



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
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**Subject: PREMISES LICENCE REVIEW APPLICATION**  
**RE: CITY SUPERMARKET, 190-194 GOSWELL ROAD, LONDON EC1V 7DT**

## 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
  - ii) Protection of Children from Harm

## 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.

2.4 It is recommended that should the Committee decide not to revoke the licence that four of the current conditions be replaced or removed.

- a) Annex 2 Condition 1 to be replaced with:  
 “CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.”
- b) Annex 2 Conditions 8, 9 and 16 to be removed. The licence currently has a requirement to maintain a refusal log at Annex 3 Condition 8 which is more than sufficient for the purposes of off sales at the premises.

### 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;  
 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

31/1/13

**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)



**PREMISES LICENCE  
LICENSING ACT 2003**

<b>Premises licence number</b>	13711/020712		
<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
CITY SUPERMARKET 190-194 GOSWELL ROAD			
<b>Post town</b>	London	<b>Post code</b>	EC1V 7DT
<b>Telephone number</b>			

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

<b>Licensable activities authorised by the licence</b>
The sale by retail of alcohol

<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: <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
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Saturday	08:00	to	23:00																									
Sunday	10:00	to	22:30																									

<b>The opening hours of the premises:</b>				
Monday	08:00	to	01:00	On the day following
Tuesday	08:00	to	01:00	On the day following
Wednesday	08:00	to	01:00	On the day following
Thursday	08:00	to	01:00	On the day following
Friday	08:00	to	01:00	On the day following
Saturday	08:00	to	01:00	On the day following
Sunday	10:00	to	00:00	

<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**

Salman Capti, Junior

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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

Not applicable

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

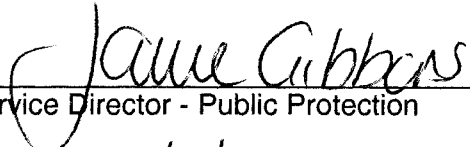
Salman Capti, Junior

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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

15882 – London Borough of Tower Hamlets

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 Director - Public Protection

4/9/12  
\_\_\_\_\_  
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. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request. The recording system will be able to capture a minimum of 4 frames per second. Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and the data is securely being retained. These records will be kept for a minimum of 6 months and available for inspection on request by the police or licensing authority.
2. **Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by customers or staff.**
3. No alcoholic goods will ever be purchased from sellers calling to the shop.
4. Invoices (or copies) for all alcohol goods on the premises will be kept at the shop and made available to officers from the Council, police or HMRC upon request.
5. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
6. 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.
7. 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.
8. An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request. Any incidents that include physical altercation or disorder, physical ejection, injury or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the

identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public, the entry include what physical action occurred between each party. The entry shall be timed, dated and signed by the author. If the member of staff creating the entry has difficulties reading or writing, then the entry may be written by another staff member. This should however, be read back to the person creating the entry and counter signed by the person who wrote the entry.

9. At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief staff at the close of business. Should there be no incidents then this will also be recorded at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.
10. All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.
11. Appropriate fire safety procedures are in place along with appliances including fire extinguishers (Foam, H2O and CO2) fire blankets, internally illuminated fire exit signs a smoke detector and emergency lighting. All appliances shall be checked internally and comply with relevant British Standards.
12. All fire escapes/escape routes will be clearly marked and kept free from obstructions at all times.
13. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
14. Trade waste agreement to be maintained at all times.
15. To protect children from harm:
  - i) the premises are effectively and responsibly managed
  - ii) provision of a sufficient number of people employed or engaged
  - iii) appropriate instruction, training and supervision of those employed or engaged.
16. A register of refused sales shall be kept and maintained on the premises.
17. A software system that provides a till prompt relating to underage sales shall be installed.

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

1. No deliveries will take place on Sundays or Bank Holidays and between the hours of 23:00 and 07:00 hours other days 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 23:00 and 07:00 hours other days of the week.
3. Prominent, clear and legible notices must be displayed at the public exit to the premises requesting the public to respect the needs of local residents and to leave the area quietly.
4. Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.
5. The licensee shall adopt Challenge 25, the Retail of alcohol Standard Groups advice for off licences.

