



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	18 July 2017		Canonbury

Delete as appropriate		Non-exempt
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Subject: REVIEW APPLICATION
ESSEX ALTERNATIVE SUPERMARKET, 360 ESSEX ROAD, LONDON N1 3PD

1. Synopsis

- 1.1 This is an application by the Licensing Authority for a Review of the Premises Licence under Section 51 of the Licensing Act 2003 made by Islington Council's Trading Standards Service.
- 1.2 The grounds for review is related to the licensing objective:
 - i) Prevention of crime and disorder.
 - j) The protection of children from harm.

2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	Yes
Noise	No
Health and Safety	No
Trading Standards	NA
Public Health	Yes

Safeguarding Children	No
London Fire Brigade	No
Local residents	No
Other bodies	No

3. Background

3.1 Papers are attached as follows:-

- Appendix 1: review application form
- Appendix 2: current premises licence
- Appendix 3: representations
- Appendix 4: map of premises location.

3.2 The premises is currently licensed for the sale of alcohol for consumption off the premises from 07:00 until 00:00 Monday to Sunday. The opening times of this premises are the same as the times for the sale of alcohol.

3.3 This property held a licence from at least November 2005 until March last year, when it was revoked following a Trading Standards Review. The Licence at this time allowed the 24 hours sale of alcohol off the premises. The premises licence holder at this time was Turac Ltd and the Designated Premises Supervisor was Mr Selahattin Aydemir

3.4 A new licence was applied for in May last year. This was granted to Mr Ismet Bayeren for the hours listed in 3.2 above. The licence was then transferred to the current Licensee, Mr Ismail Kurt in August last year. Mr Kurt also applied to become the Designated Premises Supervisor.

4. Planning Implications

4.1 There are no planning implications.

5. Recommendations

5.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.

5.1 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as appropriate for the promotion of the four licensing objectives:

5.2 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.

6 Conclusion and reasons for recommendations

- 6.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions as appropriate 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
Jan Hart

Date 7 July 2017

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: 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 Alonso Ercilla, Trading Standards Manager

(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:

Essex Alternative Supermarket

360 Essex Road

Post town: **London**

Post code: **N1 3PD**

Name of premises licence holder or club holding club premises certificate:
Ismail Kurt

Number of premises licence or club premises certificate: **LN / 16462-100816**

16/5/17.

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)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
	Alonso Ercilla Trading Standards Manager Public Protection Division 222 Upper Street London N1 1XR
Telephone number:	020 7527 4028
E-mail:	<u>alonso.ercilla@islington.gov.uk</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

Investigation findings

- On 8th December 2016 we carried out a test purchase of alcohol using a young adult (21) to see if Challenge 25 was being operated in practice. The DPS/PLH, Mr Ismail Kurt, sold alcohol to our test purchaser without asking for ID (ie not operating Challenge 25).
- The DPS/PLH was not receptive to feedback and rejected training.
- On 28th January 2017, we carried out a formal test purchase of alcohol using a minor and the business sold alcohol, contrary to s146 Licensing Act 2003.
- Subsequently a number of licensing conditions have been found to have not been complied with.

Conclusion

Following our evidence that Challenge 25 was not being operated properly by the DPS/PLH, the DPS and PLH has interacted very poorly with us and shown no signs of engagement. The matter has become significantly more serious with the sale of alcohol to a minor in January 2017. Further enquiries have shown that a number of licensing conditions are not being met, which is aggravated by the difficulty that we have had getting engagement and cooperation from the DPS/PLH. We therefore have serious concerns about the suitability of the joint DPS/PLH for the roles occupied. A premises licence not only gives rights to its holder but responsibilities. The concern here, in simple terms, is that the DPS/PLH seems to have little regard for the responsibilities as is demonstrated by our officers' evidence.

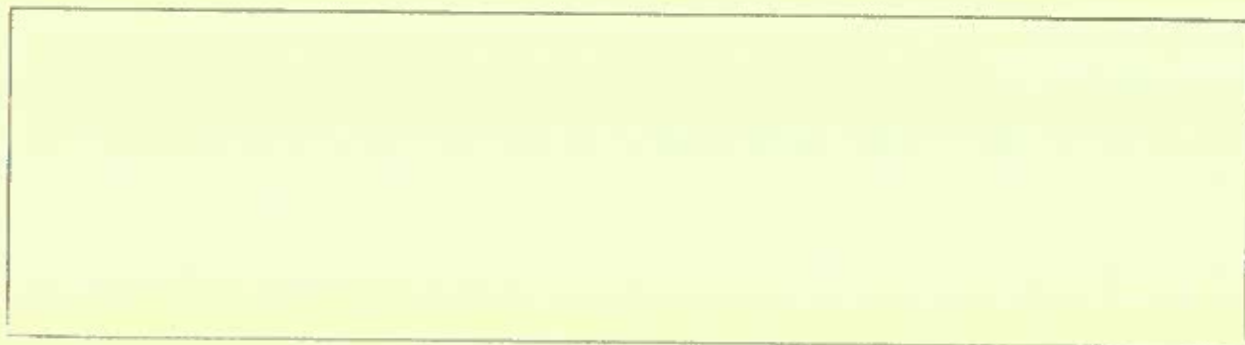
Recommendations

Given:

- the evidence of the DPS/PLH not operating Challenge 25
- the sale of alcohol to a minor in January 2017 and the absence of evidence of training of the seller
- the breach of the multiple licence conditions; and
- the hostility that we have encountered when trying to engage with the PLH/DPS

we would ask the committee to be minded to revoke the premises licence or, alternatively, impose a suspension of the premises licence for a significant period.

The premises licence is suitably equipped with licence conditions. The problem has been having them complied with and getting the PLH/DPS to give the conditions the seriousness that they deserve and us the cooperation and confidence that we would expect.



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
0	2	0
2	2	0
1	6	

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

Capacity

Trading Standards Manager

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)

Licensed Premises: Essex Alternative Supermarket
360 Essex Road, N1 3PD

**WITNESS STATEMENT OF
DOUGLAS LOVE**

I have worked in Trading Standards since 1990. Since June 2010 I have been employed by Islington Council. My main responsibilities during this employment have been to lead the Trading Standards team's work on age-restricted goods and on illicit alcohol and tobacco.

