine can be given.

You have until the proposed date of the interview to surrender the licence by writing in to our Licensing team. If you do this, please let me know and I will end my investigation. If you do not, I will not give you a further opportunity to avoid being reported for this offence.

Yours sincerely,

Doug Love  
Islington Trading Standards

cc: Licensing team



## Travel Green

to the Municipal Offices, 222 Upper Street

### Cycle

There are public cycle racks at the front of the building

### Walk

Find us on the London A to Z map, page 50 (B6)

### Tube

Victoria line to Highbury & Islington Station (3 min walk)

### Rail

Silverlink (North London Line) or  
WAGN (Great Northern Line)  
to Highbury & Islington Station (3 min walk)

### Bus

Routes 4, 19, 30 & 43 to stops E, F & G  
Routes 277 to stops C & D  
Routes 271 & 393 to stops A & B

### Accessibility

● Parking (020 7527 1976) ● Building ● WC



ISLINGTON



**PREMISES LICENCE  
LICENSING ACT 2003**

|   |                           |                  |          |
|---|---------------------------|------------------|----------|
| <b>Premises licence number</b>  | LN/13441-050112 (AMENDED) |                  |          |
| <b>Postal address of premises, or if none, ordnance survey map reference or description</b> |                           |                  |          |
| CITY HOUSEHOLD, STATIONERY & OFF-LICENCE<br>153-157 GOSWELL ROAD                            |                           |                  |          |
| <b>Post town</b>  | LONDON                    | <b>Post code</b> | EC1V 7HD |
| <b>Telephone number</b>   | 020 7253 6972             |                  |          |

|  |
|--|
| <b>Where the licence is time limited the dates</b> |
| Not Applicable                                     |

|   |
|---|
| <b>Licensable activities authorised by the licence</b>                          |
| <b>Ground Floor</b>   |
| <ul style="list-style-type: none"> <li>The sale by retail of alcohol</li> </ul> |

|  |        |       |       |       |         |       |    |       |           |       |    |       |          |       |    |       |        |       |    |       |          |       |    |       |        |       |    |       |
|--|--------|-------|-------|-------|---------|-------|----|-------|-----------|-------|----|-------|----------|-------|----|-------|--------|-------|----|-------|----------|-------|----|-------|--------|-------|----|-------|
| <b>The times the licence authorises the carrying out of licensable activities</b>  |        |       |       |       |         |       |    |       |           |       |    |       |          |       |    |       |        |       |    |       |          |       |    |       |        |       |    |       |
| <ul style="list-style-type: none"> <li>The sale by retail of alcohol <b>Ground Floor:</b> <table> <tr><td>Monday</td><td>08.00</td><td>to</td><td>23.00</td></tr> <tr><td>Tuesday</td><td>08.00</td><td>to</td><td>23.00</td></tr> <tr><td>Wednesday</td><td>08.00</td><td>to</td><td>23.00</td></tr> <tr><td>Thursday</td><td>08.00</td><td>to</td><td>23.00</td></tr> <tr><td>Friday</td><td>08.00</td><td>to</td><td>23.00</td></tr> <tr><td>Saturday</td><td>08.00</td><td>to</td><td>23.00</td></tr> <tr><td>Sunday</td><td>10.00</td><td>to</td><td>22.30</td></tr> </table> </li> </ul> | Monday | 08.00 | to    | 23.00 | Tuesday | 08.00 | to | 23.00 | Wednesday | 08.00 | to | 23.00 | Thursday | 08.00 | to | 23.00 | Friday | 08.00 | to | 23.00 | Saturday | 08.00 | to | 23.00 | Sunday | 10.00 | to | 22.30 |
| Monday   | 08.00  | to    | 23.00 |       |         |       |    |       |           |       |    |       |          |       |    |       |        |       |    |       |          |       |    |       |        |       |    |       |
| Tuesday  | 08.00  | to    | 23.00 |       |         |       |    |       |           |       |    |       |          |       |    |       |        |       |    |       |          |       |    |       |        |       |    |       |
| Wednesday  | 08.00  | to    | 23.00 |       |         |       |    |       |           |       |    |       |          |       |    |       |        |       |    |       |          |       |    |       |        |       |    |       |
| Thursday   | 08.00  | to    | 23.00 |       |         |       |    |       |           |       |    |       |          |       |    |       |        |       |    |       |          |       |    |       |        |       |    |       |
| Friday   | 08.00  | to    | 23.00 |       |         |       |    |       |           |       |    |       |          |       |    |       |        |       |    |       |          |       |    |       |        |       |    |       |
| Saturday   | 08.00  | to    | 23.00 |       |         |       |    |       |           |       |    |       |          |       |    |       |        |       |    |       |          |       |    |       |        |       |    |       |
| Sunday   | 10.00  | to    | 22.30 |       |         |       |    |       |           |       |    |       |          |       |    |       |        |       |    |       |          |       |    |       |        |       |    |       |