6. 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 training shall include the assessment of age: making a challenge; acceptable proof of age; and recording refusals. The licensee shall keep records of training and instruction given to staff and make them available for inspection upon request by the licensing team, police or trading standards.
7. 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.
8. 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.

**Annex 4 – Plans.**

Ref 94.05/05 March 2005



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 Supermarket</b> <b>190-194 Goswell Road</b>	
Post town: <b>London</b>	Post code: <b>EC1V 7DT</b>

Name of premises licence holder or club holding club premises certificate: <b>Salman Capti (Jnr.)</b>
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Number of premises licence or club premises certificate: <b>13711/020712</b>
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**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**

**Please tick ✓ yes**

I am 18 years old or over

**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
<p style="text-align: center;"><b>David Fordham Service Manager (Trading Standards) Public Protection Division 222 Upper Street London N1 1XR</b></p>
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 objectives to prevent crime and disorder to protect children from harm and Licensing Policies 32 and 28. It particularly relates to the sale of alcohol to a 15 year old volunteer working with Trading Standards and the low standard of management in the premises, evidenced by the non-compliance with licence conditions and the late sales of alcohol outside the permitted hours.

City Supermarket is owned by City Supermarket (UK) Ltd, but is effectively a family-run business. The sole Director of the company is Salman Capti Snr and he has performed this role since 2001. In the period that the company has operated a business at this address, there have been two previous reviews of a premises licence called by Trading Standards. In 2006 conditions were added to the licence after two sales of alcohol were made to underage volunteers and in July 2011 the licence was revoked after a large haul of illicit alcohol was discovered at the shop. At the time of revocation, the licensee was Atay Kasopoglu, who I understand to be the current licensee's brother-in-law.

After the revocation, Mr Kasopoglu appealed and the business continued trading pending the appeal. During this period there were licence applications made by Salman Capti Snr (refused, decision upheld on appeal), Umut Capti (withdrawn) and Salman Capti Jnr. Mr Love submitted representations to the last of these on 25/05/12 arguing that there needed to be evidence of a significantly improved management before the licence should be granted. In July 2012 a licence was granted to Salman Capti Jnr. The appeal against the revocation was then withdrawn.

On 6<sup>th</sup> October 2012, Doug Love of Trading Standards was leading a test purchasing operation, primarily in the Bunhill Ward. The intention was that all off licences in the borough should be visited, so, unusually, officers did not go back to the shops that sold on the same day. At approximately 3.10pm a test purchase was attempted at City Supermarket and a man sold a bottle of Heineken to the 15 year old girl who was assisting Trading Standards. Katherine Forrest was the officer who observed the sale.

On 12<sup>th</sup> October Mr Love, Miss Forrest and Police Sergeant Robin Clark, Licensing Officer for Islington Borough returned to the shop. Mr Capti was not present. His brother, Umut Capti and a member of staff, Samet Karamugara, were and they were soon joined by Atay Kasapoglu, who came over to the shop from City Household & Stationery. During the visit:

- DL asked to see the CCTV footage from the time of the sale. This could not be found.
- DL asked to see the refusals book. He was told it could not be produced (contrary to Annex 2, condition 16 and Annex 3, condition 6) as NARTS had possession of it.
- DL viewed the till prompt. For some alcoholic drinks a question "Is the customer over 18?" appeared and the checkout operator had to press 'Yes' on 'No' to continue. On the item bought by the volunteer and a couple of other alcoholic drinks, though, no prompt appeared (contrary to Annex 2, condition 17).
- PS Clark observed that there were no lockable containers to prevent customers having access to alcohol (required by Annex 2, condition 2, if the shop was ever open outside licensing hours).
- No incident book could be provided when requested (contrary to Annex 2, condition 8).
- The Licence Summary was attached to a wall but obscured by goods hanging in front of it. DL and PS Clark pointed this out to Umut Capti and told him it had to be prominently displayed to comply with the law.
- Mr Love left an Inspection Record requesting the provision of the CCTV footage; refusals book; training records; incident book; and evidence of DPS authorisation of staff by Monday 15<sup>th</sup> October at 2pm.