1. I have been aware of these premises for some years. In March 2016, Islington Council revoked the premises licence after a seizure of illicit tobacco had been made. In May 2016, a new licence was granted to a licensee believed to have no link to the previous management. This licence was then transferred to the current premises licence holder (PLH), Ismail Kurt in August 2016.
2. Although Trading Standards have no role to play when premises licences are transferred, I try to contact new PLHs soon after a transfer to introduce myself and to ensure that they are aware of the training and other support that we can offer licensees.
3. I first met Mr Kurt sometime in October 2016 when I called at the shop. He was behind the counter. I told him about the training courses and suggested that, as a new PLH, he may find the course very helpful, but he said that he was "too busy" to attend. I left a letter with him describing the course contents and giving the dates

the courses were to be held. **I produce a copy of this letter as exhibit DL/1.** Mr Kurt would have been eligible for the discounted rate of £15.

4. On 8th December 2016, I was leading a 'Challenge 25' test purchasing operation, where I asked a 21 year old volunteer to attempt to buy age-restricted goods without showing proof of age. One of the businesses we visited was Essex Alternative Supermarket. The volunteer entered the premises alone and was able to buy alcohol without being required to produce proof of age.
5. Immediately after the purchase, the volunteer and I returned to the shop where Mr Kurt was behind the counter. He said he believed that the volunteer was 25 years old. 'Failing' a C25 test purchase is not an offence, but indicates that the business may be at risk of underage sales. I gave Mr Kurt a standard letter that advises the use of the 'Challenge 25' rule; states that an underage test purchase will take place in the next few months; and, on the reverse, information about the training. **I produce a copy of this letter as exhibit DL/2.** The training would still have been available at the discounted rate.
6. I again encouraged Mr Kurt to attend the training, but again he said that he was too busy. I made the observation that protecting the premises licence needed to be a major priority of any licensed supermarket.
7. On 28th January 2017, I was leading an underage test purchasing operation. One of the volunteers, who I shall refer to as Volunteer M was male and aged 15 years and 8 months. Photographs of Volunteer M were taken on the day of the operation to show his appearance when he was making the test purchases. **I produce these two photographs as exhibit DL/Photos/1.**
8. I asked Volunteer M, who I had fully briefed on how to carry out the test purchases, to attempt to buy alcohol at Essex Alternative Supermarket. PC Clare Fallis and

another officer, who were working with me on the operation, observed the attempt. Volunteer M was able to buy Smirnoff Ice without any challenge.

9. PC Fallis and I returned to the shop very soon after the test purchase. She identified the seller to be the only person in the shop. He gave his name as [REDACTED]. He was very uncooperative, saying that he did not work there, but was just 'helping out'; that he could not remember his address or telephone number; and did not have any ID or a personal licence (it is a requirement of the licence that there must be a personal licence holder on the premises at all times alcohol is being sold – Annex 2, 4). Despite him repeatedly saying that his English was very poor (his spoken English wasn't, in my opinion) and that he could not understand what we were asking, he did say that he was not aware that Smirnoff Ice was alcoholic. I noted that the item had come from a fridge where all the adjacent items were alcoholic.
10. I did a brief check for illicit goods in the shop. I found no wine, spirits or tobacco that caused concern, although I did note that there was a lot of super-strength beer that was unpriced. All goods in a shop should be priced and in my experience unpriced super-strength beer is often an indication that it is cheaper than it should be – ie. cheaper than it can legitimately be purchased for at a legitimate cash and carry business.
11. While I was behind the counter I found a chair leg that was obviously there as a weapon. PC Fallis and I persuaded Mr Altun to surrender this to us. I produce this chair leg as exhibit DL/3.
12. On 3rd February, at my request, Licensing Officers Carol Jones and Katie Tomashevski visited Essex Alternative Supermarket to undertake a check for compliance with licence conditions. Ms Jones reported that Mr Kurt did not appear to be aware what conditions were on the licence. Many of the conditions were

being breached. She also established that the selling price for two of the super-strength beers: Kestrel Super was being sold for £1.50 and Perla Mocne for £1.10. I know these prices to be considerably less than the prices that these beers have been available for from legitimate cash and carry business (£1.65 and £1.30, respectively, are the lowest prices I have seen in on cash and carry invoices in the last couple of years or so) and a condition prohibits them from selling such beers at a price lower than the price they cost the business (Annex 2, 35).

13. On 24th February, I returned to the premises with Ms Jones. I was interested in finding out more about the cheap super-strength beers; Ms Jones wanted to check whether the business was now trading in accordance with the premises licence. Before we entered, I asked a colleague Dan Whitton to buy a can of Perla Mocne and a can of Kestrel. He did this and was charged £1.10 and £1.50, respectively.
14. When we entered the premises a young woman, [REDACTED] who said she was the sister of Ismail Kurt was behind the counter. Ms Jones started her conditions check and I looked more closely at the super-strength beers.
15. There were six beers that attracted my attention Skol Super, Kestrel Super and Carlsberg Special Brew (all 8% abv), Perla Mocne (7.6% abv); Okocim Mocne (7%); and a 10% beer that I had never seen before – Van Pur. None were priced.
16. [REDACTED] advised us that Mr Kurt would be back in the shop in a few minutes, so we elected to wait. While we were waiting we looked around the shop. Very soon Ms Jones started to find meat products in the chiller cabinets, which were past their 'Use by' dates. I collected the products in a basket and started to take photographs of them. I had two intentions in doing this: to advise Mr Kurt that he should take the products off sale and to gather evidence that I could pass onto my colleagues in the Food Safety team.

17. Mr Kurt arrived in the shop when I was part way through photographing the items.

He was very angry at what I was doing, expressing the belief that I had no right to look at food, and physically obstructed me from taking further photos by taking the foods away. I took photographs of 21 out of date products in total. I estimate that there were a further 10, or so, that I was prevented from photographing. Mr Kurt insisted that I should delete the photographs I had taken, but I declined to do so. I produce prints of the eleven photographs I took as DL/Photos/2.

18. He pointed out that many were 4-5 days past their date – he did not seem to think that this was a particular issue – and that they would be picked up at a weekly check of foodstuffs that took place every Friday. He did not explain why items with a use-by dates of 22/01/17, 05/02/17 and 13/02/17 had been found.

19. We moved on to talk about the purpose of our visit, although Mr Kurt remained angry and was difficult to hold a conversation with. He confirmed that the prices for the super-strength beers were as follows: Kestrel Super, Skol Super and Carlsberg Special Brew were all on sale for £1.50, which is between 15p and 35p less than I have seen them on recent cash and carry invoices; £1.40 for Okocim Mocne, Perla Mocna and Van Pur. This price exceeds the prices I have seen for the first two (although it was not what Dan was charged for the Perla), but it is far too cheap for the Van Pur. The duty+VAT payable on that product is £1.44, alone. Selling it at this price is not only a breach of a mandatory condition, but clear evidence that it was not purchased legitimately. Selling any beers over 7.5% abv for less than the price they cost the business is a breach of Annex 2, 35 of the premises licence. I requested that Mr Kurt provide invoices for all these beers and told him I would confirm this request in writing by e-mail. Annex 2, 10 of the premises licence requires invoices or copies of all alcoholic goods on the premises to be available for inspection on the premises.