|  |        |       |       |       |         |       |    |       |           |       |    |       |          |       |    |       |        |       |    |       |          |       |    |       |        |       |    |       |
|--|--------|-------|-------|-------|---------|-------|----|-------|-----------|-------|----|-------|----------|-------|----|-------|--------|-------|----|-------|----------|-------|----|-------|--------|-------|----|-------|
| <b>The opening hours of the premises Ground Floor:</b>   |        |       |       |       |         |       |    |       |           |       |    |       |          |       |    |       |        |       |    |       |          |       |    |       |        |       |    |       |
| <table> <tr><td>Monday</td><td>08.00</td><td>to</td><td>23.00</td></tr> <tr><td>Tuesday</td><td>08.00</td><td>to</td><td>23.00</td></tr> <tr><td>Wednesday</td><td>08.00</td><td>to</td><td>23.00</td></tr> <tr><td>Thursday</td><td>08.00</td><td>to</td><td>23.00</td></tr> <tr><td>Friday</td><td>08.00</td><td>to</td><td>23.00</td></tr> <tr><td>Saturday</td><td>08.00</td><td>to</td><td>23.00</td></tr> <tr><td>Sunday</td><td>10.00</td><td>to</td><td>22.30</td></tr> </table> | Monday | 08.00 | to    | 23.00 | Tuesday | 08.00 | to | 23.00 | Wednesday | 08.00 | to | 23.00 | Thursday | 08.00 | to | 23.00 | Friday | 08.00 | to | 23.00 | Saturday | 08.00 | to | 23.00 | Sunday | 10.00 | to | 22.30 |
| Monday   | 08.00  | to    | 23.00 |       |         |       |    |       |           |       |    |       |          |       |    |       |        |       |    |       |          |       |    |       |        |       |    |       |
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| Saturday   | 08.00  | to    | 23.00 |       |         |       |    |       |           |       |    |       |          |       |    |       |        |       |    |       |          |       |    |       |        |       |    |       |
| Sunday   | 10.00  | to    | 22.30 |       |         |       |    |       |           |       |    |       |          |       |    |       |        |       |    |       |          |       |    |       |        |       |    |       |

|  |
|--|
| <b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b> |
| Off supplies   |

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

Mr Ilhan Ornek  
45 Clifton Court  
London  
N4 3NH

**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 Ilhan Ornek

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

145545 – LB Islington

Islington Council  
Public Protection Division  
222 Upper Street  
London  
N1 1XR  
Tel: 020 7527 3031  
Email: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

  
\_\_\_\_\_  
Service Manager - Commercial

  
\_\_\_\_\_  
Date of Issue

## **Annex 1 - Mandatory conditions**

1. No supply of alcohol may be made under the premises licence:
  - a) at a time when 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.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

## **Annex 2 - Conditions consistent with the Operating Schedule**

- 1 The premises shall only supply alcohol during the hours permitted for the sale of alcohol under the licence. The alcohol display shall be closed at all other times by roller shutters.
- 2 A digital CCTV system shall be installed at the premises complying with the following criteria:
  - a) Cameras must be cited to observe the entrance door, the alcohol displays and floor area;
  - b) The camera facing the entrance door must capture full frame shots of the heads and shoulders of all people entering the premises i.e capable of identification.
  - c) Cameras viewing counter areas must capture frames not less than 50% of the screen;
  - d) Cameras overlooking floor areas should be wide angled to give an overview of the premises;
  - e) Cameras facing the entrance doors must capture a minimum of 16 frames per second;
  - f) Be capable of visually confirming the nature of the crime committed;
  - g) Provide a linked record of the date, time and place of any image;
  - h) Provide good quality images – colour during opening hours;
  - i) Operate under existing light levels within and outside the premises;
  - j) Have the recording device in a locked or secure cabinet;
  - k) Provide a monitor in full view of customers entering the premises, this monitor must display images of said customers;
  - l) Have a separate monitor to review images and recorded picture quality;
  - m) Be regularly maintained to ensure continuous quality of image capture and retention;
  - n) Have signage displayed on the front entrance door and in the customer area to advise that recorded CCTV is in operation;
  - o) Digital images must be kept for 31 days;
  - p) Police will have access to images at any reasonable time;
  - q) The equipment must have a suitable export method eg CD/DVD writer so that the police can make an evidential copy of the data they require. The data should be in

the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (ie manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to police on request.