On 15<sup>th</sup> October Salman Capti Jnr visited the Council Offices and spoke with Miss Forrest. He supplied a copy of the refusals book, showing 46 entries between 29/03/12 and 11/10/12; training records for Umut Capti, Samet Karamugara, Ahmet Bilal and Gökay Timur; and a piece of paper showing written authorisation for those four staff. No CCTV footage or incident book were provided. Miss Forrest provided him with a copy of the premises licence and drew his attention to the requirement (Annex 2, condition 2) for alcohol to be locked away if the shop was open outside licensing hours.

Closer examination of the refusals records revealed a very uneven distribution of entries – 18

entries in April; 7 in May; 4 in June; 3 in July; 1 in August; 5 in September and 7 in the first 11 days of October. There appeared to be no signatures by Salman Capti to signify that he had checked the refusals records, as required by Annex 3, condition 8.

On 25<sup>th</sup> October, Licensing Officer, Anthony Baptiste visited the shop at approximately 11.35pm – 35 minutes after the end of the premises licensed hours. Alcohol was still on display and he was sold a bottle of Becks beer that he took from the fridge to the left between the entrance and the counter. The person who sold, later identified as Salman Capti Snr, gave Mr Baptiste a bag with the beer, saying words to the effect "...as it is late". It is unclear what is meant by this comment.

On 26<sup>th</sup> October, ASB Officers Paul Bradfield and Kevin Hornsey attempted another test purchase of alcohol outside licensing hours at approximately 11.26pm. They selected four cans of Fosters beer and the checkout operator (tentatively identified as Umut Capti) put the goods through the till, but then, after Mr Bradfield asked for a receipt, declined to sell the goods as it was past 11pm.

On 27<sup>th</sup> October, ASB Officer Valentina Basso entered the shop at 11.20pm. She selected a bottle of rosé wine and some crisps and a can of coke and took them to the counter. She observed a customer in front of her buying a bottle of wine and then she bought her bottle of wine and the other goods. The seller has since been identified as Salman Capti Snr.

On 29<sup>th</sup> October, Mr Love, Licensing Officer Katie Tomashevski and PC Don Stewart visited the premises at shortly after 1pm. Salman Capti Jnr was not present, but Umut Capti and Salman Capti Snr (who was behind the counter serving when the officers arrived) were there. Atay Kasapoglu arrived shortly after the officers had entered. Notification of the late sales was given verbally to the staff there. During this visit:

- DL was provided with some till rolls from various dates, which showed incidents when the till prompt was used. Further examination of them later showed evidence of three late alcohol sales on 14<sup>th</sup> October and 16<sup>th</sup> October.
- PC Don Stewart requested the Incident Book – the refusals register was produced.
- The officers were told that the staff could not show them CCTV footage from the time of the late sales.
- DL left an Inspection Record requesting CCTV for 11pm to midnight for each day from 25<sup>th</sup> - 27<sup>th</sup> October to be provided by 1pm on the following day, the time of a scheduled interview with Salman Capti Jnr.

On 30<sup>th</sup> October, Mr Love and Miss Forrest interviewed Mr Capti under PACE conditions at the Council offices. Mr Love reported that although Mr Capti came across in the interview as unclear and confused about some of the facts and in great ignorance of the conditions on the licence, he did not strike him as being dishonest. His overall impression was, however, of someone who did not fully appreciate his responsibilities as a license holder and designated premises supervisor and who was naïve in his approach to such responsibilities in a business where there have been licensing issues before.