20. I then raised the matter of the underage sale. Mr Kurt claimed to be unaware of this event. He told me that he did not know the name of the person who sold, but people only covered the till for short periods. I asked him to download the CCTV footage from the day of the sale and said I would confirm this, also, in an e-mail. Annex 2, 13 allows me to request CCTV footage be provided
21. I also mentioned the chair leg and advised him to ensure that no weapons were kept behind the counter in future. He was reluctant to agree with the term I used – “offensive weapon” – stating that he regards it as a ‘defensive weapon’.
22. When I returned to the office, I e-mailed Mr Kurt, as discussed, giving him until the end of Monday 27th February to produce the invoices and the CCTV footage. I produce a print of this e-mail as DL/ 4.
23. On 28th February, I returned to Essex Road Supermarket, this time with PC Ben Chadwick of Islington Licensing Police Team, as neither the invoices, nor the CCTV footage had been produced. The person who had made the underage sale, then giving his name as [REDACTED], was behind the counter. Again, he was uncooperative, refusing to answer any of our questions or even, on this occasion, to confirm his name. He did, however, tell us he was not working in the shop – despite having just served a customer in front of us.
24. After a minute or two, Mr Kurt entered the shop (at which point, [REDACTED] left, not to be seen again). He was much easier to speak with on this occasion.
25. He handed me a USB stick on which he said he thought he had downloaded the CCTV footage, although he had been unable to play it himself, and explained that the invoices would be available after his accountant was back from leave on 8th March.
26. I asked about the man who had been in the shop, previously, who I informed him was the person who had made the underage sale and noted how uncooperative he

had been. Mr Kurt said he did not know his name, but that he was often in the shop, seemed trustworthy and occasionally minded the shop while Mr Kurt was not present. He also said that he hoped to employ him properly, soon.

27. Mr Kurt complained about the practicality on complying with two of the licence conditions, in particular – Annex 2, 3 (minimum of two members of staff at all times) and Annex 2, 4 (presence of a personal licence holder at all times). PC Chadwick and I impressed on him, once more, that if they were on the licence, they were legal requirements and that if he wanted to remove them, he was best advised to speak with the Licensing Team with a view to making a variation.

28. I reviewed the CCTV footage, which had downloaded properly, when I returned to the office. It showed the test purchase and my subsequent visit with PC Fallis. It also showed that [REDACTED] had been the only person in the shop from 10am when the footage started to 12.30pm, when it finished – a considerably longer period that Mr Kurt had implied that he was left in charge for. I produce the USB stick containing the CCTV footage as exhibit DL/5.

29. I did not receive any invoices, so on March 15th, I called the number that Mr Kurt had given me for his accountants. The person I spoke with confirmed that he was the business' accountant and that he would speak with his client regarding the invoices. I have heard nothing from this person, or from Mr Kurt since. No invoices for any of the products have been provided by the date of this statement.

30. The training course that I give consists of several sections, as described on exhibit DL/1, including information on what managers can do to prevent staff making an underage sale; the importance of knowing, understanding and complying with premises licence conditions; and the need to keep invoices for alcohol, together with a warning about the minimum prices I expected to see certain super-strength

beers on sale for; and why offensive weapons must not be kept behind the counter.

I produce a print of the slides used for this course as exhibit DL/6.

STATEMENT OF TRUTH

**THE CONTENTS OF THE STATEMENT ARE TRUE TO THE BEST OF MY
KNOWLEDGE AND BELIEF.**

Signed.....

Douglas Love

DOUGLAS LOVE

Dated this

Exhibit DL/1
(P1 of 2)

Training for Age-restricted Goods Retailers

Islington Council is offering low-cost, high quality training sessions for retailers of any age-restricted goods.

The sessions are structured to be suitable for both employees and managers and (subject to capacity) are open to all. Feedback from people attending previous sessions has been excellent.

The sessions can be used as part of a training programme for employees and will

- offer practical advice on how to avoid underage sales
- help them to understand the potential consequences of a sale for themselves and the business
- explain how confrontation can be minimised.

Managers will stay for the second part of the course that deals with things they need to know, but which are less important for staff.

We highly recommend that someone from the business attends this course.

The training costs **£35 for employees; & £50 for managers**, payable in advance, although Islington businesses may be eligible for discounted prices of £10 / £15. Payment can be taken over the phone.

Training dates

2016

Friday June 17 @ 1.30pm

Wednesday August 31 @ 10.30am

Thursday September 29 @ 10.30am

Monday October 31 @ 1.30pm

Tuesday November 22 @ 10.30am

Wednesday December 14 @ 1.30pm

2017

Tuesday January 17 @ 1.30pm

Thursday Feb 23 @ 10.30am

Wednesday March 29 @ 1.30pm

Phone Doug Love on 020 7527 3874
or e-mail doug.love@islington.gov.uk
to book.

Please see the overleaf for a description of the course content.

Course elements

Introduction: Why underage sales are a high enforcement priority; why avoiding them should be a very high priority for businesses and staff. (10 mins)

Avoiding Underage Sales: The law; how to avoid offences using a three step approach – *Assess, Challenge, Check* – the importance of Challenge 25, and other precautions. This session is delivered from a very practical point of view – avoiding, for instance, the (widespread) assumption that if staff know they should challenge they will know how to do so, instead discussing (and practising) how to actually do it. (60 mins)

Dealing with Confrontation: A brief session on understanding the causes and effects of conflict (whether originating from a refusal or anything else); how to calm situations; the law relating to self-defence (20 minutes).

(Employees with no management responsibilities can leave here, during a short break)

Extra info for Managers: Training, refresher training, reminders; Refusals logs; Monitoring staff; Cctv & panic alarms; Leaving people in charge; Setting an example. (30 mins)

(Unlicensed, non-tobacco selling knives / fireworks retailers can leave here)

Illicit Alcohol & Tobacco: Very brief mention of how to identify illicit goods (fuller guidance will be available to take away); mostly an appeal for information about sellers and what to look for. (10 mins)

(Unlicensed retailers can leave here)

Licensees' Responsibilities: Why alcohol is licensed and a high priority for local authorities and the Police; SoLPs and the trend towards robustness; the importance of licence conditions; offences and sanctions; Golden Rules for Licensees. (20 mins).

Total course lengths: 1 hr 30 mins for employees; 2hr 45 mins (inc. break) for managers.