- 3 A monitored alarm system to EU 50131 standard incorporating a panic button facility at the counter shall be installed.
- 4 Prominent, clear and legible notices shall be displayed at the public exits from the premises requesting customers to respect the needs of local residents and leave the premises quietly.
- 5 Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be taken off the premises and consumed in the street.

### **Annex 3 - Conditions attached after a hearing by the licensing authority**

















1. No deliveries or collections of licensable goods will take place on Sundays or Bank Holidays and between the hours of 10pm and 7am other day of the week.
2. No rubbish will be moved, removed or placed outside the premises on Sundays or Bank Holidays and between the hours of 9pm and 7am other days of the week.
4. No alcoholic goods will ever be purchased from sellers calling to the shop.
5. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
6. No spirits in re-sealed cases will be purchased.
7. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC on request.
8. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
9. An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
10. If any spirits bought by the company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.
11. The licensee shall adopt Challenge 25, the Retail of Alcohol Standards Group's advice for off-licences.
12. The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm they have understood the training. The licensee shall keep records of training and instruction given to staff.
13. The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards for example, proof of age cards carrying the 'PASS' logo and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
14. The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.

15. If the management contract dated 21 December 2011 and made between Salman Capti and Ilhan Ornek ends for whatever reason, the licensee will forthwith surrender this licence unless the licensing authority, in consultation with the police and trading standards have agreed for it to be transferred to a new licensee.