Mr Love has since prepared a summary of the interview, but some of the main points were as follows:

- SC had been unable to identify the person who sold alcohol to the underage volunteer on 6<sup>th</sup> October.
- Most training was verbal. SC stated that he did cover the elements required by Annex 3, condition 6, but there is no supporting evidence of this from the written documents. He also said that he had trained Salman Capti Snr, although there was no record of this.
- When asked what he told staff about when to challenge, he said he told them to challenge if there were in any doubt. When asked if he mentioned an age, he said to have '20' in mind.
- No CCTV footage was available from either 6<sup>th</sup> October (requested on the 12<sup>th</sup>) or the 25<sup>th</sup> - 27<sup>th</sup> October (requested on the 29<sup>th</sup>). No evidence of effective action to make the CCTV system compliant in between these two dates was described.
- SC states that his father and, initially, he himself were confused about what the licensing hours for the premises were. However, Miss Forrest had clarified this for him on the 15<sup>th</sup> October and he said he had instructed his staff of this before the late sales on the 25<sup>th</sup> and 27<sup>th</sup>. No written record of this instruction was made.
- Miss Forrest provided a copy of the premises licence on 15<sup>th</sup> October, but SC said he had only skim-read it, not focussing on it.

- SC admitted that the alcohol, except that in the beer fridge, could not be locked away in the shop, as required when open outside the licensed hours. Miss Forrest had drawn his attention to this condition on 15<sup>th</sup> October. He was not directly asked, but he offered no explanation why, this being the case, the shop had remained open after the end of licensing hours on the 25<sup>th</sup>, 26<sup>th</sup>, and 27<sup>th</sup> October, nor why even the beer fridge was locked during this time.
- Mr Capti was asked to provide a number of documents during the interview and Miss Forrest gave him a handwritten sheet at the end of the interview with these documents listed.

At the time of writing, none of the requested documents have been provided.

Apart from contact during the licence application process and the events described above, Trading Standards have had no contact from the licensee or anyone else at the business.

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

02/07/12	Licence granted	Mr Capti's licence is granted with 17 conditions in Annex 2 (proposed by the applicant) and 8 conditions in Annex 3 (added by the LS-C).
06/10/12	Underage sale of alcohol	Unidentified seller sold a bottle of Heineken to a 15 year old girl during a Trading Standards test purchase.
12/10/12	TS visit	Notification of sale given to business. CCTV footage, refusals book, training records, incident book and DPS's authorisation for staff requested to be provided by 15/10/12.
15/10/12	Meeting with Miss Forrest	SC fulfilled above requests, with the exception of the CCTV footage and the incident book. Miss Forrest provided him with a copy of the licence and drew his attention to the condition requiring alcohol to be locked away when shop open during unlicensed hours.
25/10/12 & 27/10/12	Late sales	Sales at approximately 11.35 and 11.23 respectively. Alcohol on open display.
30/10/12	PACE interview	Ignorance of licence conditions and naivety about responsibilities of Licensee / DPS exhibited by SC.

## Recommendations

Given the history of this business under the ownership of City Supermarket (UK) Ltd., it was inevitable that the current licensee was going to be under scrutiny. Sadly, Mr Capti's performance as licensee & designated premises supervisor has been found wanting in such clear and basic ways that it is impossible for me to agree with his argument that he should receive another chance.

Trading Standards' first contact with the business under this licensee was the test purchase on 6<sup>th</sup> October. It is true that any business can sell to a child, because individuals can make mistakes. If the business had been able to show, after the sale, that everything else was in order and well-run, then Trading Standards would not have called this review.

However, this was not the case: instead the investigating officers found a licensee who did not know what conditions were on his licence, nor who was even sure of his licensing hours and who was clearly incapable of recognising the need to take effective remedial action even when some key conditions were brought to his attention. Further, he breached a number of conditions, most relevantly (to the underage sale) not employing Challenge 25 (Annex 3, condition 5), instead stating in interview that he told staff to have the age '20' in mind. Had staff been instructed and expected to challenge anyone buying alcohol they felt may have been 25 or less, the sale may never have occurred.

Some breaches of conditions – the absence of CCTV recordings and the need to lock alcohol away if open after licensing hours – were explicitly brought to the attention of the licensee on 12<sup>th</sup> October and 15<sup>th</sup> October, respectively. Yet, there is no evidence that effective action to comply with either has been produced.