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 (86)

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

Exhibit DL/2 (p1 of 2)



ISLINGTON

Important Information

The Licensee

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

Tel : 020 7527 4028

E-mail: trading.standards@islington.gov.uk

Web: www.islington.gov.uk

Date:

Dear Sir / Madam,

CHALLENGE 25

Your business has been tested recently to see whether you were challenging customers buying alcohol for proof of age appropriately.

A young person, working with Trading Standards, visited the shop and bought alcohol. I regret to say that he was not challenged to provide proof of age even though he is clearly under 25.

We advise you to ask anyone who appears to be under 25 for valid ID to prove that they are old enough to buy age restricted goods. Simply asking someone how old they are is not enough to prevent all sales and would not be an adequate defence were you to sell in future to someone who lied about their age.

Unless it is a requirement of your premises licence that you must operate Challenge 25 or a similar proof of age scheme, you will not have committed an offence today. However, I urge you to take steps to ensure that Challenge 25 is used every time a young person attempts to buy alcohol or other age-restricted goods. If you do not, I feel it is inevitable that the business will sell to underage buyers, which will put you at risk of having your licence reviewed and/or prosecution.

I highly recommend that you and the member of staff who sold on this occasion attend the Council training session on age-restricted sales. Details can be found on the attached leaflet.

Given that you did not challenge appropriately on this occasion it is very likely that your business will be test purchased using an underage person in the next few months.

If you need advice on further precautions that could be taken to minimise the chance of unintentionally supplying alcohol and other age-restricted goods to underage buyers, feel free to contact Trading Standards on the above number to discuss them.

Yours sincerely

Doug Love
Trading Standards Officer (Alcohol and Tobacco Control)

Sign-up for Training

Islington Council offers regular low-cost, high quality training to local retailers of age-restricted goods.

The sessions are structured to be suitable for both employees and managers and (subject to capacity) are open to all. Feedback from people attending previous sessions has been excellent.

The sessions can be used as part of a training programme for employees and will

- offer practical advice on how to avoid underage sales
- help them to understand the potential consequences of a sale for themselves and the business
- explain how confrontation can be minimised.

Managers will stay for the second part of the course that deals with things they need to know, but which are less important for staff, such as staff training and licensees' responsibilities.

Given today's failure to require proof of age, we highly recommend that the seller and a manager from the business both attend one of the sessions. The consequences for sales staff and businesses for getting it wrong in future could be considerable and minimising this risk should be a business priority.

A full description of the course contents is available upon request from trading.standards@islington.gov.uk.

The training usually costs £35 for employees & £50 for managers, but if you attend after a Challenge 25 test purchase sale, you will be eligible for a discount and you can get the training for £10 for employees & £15 for managers, payable in advance – payment can be taken over the phone.

Bookings can be made by calling 020 7527 3874, or e-mailing trading.standards@islington.gov.uk

Training dates

2016

Friday June 17 @ 1.30pm
Wednesday August 31 @ 10.30am
Thursday September 29 @ 10.30am
Monday October 31 @ 1.30pm
Tuesday November 22 @ 10.30am
Wednesday December 14 @ 1.30pm

2017

Tuesday January 17 @ 1.30pm
Thursday Feb 23 @ 10.30am
Wednesday March 29 @ 1.30pm

Sessions last approximately 90 mins for employees and 2 hrs 45 mins for managers. All take place at the Council Offices at 222 Upper Street.

Exhibit DL/4

Love, Douglas

From: Love, Douglas
Sent: 24 February 2017 16:23
To:
Cc: Jones, Carol
Subject: Visit today.

Dear Mr Kurt,

Further to my visit to your premises today, please provide invoices for the following beers seen on the premises today:

- Skol Super, Kestrel Super and Carlsberg Special Brew, all of which you said were on sale for £1.50 per can; &
- Okocim Mocne, Perla Mocna and Van Pur, on sale for £1.40.

The reason I am asking for these invoices is because the sale price in each case is considerably lower than the items can be bought for at a reputable cash and carry business, which suggests that they have either come from an illegal source or you are selling them for far less than you have purchased them for. One of the beers – Van Pur, was on sale for less than the Duty + VAT on the product, which is less than the Duty and VAT payable on the item and an offence to sell at this price.

Annex 2, condition 10 requires that invoices or copies for all alcoholic goods on the premises will be made available to authorised officers on request.

Annex 2, condition 35 requires that no 'super-strength' beers or ciders of over 7.5% abv are sold at less than the price they cost the business.

I can confirm that the underage sale was made to a male volunteer, aged 15 years and 8 months, on 28th January at approximately 11.18am and that I and the Police Officer were in the shop from shortly after that time until approximately 11.45am.

Please download and provide in a readable format CCTV footage from this time, and also from a hour either side of the time I was in the shop. Annex 2, condition 13 on the licence covers CCTV and allows me to request this.

I would like both the invoices and CCTV footage to be supplied by the end of Monday 27th February at the latest. Scanned / photographed copies of the invoices can be e-mailed, if this is easiest, or they can be left with the CCTV footage in an envelope marked for my attention at the Reception of the Council Offices at 222 Upper Street, N1 1XR – just down from Highbury Corner. If you leave original invoices, I will copy them and return the originals.

I can confirm that no spirits, wine or tobacco that I looked at in the shop caused me any concern.

Yours sincerely,

Doug Love
Islington Trading Standards

020 7527 3874

Licensed Premises:

**Essex Alternative Supermarket
360 Essex Road, N1 3PD**

**WITNESS STATEMENT OF
CAROL JONES**

I am a licensing officer with approximately 15 years experience. Since June 2015 I have been employed by Islington Council. My main responsibilities during this employment have been to advise licensed premises and to enforce the Licensing Act 2003.

1. On 3rd February 2017 I carried out an enforcement visit at Essex Alternative Supermarket, 360 Essex Road, with my colleague Katie Tomashevski. The visit was done at the request of another colleague, Doug Love of Trading Standards. Ismail Kurt, the premises licence holder was present.
2. Many licence conditions were not being complied with. Early the following week, I made a true and comprehensive summary of the visit and added it to the records of that business on the licensed premises database. **I produce a copy of this summary as exhibit CJ/1.**
3. On 13th February I sent a warning letter to Mr Kurt. **I produce a copy of this letter as exhibit CJ/2.** I hand delivered a copy of the letter to the premises the following day. Mr Kurt was not present, so I left it with the person behind the counter.
4. On 24th February, I visited the shop again, this time with Mr Love. Again, I typed a true and comprehensive summary of this visit and added it to the record for that business. **I produce a copy of this summary as exhibit CJ/3.**

STATEMENT OF TRUTH

**THE CONTENTS OF THE STATEMENT ARE TRUE TO THE BEST OF MY
KNOWLEDGE AND BELIEF.**

Signed.....