**Annex 4 – Plans**

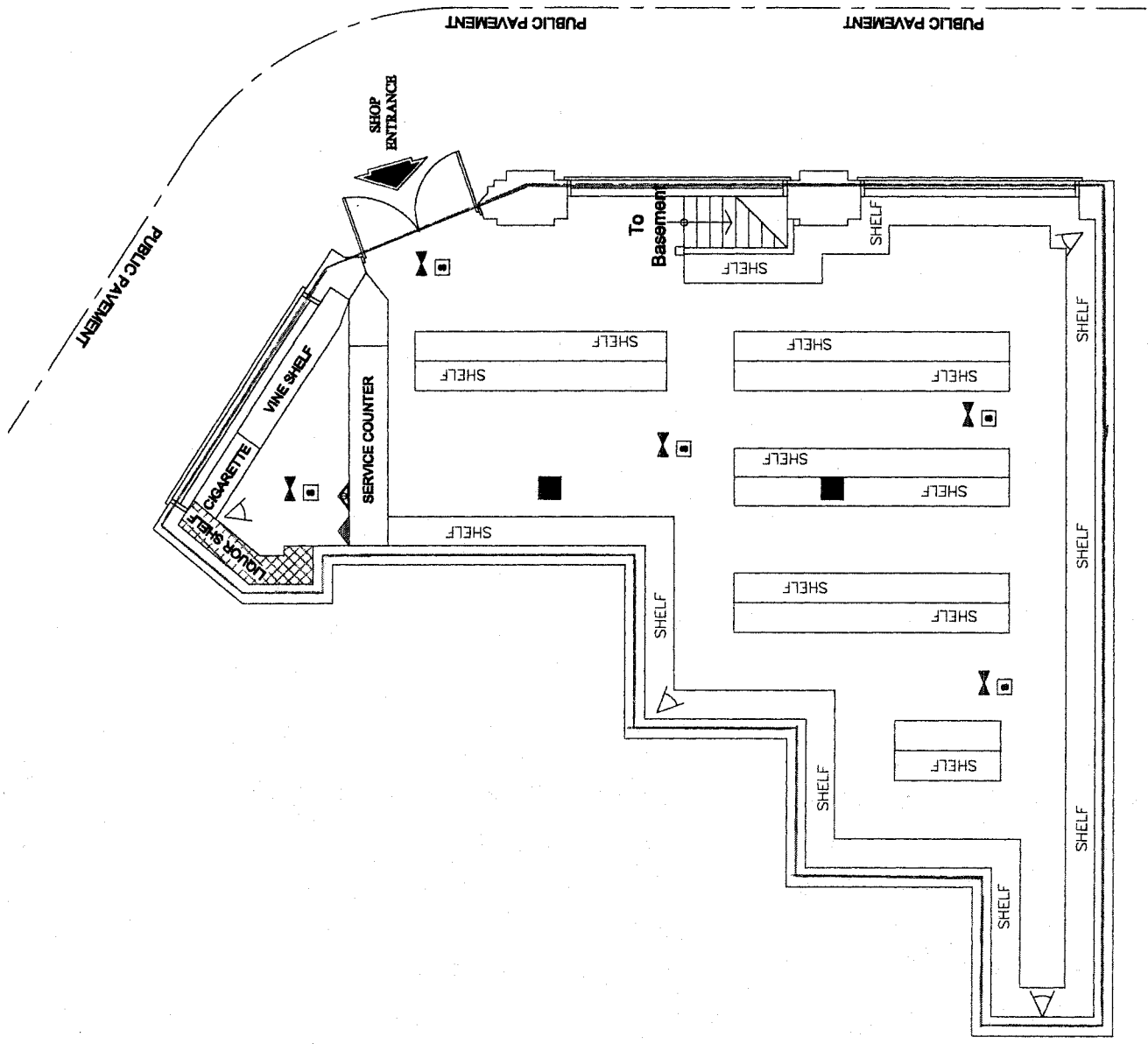
Reference Number: LN111236970-050112

**LEGEND**

-  WC AREA
-  FRIDGE
-  LIQUOR SHELF
-  AMBIT OF LICENSED PREMISES
-  SAFETY LIGHTS
-  SMOKE DETECTOR
-  CARBON DIOXIDE FIRE EXTINGUISHER
-  9 LT. WATER FIRE EXTINGUISHER
-  FIRE ESCAPE KEEP CLEAR
-  CCTV
-  INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
-  FIRE BLANKET
-  FAN 6lt/s
-  FIRE ALARM BELL
-  FIRE DOOR
-  FIRE SWITCH PANEL

**PROPOSED GROUND FLOOR**  
 ADDRESS: 157 GOSWELL ROAD  
 LONDON EC1V  
 SCALE: 1/100@A4 DATE: 07/10/2011  
 REF. NO: SC10/11-01

**ALKO GROUP**  
 Architectural and Engineering Design  
 97 Burgoyne Road, LONDON  
 N4 1AB  
 Tel: 0203 2130192, M:0772 333 1891



**WITNESS STATEMENT**

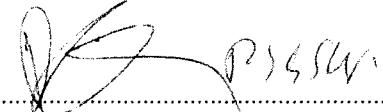
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Robin CLARK**..... URN: 

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 181475** .....

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 anything in it which I know to be false, or do not believe to be true.

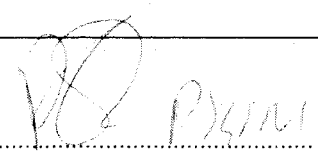
Signature: ..... Date: **14.12.2012**.....

Tick if witness evidence is visually recorded  (supply witness details on rear)

My name is Robin Clark and I am a Police Sergeant with the Metropolitan Police Service. I currently work as a Licensing officer at Islington Police Station. I have been given this specific responsibility by the Borough Commander who is acting under the written delegated authority of the Commissioner of Police for the Metropolis. A copy of this authority has been lodged with Islington Council Legal Department.

This statement is submitted in response to the review application made by the Mr David Fordham of Islington Council Trading Standards Service regarding the premises City Household & Stationery, 153-157 Goswell Rd, EC1V 7HD.

I have read the information provided by Mr Fordham and I have been involved in some of the dealings with City Supermarket 190-194 Goswell rd EC1V 7DT and the Capti family who run that business. It appears that the licence for City Household & Stationery has been obtained by fraudulent means and that the premise is being controlled by the Capti family. It is the contention of Islington Police that this licence should be revoked firstly due to the deception used to gain the licence and secondly due to the history of the Capti family regarding the running of licensed premises in Islington, even at this shop an underage sale has taken place which could have put a child in harms way.

Signature: ..... Signature witnessed by: .....



**Suggested conditions**

As per current licence