I would have expected an effective licensee to come to the interview and be able to show he had ordered the CCTV system to be repaired or replaced and to have kept the Licensing Team informed in the meantime. I would have expected that an effective licensee would have kept the shop shut outside licensing hours until he was able to lock alcohol away.

On the subject of late sales, Mr Capti's claim that no one asks for alcohol after 11pm is demonstrably false - a customer was witnessed purchasing wine by Ms Basso on 27<sup>th</sup> October and there is evidence of three late sales from the till rolls of 14<sup>th</sup> and 16<sup>th</sup> October. I believe that it is more likely that the reason no entries in the refusals log relate to proposed out of hours transactions are that licensing hours were ignored and sales of alcohol made until the shop closed.

Other conditions, too, were breached and Mr Capti's response to being given another copy of his licence on 15<sup>th</sup> October – to "skim through it" but "didn't really focus on it much" – is telling of his attitude towards his responsibilities. Further evidence, if required, to show how far he is from an effective and responsible licensee can be found in his statements in the interview, quoted on the interview summary (Tape 2, 8.50).

Mr Love tells me that Mr Capti is personable. Unfortunately, this is not enough and as he has fallen far short of the required standard of management, I believe the licence must be revoked.



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

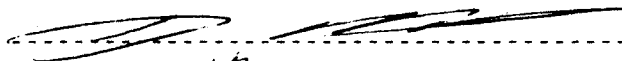
I understand that if I do not comply with the above requirements my application will be rejected

**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:  
Date: 25/05/12

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

**City Supermarket, 190-4 Goswell Road, EC1V 7DT**

The application for a licence for the above premises has been examined by the Trading Standards Section. I wish to make the following representations.

### **1. Enforcement action**

1.1 In 2006 the premises licence at this address was reviewed after sales of alcohol had been made to underage volunteers working with Trading Standards. Conditions were added to the licence.

1.2 In January 2011 Trading Standards and HMRC officers visited City Supermarket at 190-4 Goswell Road and seized a very large quantity of illicit alcohol (ie. non-duty paid or counterfeit alcohol). Trading Standards applied for a licence review and on 22 August 2011 a Licensing Sub-Committee revoked the premises licence that was in the name of Atay Kasopoglu. This decision is currently subject to appeal.

1.3 In September 2011 Salman Capti Snr (the father of this applicant, I believe) applied for a new premises licence at this address. In November, the Sub-Committee decided to reject the application. This decision was appealed, but the Magistrates' Court did not allow the appeal.

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

2.1 The owner of the business at the time of both reviews and currently is City Supermarkets UK Ltd of which Salman Capti Snr. has been a director since 2001.

2.2 Given the history of the premises and Mr Capti Snr's continuing involvement with the business, I am concerned that there may be little real change in the management of the business and that the review process will be undermined if the licence is granted in the absence of compelling evidence that there has been significant improvement.

2.3 It is noted that Trading Standards 'standard' conditions relating to illicit alcohol are included in the operating schedule on this application. There are also proposals in the operating schedule that are similar to the standard conditions Trading Standards asks for under the objective of protecting children from harm.

**Interview summary: Salman Capti Jnr (SC), City Supermarket**

Interviewing officers: Doug Love (DL), Katherine Forrest (KLF)

Date: 30/10/11 Location: 222 Upper Street (Council offices)

(Tape timings are approximate)