CAROL JONES

Dated this

Licensing visits on 03 February 2017 with Katie Tomashevski and Carol Jones

Essex Alternative Supermarket, 360 Essex Road

20:33 – Entered the premises and spoke to Ismail Kurt (personal licence issued by Hackney, number 076396) the PLH and DPS. We checked the price of Kestrel Super (£1.50) and Perla Mocha (£1.10) NOTE under the price they should be sold for.

CJ and KT introduced themselves and advised that they were there for a DPI visit. As we walked in, there was a man dusting the wine. He disappeared soon after we entered the premise and did not reappear for the duration we were in the premises (which was for at least an hour). IK advised that the man was only helping him at the premises and that he was there working alone, although we did not inspect the basement. He stated that there were no other workers and that he worked from 07:00 until midnight all week. If he wanted to go to the cash and carry, he asked a family member to cover for him.

The premises licence and summary were on display. We started going through the conditions of the premises licence. IK did not appear to be aware of many of the conditions on the licence and told us that he had never seen the conditions before.

Annex 2, Condition 2

The DPS or the Licence Holder shall regularly check the Refusal Book and Incident Book to ensure it is consistently being used by staff.

The last entry into the refusals book was 03/10/16.

Annex 2, Condition 3

Minimum of two members of staff to be present at all times whilst the premises remain open for the sale of alcohol.

IK was the only member of staff at the time of the visit and by his own admission, most of the time the premises was open.

Annex 2, Condition 4

At least one person holding a Personal Licence shall be on duty at the premises when alcohol is being sold.

IK holds a personal licence. However, when he attends the cash and carry, the premises is left in control of someone who does not hold a personal licence.

Annex 2, Condition 5

Every supply of alcohol shall be made by the DPS or a person who holds a personal licence.

This does not happen when someone is covering when IK goes to the cash and carry.

Annex 2, Condition 11

An ultra violet light will be available at the premises for the purposes of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.

IK was not aware of what this was. He did have an ultra violet light for checking notes, but this did not appear to work on duty labels.

Annex 2, Condition 13

CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.

The CCTV appeared to be working. However, IK did not know how to use it and when the electric dimmed (a regular occurrence), the CCTV monitor went out. IK stated the CCTV did not stop recording, however, as he did not know how to use the CCTV, he is not best placed to confirm this.

Annex 2, Condition 18

A bin/receptacle shall be provided for patron's use.

There was a bin placed along the road, but this was a council provided bin and does not comply with the condition. IK stated he could place a bin just inside the premises.

Annex 2, Condition 35

No 'super-strength' beers or ciders over 7.5% abv are sold at less than the price that they cost the business.

Kestrel Super (£1.50) and Perla Mocha (£1.10) NOTE under the price they should be sold for.

CJ advised that IK was in breach of the premises licence and that he would be receiving a warning letter detailing all of the problems with the premises. CJ advised that he should close the shop or at least stop selling alcohol until such time as he found someone else to work in the premises, preferably two people one with a personal licence, as he needed another worker there at all times and should have a personal licence holder there when he was at the cash and carry. CJ stated he had two weeks to get everything in place and that she would return to carry out another DPI at the premises.



Licensing Team
Public Protection Division
222 Upper Street
London
N1 1XR

T 020 7527 3014
F 020 7527 3430
E carol.jones@islington.gov.uk
W www.islington.gov.uk

Our ref:
Your ref:

Date: 13 February 2017

Ismail Kurt

This matter is being dealt with by:
Carol Jones

Dear Mr Kurt,

LICENSING ACT 2003

RE: ESSEX ALTERNATIVE SUPERMARKET, 360 ESSEX ROAD, LONDON N1 3PD

I write to you regarding the above premises. At approximately 20:30 on Friday 3 February 2017, Licensing Officers visited your premises to perform a during performance visit.

At the time of our visit we went through the conditions of the premises licence and noted the following breaches;

The last entry into the refusals book was 03/10/16

Annex 2, Condition 2 - The DPS or the Licence Holder shall regularly check the Refusal Book and Incident Book to ensure it is consistently being used by staff.

You were the only member of staff at the time of the visit and by your own admission, the only person working in the shop most of the time the premises was open.

Annex 2, Condition 3 - Minimum of two members of staff to be present at all times whilst the premises remain open for the sale of alcohol.

You hold a personal licence. However, when you attend the cash and carry, the premises is left in control of someone who does not hold a personal licence.

Annex 2, Condition 4 - At least one person holding a Personal Licence shall be on duty at the premises when alcohol is being sold.

When you go to the cash and carry, the premises is left in the care of someone who does not hold a personal licence

Annex 2, Condition 5 - Every supply of alcohol shall be made by the DPS or a person who holds a personal licence.

There was an ultra violet light at the premises for checking notes, but this did not appear to work on duty labels.

Annex 2, Condition 11 - An ultra violet light will be available at the premises for the purposes of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.

There was CCTV at the premises which appeared to be working. However, you did not know how to use it and when the electric dimmed (a regular occurrence), the CCTV monitor went out. You stated the CCTV did not stop recording, however, as he did not know how to use the CCTV I would question how you know this.

Annex 2, Condition 13 - CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.

There was a bin placed along the road, but this was a council provided bin and does not comply with the condition. You stated you could place a bin just inside the premises.

Annex 2, Condition 18 - A bin/receptacle shall be provided for patron's use.

You were selling Kestrel Super (£1.50) and Perla Mocha (£1.10) NOTE under the price they should be sold for.

Annex 2, Condition 35 - No 'super-strength' beers or ciders over 7.5% abv are sold at less than the price that they cost the business.

At the time of the visit, you stated you were not aware of the conditions of your premises licence. As a licensee you are expected to know and comply with your premises licence conditions. The conditions were offered up as a part of the application

for a new premises licence in May 2016. They were the reason that the premises was granted a licence in July 2017.

Any breach of the law could result in legal action being taken against you and those involved in the running of the premises, for which there is a maximum penalty of 6 months imprisonment and/or a fine.

Officers will continue to monitor the premises. You are hereby warned in the strongest possible terms that if you are witnessed in breach of your premises licence, that formal legal action will be taken against you and all those involved in the running of the premises.

I would be grateful if you could please write to me within 14 days from the date of this letter advising me of the measures you have put in place to ensure that these breaches do not occur again.

If you have any queries on any of the above licensing matters than please do not hesitate to contact me.

Yours sincerely

Carol Jones
Licensing Officer

If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 2000.