Time Tape 1	Subject	Summary
0.50	Personal details	SC confirms he was born in Turkey on 01/12/89; home address is as shown on the licence; that he is Licensee / DPS of City Supermarket at 190-194 Goswell Road
1.30	SC's role	SC responds that he must ensure no under-age sales takes place and that he trains staff re illicit alcohol when asked his responsibilities in the business.
2.05	Caution	DL explains the reason for the interview. Caution given (3.15) and then explained.
5	SC's responsibilities	DL asks SC to clarify his responsibilities with regard to licensable activities. SC responds that he trains staff re age-restricted products, insisting on 'No ID, no sale'. Agrees with DL's suggestion that the Licensee/DPS has overall responsibility for the buying and selling of alcohol; for training regarding the selling of alcohol; and for ensuring compliance with conditions on the licence.
7.45	Business ownership	SC says his father, Salman Capti Snr (SC Snr) owns the business and clarifies the legal owner is actually City Supermarket (UK) Ltd, of which SC Snr is the sole Director.
8.00	Opening hours	SC states the shop opens between 8am and 11pm except on Sundays when they open at 9am or 8.30am. SC initially gives the closing time for Sunday's as 11pm, but then says "It may be 10". He confirms they do not open beyond licensing hours when DL clarifies these.
8.55	Employees	SC states that Atay Kasapoglu (AK); Samet Karamugara (SK), Gökay Timur (GT); Bilal Ahmed (BA) work at the shop.
30	Business details	SC confirms that City Supermarket (UK) Ltd also owns City Household and Stationery at 153-157 Goswell Road. He thinks this shop has been owned by the company for 'a couple of years' and confirms that it is licensed, but that alcohol is not sold there currently.
10.20	Alcohol sale	SC confirms he has been unable to identify the person who sold alcohol to an underage Trading Standards test purchaser on 6 <sup>th</sup> October from the description provided. He says he has asked everyone and that only SK, GT, BA and Umut Capti (UC) are the only staff authorised to sell alcohol. SC was not in the shop at the time and he is not too sure who was working, but it was the normal staff.
13.15	Staff training	SC says that he trains staff to sell alcohol by he asks them questions made up from a text book he had read to see if they know what to do; he used to have "some sort of booklet type thing" he used, but wasn't sure where it was. He confirms that the entries on each staff member's training record reflected occasions when staff were given summaries of relevant information to ensure they were up-to-date and didn't forget anything. SC states that most of the training is verbal, but that he sometimes uses a slide-show on his lap-top. DL requests a copy is provided.
19.20	Nature of training	DL asks if training covers how staff should assess age and the difficulties of doing so. SC replies that he instructs staff to ask for id if they are in any doubt. When asked if

		ago. No written record of these instructions had been made.
53.05	Training of SC Snr	DL asks why no training records had been produced for SC Snr. SC stated his father doesn't often serve and is "sort of taking a break". He said that he had trained him in the same way he had trained the others, but does not have training records. He confirmed that he had told his father of the licensing hours ending at 11pm, but when DL asks whether he may have forgotten this he refers again to the misleading piece of paper and says that both his father and he himself had been confused about the licensing hours.
55.00	Confusion over licensing hours	DL asked whether he had sought clarification from anyone and SC says he asked KLF when she took receipt of the refusals and training records on 15 <sup>th</sup> October. KLF confirms that she clarified the licensing hours and need for locking the alcohol away if the shop was open outside the licensing hours.
55.40	Licence condition re lockable containers	DL asked whether alcohol could be locked away and SC stated that only the beer fridge had a lock. DL asks what happens (to the alcohol) when the shop is open outside the licensing hours and SC replies they "Just try not to serve". SC says it rarely happens that someone tries to buy alcohol when they are open outside licensing hours – it has not happened in the last 6 months – because it is dead in this area after 11pm. DL notes there are no entries in the refusals logs provided (from 47 entries) where alcohol was refused because licensing hours had expired. This does not surprise SC, but he confirms that any such refusal should be recorded in the log.
58.10	Licence condition re Incident Book	DL asks how incidents, such as shoplifting or a drunk person smashing a window, are recorded. SC says he does not make a record of it and he did not know that he was required to keep, check and sign an incidents book.
59.30	Responsibility to comply with conditions	When DL stresses the need to understand and comply with licence conditions, he says he ought to have a copy of the licence. When KLF reminds him that she provided him with a copy on 15 <sup>th</sup> October and asks whether he had looked through it he replied: "To tell the truth I had a little skim through it, but I didn't really focus on it much".
1.01.50	Till prompt	DL asks why the till prompt to remind staff to check id was not triggered by some products, including the one bought by the TS volunteer on 6 <sup>th</sup> October. SC explains that it may have been that the till had not been updated with the new stock of products – you have to manually program it to recognise which products should initiate the prompt. He confirms that he is responsible for doing this and confirms they are all updated now.
1.04.50	Time display on till	SC believes the time on the till is set automatically and confirms that when the clocks changed (on Sunday 28 <sup>th</sup> October) that no manual change of the time on the till was necessary. DL notes that on 29 <sup>th</sup> October the time on the till was showing 13.36 at 13.41.
1.06.50	Till rolls	Till rolls for some days had been provided to DL on 29 <sup>th</sup> October to show how the till prompt was responded to. DL asked SC why there were a couple of large gaps where no transactions were shown – five-and-a-half hours on 21/10 and 8 hours on 24/10. SC says he is not sure.
1.08.40	Late sales	DL asks why the rolls for 14/10 and 16/10 seemed to show three late sales. SC cannot explain.
1.10.25	Authorisations	SC confirms that checkout staff are authorised in writing to sell alcohol in his absence, but confirms that SC Snr is not authorised.