Visit to Essex Alternative Supermarket, 360 Essex Road - with Doug Love and Carol Jones on 24 February 2017 at approximately 14:00

Licensing Officer Dan Whitton was asked to go to the premises and purchase a can of Kestral Super and Perla Mocna. DW purchased the cans and confirmed to CJ and DL that he had been charged £1.10 for the Perla Mocna £1.50 for the Kestrel. He then came out and advised us of the transaction.

We entered the premises and introduced ourselves to [REDACTED]. IK confirmed she was Ismail Kurt, the Premises Licence Holder's sister. There were two people working at the premises [REDACTED] confirmed that she did not hold a personal licence. A conversation with the other worker confirmed that he neither held a personal licence. (breach of annex 2 condition 4).

[REDACTED] confirmed she was just covering while her brother was out. She stated she works at the premises for a few hours a day. [REDACTED] confirmed that she had received basic training on the till, alcohol, cigarettes (breach of annex 2, condition 1). CJ asked to see the refusals book, [REDACTED] confirmed that the premises had one, but that she didn't know where it was kept (annex 2, condition 14). [REDACTED] confirmed that she had not seen the conditions of the premises licence, but had gone through them whilst training. [REDACTED] did not know that the premises needed an ultra violet light, or where it may be kept if there was one (breach of annex 2, condition 11).

[REDACTED] stated that she had been shown the CCTV, but did not know how to operate it (breach of annex 2, condition 13). [REDACTED] stated she thought there was an incident book, but did not know where it was (annex 2, condition 15). CJ asked what forms of ID they accept if someone who appears to be underage comes into the store to purchase alcohol, [REDACTED] confirmed that she accepts UK passport and driving licence.

There was no bin in place at the premises (breach of annex 2, condition 18). There was a sign at the door asking patrons to leave the area quietly, however this was not A4 in size and did not ask people not to congregate (breach of annex 2, condition 19)

We spoke to the second worker, [REDACTED]. He did not understand my questions, as he did not speak very much English and so [REDACTED] translated for me (this would make annex 2, condition 23 difficult to comply with). KM confirmed that he had received training, however, he was unable to elaborate on what training he had received and confirmed he had not signed any training records (breach of annex 2, condition 30). KM stated he had been working at the premises for a week. KN confirmed his working hours were from 12:00 until 20:00.

DL asked [REDACTED] the price of a number of the high strength beers. [REDACTED] confirmed prices between £1.50 and £1.60. [REDACTED] stated the Kestrel had been £1.50 and the Perla Mocna was £1.40. DL began to question [REDACTED] on the prices and was advised that the PLH Ismail Kurt was going to return soon.

While we were waiting for Ismail Kurt, we started to check the pricing in the shop and noted a number of food products in the chiller cabinets were out of date. We started checking the

dates on the food products and noted that quite a lot of the food items were out of date and some were close to the sell by date. Doug Love got a basket and piled it high with food products which were out of date. The most out of date item I found was a pack of hotdogs which had a sell by date of 22 January 2017 (breach of annex 2, condition 27).

DL began to photograph the food products and was still photographing the products when Ismail Kurt walked in. Ismail Kurt was very angry with DL and insisted that he delete the photos. Ismail Kurt saw some of the dates on the out of date food and pointed to some saying they were only five days out of date and would have been picked up on the stock check, which takes place on Fridays.

Ismail Kurt kept on insisting that DL delete the photos and stating it was not DL's job to check the food in his premises. Ismail Kurt kept stating how angry he was with DL for taking the pictures. Ismail Kurt then made a telephone call and spoke in a language I did not understand. He kept saying the word 'licensing'. When he finished the telephone call, he told us his friend had confirmed the DL was not allowed to look at the food at the premises or take pictures.

Ismail Kurt kept on saying how angry he was, however, he answered questions CJ asked. Ismail Kurt confirmed that he had not trained KM, as he was only on trial for a few days (possible breach of annex 2, condition 1). DL asked the prices of the high strength beer. Ismail Kurt stated they were all between £1.40 and £1.60. DL advised that the premises were selling the cans of high strength beers way below cash and carry prices (breach of annex 2, condition 35). DL confirmed that the spirits were priced in line with what the premises would have purchased them for.

Ismail Kurt started to question DL on why he was always being visited. DL advised he had visited the premises initially for an underage test purchase, where a man called Mehmet Altun had sold alcohol to the underage volunteer. DL asked who MA was and how long he had worked at the premises. Ismail Kurt confirmed he had only come for that day and was only on the till for half an hour while Ismail Kurt had gone to get lunch. Ismail Kurt confirmed MA had been a friend of a friend who owned an off licence. DL advised that at the time of the sale, MA stated he had thought that Smirnoff Ice was a soft drink.

Ismail Kurt again kept asking DL why he kept visiting the premises. DL started to confirm that the first visit was for the underage sale, Licensing Officers visited the second time to check conditions and that because there had been a number of breaches of premises licence conditions we were revisiting. Ismail Kurt kept talking over DL, however, accused DL of talking over him.

Ismail Kurt again asked DL why he kept visiting the premises as most of his neighbours had not been visited, DL advised that he was trying to tell him of the reasons. Ismail Kurt then kept telling DL that DL's remit was checking alcohol and that he had never found a problem at the premises with illegal alcohol and so he didn't understand why DL kept visiting. CJ tried to answer that the premises had not been complying with licence conditions at the time she and a colleague had visited. At this point, Ismail Kurt said '**licence conditions are not important**' and kept asking why DL was pushing him (he did not mean physically).

DL then again tried to explain that we were visiting because of the underage sale and the breaches found when Licensing Officers visited the premises earlier that month. DL also voiced his concern about the lump of wood, which DL had confiscated at the time of the underage sale, which could be used as an offensive weapon. Ismail Kurt stated that he works in a dangerous area and asked what he was supposed to do if someone threatens his safety. He stated he would use the wood to push someone away from him. DL advised that Ismail Kurt could have been arrested if he had been found in possession of the wood, as it would be seen as an offensive weapon. Ismail Kurt said it was his safety and had it in case someone threatens him.

At this point, DL and CJ decided to leave the premises.

Breaches of the Premises Licence

Annex 2, Condition 1

All staff responsible for selling alcohol shall receive regular training from the DPS (with refresher training not less than once in every 6 months) with written records of the training made available to the Police and other Responsible Authorities on:

- a) in the Licensing Act 2003*
- b) Use of the CCTV,*
- c) Use of the Refusal Book,*
- d) Use of the Incident Book,*
- e) The Challenge 25 Policy and forms of ID acceptable,*
- f) Refusal of patrons who attempt to purchase alcohol or tobacco in breach of this operating schedule or Licensing Act 2003*

Annex 2, Condition 4

At least one person holding a Personal Licence shall be on duty at the premises when alcohol is being sold.

Annex 2, Condition 11

An ultra violet light will be available at the premises for the purposes of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.

Annex 2, Condition 13

*CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. **There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.***

Annex 2, Condition 14

A refusal book recording all refused sales of alcohol shall be kept at the premises and maintained at all times, which shall be made available to a police officer or an authorised officer of any responsible authority upon request. The register will contain:

- a) details of the time and date the refusal was made*
- b) the reason for the refusal (including underage and attempted purchase by a person who is drunk)*
- c) the identity of the staff member refusing the sale*
- d) brief description of the customer concerned*

Annex 2, Condition 15

An incident book shall be kept and maintained at the premises at all times, which shall be made available to a police officer or an authorised officer of any responsible authority upon request. The incident book shall be used to record the date and time of any incident as per condition 6 below, the name of the staff member and a brief description of the customer concerned.

Annex 2, Condition 18

A bin/receptacle shall be provided for patron's use.

Annex 2, Condition 19

A suitably worded sign, of a size A4 or larger, shall be displayed at each exit point from the premises. The sign shall remind customers to respect the neighbours, leave the area quietly and request that they do not congregate outside the premises.

Annex 2, Condition 23

Particular care must be taken by members of staffing in conveying to (drunk) customers the reasons why alcohol cannot be sold to a person under the influence of alcohol in a courteous manner.

Annex 2, Condition 27

Care must be taken to scrutinise the lawfulness of all products sold at the premises. In particular care must be taken to ensure that:

- a) beverages and other food products are within their sell by date*
- b) are free from any defects whether packing, contents or otherwise*
- c) all products sold are presentable and contain the necessary descriptions and labels*
- d) all products are of good acceptable quality*
- e) all products sold are genuine and authentic.*

Annex 2, Condition 30

All staff whose responsibilities include the retail sale of alcohol or age restricted products shall receive induction training prior to them being permitted to sell tobacco and alcohol and logs to be kept at the premises detailing the date of the training, name of staff member being trained, name of trainer 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.

Annex 2, Condition 32

Training records to be made available to a police officer or an authorised officer of any responsible authority upon request. The training shall include, but is not restricted to -

- a) *the prevention of underage sales of alcohol which shall include-*
 - i. *operation of the "Challenge 25" scheme;*
 - ii. *types of acceptable ID;*
 - iii. *method of recording challenges;*
 - iv. *potential consequences of making an underage sale.*
- b. *refusing sales of alcohol to persons who appear to be drunk;*
- c. *the operation of the CCTV equipment*
- d. *using and maintaining the refusal and incident register*

Annex 2, Condition 35

No 'super-strength' beers or ciders over 7.5% abv are sold at less than the price that they cost the business.



ISLINGTON

PREMISES LICENCE LICENSING ACT 2003

Premises licence number	LN/16462-100816	Date of original grant*	17 June 2016
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**An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

Postal address of premises, or if none, ordnance survey map reference or description ESSEX ALTERNATIVE SUPERMARKET 360 ESSEX ROAD			
Post town	London	Post code	N1 3PD
Telephone number			

Where the licence is time limited the dates
Not Applicable

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

The times the licence authorises the carrying out of licensable activities																												
<ul style="list-style-type: none"> The sale by retail of alcohol: <table border="0"> <tr><td>Monday</td><td>07:00</td><td>to</td><td>00:00</td></tr> <tr><td>Tuesday</td><td>07:00</td><td>to</td><td>00:00</td></tr> <tr><td>Wednesday</td><td>07:00</td><td>to</td><td>00:00</td></tr> <tr><td>Thursday</td><td>07:00</td><td>to</td><td>00:00</td></tr> <tr><td>Friday</td><td>07:00</td><td>to</td><td>00:00</td></tr> <tr><td>Saturday</td><td>07:00</td><td>to</td><td>00:00</td></tr> <tr><td>Sunday</td><td>07:00</td><td>to</td><td>00:00</td></tr> </table> 	Monday	07:00	to	00:00	Tuesday	07:00	to	00:00	Wednesday	07:00	to	00:00	Thursday	07:00	to	00:00	Friday	07:00	to	00:00	Saturday	07:00	to	00:00	Sunday	07:00	to	00:00
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The opening hours of the premises:																												
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies
Off supplies

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

Ismail Kurt

[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

Ismail Kurt

[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

[Redacted]

Islington Council
Public Protection Division
222 Upper Street
London N1 1XR
Tel: 020 7527 3031
Email: 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.

There are further 'Mandatory conditions' applicable to licences authorising the supply of alcohol. A full list of the current mandatory conditions is available from the licensing pages on Islington's web site, www.islington.gov.uk. This list is subject to change by order of the Secretary of State and licensees and other responsible persons are advised to ensure they are aware of the latest conditions.

Annex 2 - Conditions consistent with the Operating Schedule

1. All staff responsible for selling alcohol shall receive regular training from the DPS (with refresher training not less than once in every 6 months) with written records of the training made available to the Police and other Responsible Authorities on:
 - a) in the Licensing Act 2003
 - b) Use of the CCTV,
 - c) Use of the Refusal Book,
 - d) Use of the Incident Book,
 - e) The Challenge 25 Policy and forms of ID acceptable,
 - f) Refusal of patrons who attempt to purchase alcohol or tobacco in breach of this operating schedule or Licensing Act 2003
2. The DPS or the Licence Holder shall regularly check the Refusal Book and Incident Book to ensure it is consistently being used by staff.
3. Minimum of two members of staff to be present at all times whilst the premises remain open for the sale of alcohol.
4. At least one person holding a Personal Licence shall be on duty at the premises when alcohol is being sold.
5. Every supply of alcohol shall be made by the DPS or a person who holds a personal licence.
6. The Licence Holder and DPS will together ensure that the premises does not carry out, arrange or participate in any irresponsible promotions in relation to the premises for the purpose of encouraging the sale or supply of alcohol for consumption on the premises or encourage to drink.
7. No alcoholic drinks will be ever purchased or taken from persons calling to the shop.
8. No spirits shall be purchased in resealed box, without thorough checks being made to ensure its legal to sale.
9. The DPS will immediately report to the Trading Standards of any instances of a caller to the shop attempting to sell alcohol or tobacco.
10. Only alcoholic drinks which are detailed on invoices will be purchased or accepted as a part of a free offer. Invoices (or copies) for all alcoholic goods on the premises will be made available to the officers from the council, police or HMRC on request.
11. An ultra violet light will be available at the premises for the purposes of checking the

UK Duty Stamp on spirits as soon as practical after they have been purchased.