# Inspection Report



Trading name: City Supermarkets  
 Address: 190-94 Goswell Rd  
 Postcode: .....  
 Telephone number: .....  
 Proprietor: Salman Capt. Sr - Salman Capt. Jr (DPS)  
 Date of inspection: 29/10/12

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

T 020 7527 3198  
 F 020 7527 3038  
 E trading.standards@islington.gov.uk  
 W www.islington.gov.uk

This report only covers the areas inspected at the time of the visit. It does not necessarily indicate compliance with any areas/legislation mentioned below. Comments should not be assumed to apply to any matters other than those specified.

**Areas of inspection indicated below**

Weights and measures		Safety of goods			
Pricing		Business names			

**Inspection points/comments:**

- Please provide CCTV footage for <sup>\* all cameras</sup>  
 Thursday 25<sup>th</sup> Oct 11pm - midnight  
 Friday 26<sup>th</sup> Oct 11pm - midnight  
 Saturday 27<sup>th</sup> Oct 11pm - midnight  
 By 1pm tomorrow.
- I will be asking about these gate sales at the check out tomorrow.
- However, till receipts - ~~no sales~~ <sup>no sales</sup> ~~1000~~ <sup>1000</sup> ~~10~~ <sup>10</sup>

**Leaflets given:**

Officer's name: <u>Dany LMC</u>	Signature: <u>[Signature]</u>
Telephone number: <u>020 7527 3044</u>	Corrective action to be taken by:
Received by (name):	Signature

Job number: \_\_\_\_\_

**WITNESS STATEMENT**

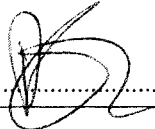
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

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

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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.

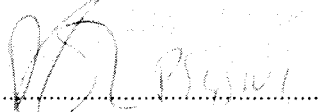
Signature: ..... **PSLSW**..... Date: **14.12.2012**.....

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 Supermarket, 190-194 Goswell Road, EC1 7DT

I have read the information provided by the Council officials and confirm my presence on the visit of the 12th October 2012. I am aware of the recent history of the premises regarding non duty paid alcohol and underage sales and out of hours sales of alcohol. I have sat through the application hearings and have heard the promises made by this family regarding how they have learned by their mistakes and what steps are being put in place to uphold the licensing objectives. They have failed to meet the standards of management required to uphold those objectives and as such they are failing to protect children from harm, selling alcohol to a 15 yr old child in other circumstances could have put that child in a very vulnerable position. The hours granted for the licence were done so with regards to the local area and the crime and public nuisance in that area, so by failing to comply with those hours there is a potential to add to crime and disorder not prevent it. The lack of knowledge of the licence conditions and licensed hours shows a failure to meet the minimum standard expected in running a licensed premise. This family business has been given many chances to show they can fulfil their promises but their actions tell another tale. As such Islington Police support the request of Mr Fordham that this licence be revoked.

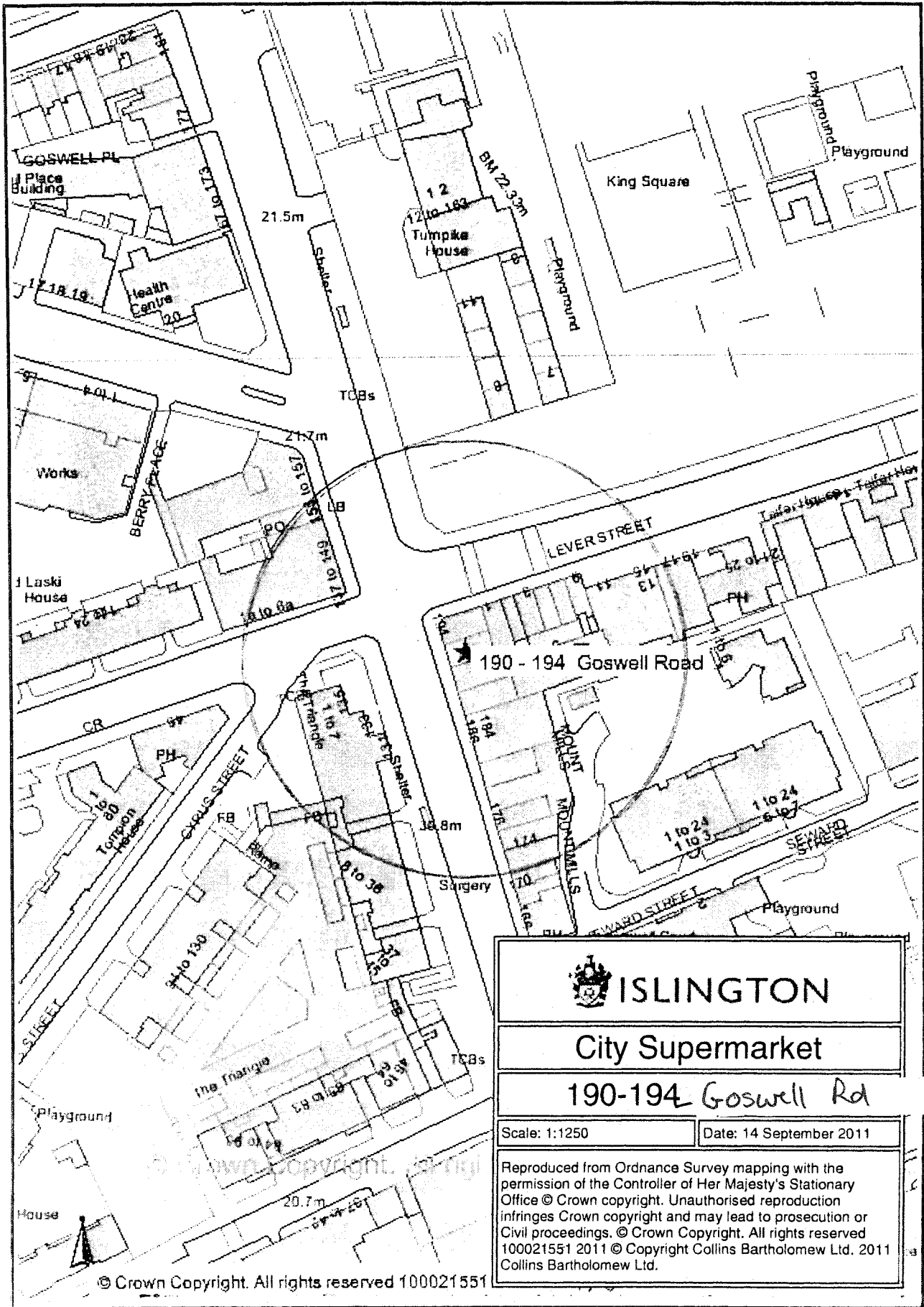
Signature: ..... Signature witnessed by: .....


**Suggested conditions**

Replace Annex 2 Condition 1 as per paragraph 2.4(a) above

Remove Annex 2 Conditions 8, 9 and 16 as per paragraph 2.4(b) above





 <b>ISLINGTON</b>	
<b>City Supermarket</b>	
<b>190-194 Goswell Rd</b>	
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