12. If any spirits brought by the business have Duty Stamp that do not fluoresce under the ultra-violet light, or otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards as soon as possible.
13. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.
14. A refusal book recording all refused sales of alcohol shall be kept at the premises and maintained at all times, which shall be made available to a police officer or an authorised officer of any responsible authority upon request. The register will contain:
 - a) details of the time and date the refusal was made
 - b) the reason for the refusal (including underage and attempted purchase by a person who is drunk)
 - c) the identity of the staff member refusing the sale
 - d) brief description of the customer concerned
15. An incident book shall be kept and maintained at the premises at all times, which shall be made available to a police officer or an authorised officer of any responsible authority upon request. The incident book shall be used to record the date and time of any incident as per condition 6 below, the name of the staff member and a brief description of the customer concerned.
16. All incidences of the following shall be recorded in the incident book within 24 hours and retained for a minimum of 12 months;
 - a) Theft or attempted theft of alcoholic drinks;
 - b) Any criminal incident;
 - c) Any incidents of disorder;
 - d) All ejections of patrons;
 - e) Any visit by a relevant authority or the emergency services;
 - f) Any faults in the CCTV system.
17. The holder of the premises licence shall subscribe to and participate fully in the local pub/club/shop watch scheme, if any.
18. A bin/receptacle shall be provided for patron's use.
19. A suitably worded sign, of a size A4 or larger, shall be displayed at each exit point from the premises. The sign shall remind customers to respect the neighbours, leave the area quietly and request that they do not congregate outside the premises.
20. Waste from the premises shall be collected and disposed of in accordance with usual laws and regulations.
21. Suitable fire extinguishers shall be kept and maintained at the premises and serviced

regularly.

22. Staff must politely refuse to sell alcohol to customers appearing to be drunk or under the influence of alcohol.
23. Particular care must be taken by members of staffing in conveying to (drunk) customers the reasons why alcohol cannot be sold to a person under the influence of alcohol in a courteous manner.
24. Members of staff who anticipate encountering difficulty with drunk customers must consult the designated premises supervisor.
25. Members of staff subjected to abuse, threats or threats violence must report the matter to the police and to the designated supervisor.
26. Members of staff must report any act or conduct likely to amount to a breach of general order immediately to the designated supervisor and or to the police as may be appropriate.
27. Care must be taken to scrutinise the lawfulness of all products sold at the premises. In particular care must be taken to ensure that:
 - a) beverages and other food products are within their sell by date
 - b) are free from any defects whether packing, contents or otherwise
 - c) all products sold are presentable and contain the necessary descriptions and labels
 - d) all products are of good acceptable quality
 - e) all products sold are genuine and authentic.
28. The licensee will adopt a Challenge 25 scheme that ensures any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age shall be implemented at the premises. Proof of age shall only comprise a passport, a photo card driving licence, or Proof of Age Standards Scheme (PASS) approved proof of age identity card.
29. A prominent notice, of a size A4 or larger, shall be displayed at the point of entry to the premises and at the serving area advising customers that the premises operates the Challenge 25 proof of age scheme.
30. All staff whose responsibilities include the retail sale of alcohol or age restricted products shall receive induction training prior to them being permitted to sell tobacco and alcohol and logs to be kept at the premises detailing the date of the training, name of staff member being trained, name of trainer 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.
31. All staff shall receive a refresher training (at least every three months) relating to the supply of alcohol.
32. Training records to be made available to a police officer or an authorised officer of any responsible authority upon request. The training shall include, but is not restricted to -
 - a) the prevention of underage sales of alcohol which shall include-
 - i. operation of the "Challenge 25" scheme;
 - ii. types of acceptable ID;
 - iii. method of recording challenges;
 - iv. potential consequences of making an underage sale.
 - b) refusing sales of alcohol to persons who appear to be drunk;
 - c) the operation of the CCTV equipment
 - d) using and maintaining the refusal and incident register

33. Proof of age shall only comprise a passport, a photo card driving licence, or Proof of Age Standards Scheme (PASS) approved proof of age identity card.
34. The licensee should regularly monitor staff, at least once a month to check how they are dealing with young people who ask for alcohol and other age restricted products.
35. No 'super-strength' beers or ciders over 7.5% abv are sold at less than the price that they cost the business.
36. The preceding premises licence holder / designated premises supervisor at this premises will have no part in the ownership or management of any business using this licence. He and the two other staff allegedly involved in the sale of illicit goods at the premises in November 2015 will not be employed by any business using this licence.

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

None

Annex 4 – Plans

Reference Number: 0625 A100 Ground Floor Plan and Basement Floor Plan Dated: April 2016

Licensing Act 2003

Representation from Islington Public Health department on behalf of health bodies providing services in Islington

ESSEX ALTERNATIVE MARKET, 360 ESSEX ROAD, LONDON, N1 3PD

We are submitting a representation in support of the licence review for the above premise, which has been called by Trading Standards. This representation is on behalf of Islington's Public Health Department, which is a responsible authority.

The grounds for this representation are the following Licensing objectives:

- Protection of children from harm
- Prevention of crime and disorder

Public Health are concerned that the evidence provided by the Police and Trading Standards shows a disregard for the responsibility that comes with having a licence to sell alcohol. The disregard shown by Essex Alternative Market is likely to impact on the health and wellbeing of some of the most vulnerable groups in Islington, and particularly those under the age of 18 years.

Our particular concerns relate to the selling alcohol to a child under the age of 18. A test sale in Essex Alternative Market to a child under 18 years was made on 28 January 2017. This followed a challenge 25 visit made to the premises on the 8/12/2016 when alcohol was sold to an individual under the age of 25 years without any request for identification. Breaches of licences and breaking the law through underage sales must be taken very seriously in order to protect the population from harms.

In addition, Public Health are concerned about the availability of cheap high strength alcohol in the premises. This shows lack of compliance with the licence condition that states that '*No 'super-strength' beers or ciders over 7.5% abv are sold at less than the price that they cost the business*' (Annex 2, condition 35). The cheap availability of such high strength alcohol is a specific cause of concern and its availability is a significant contributor to harm among vulnerable groups in the borough. At such a low cost, such super strength alcohol has become a drink of choice amongst many of the most vulnerable dependent drinkers. The cheap cost also makes it an attractive option for underage drinkers preloading before a night out.

Alcohol and Children and Young People

The impact of alcohol on young people is particularly great in Islington. Islington had the second highest rate of alcohol-specific hospital admissions for under-18s in London between 2013/14-2015/16, with 46.8 admissions per 100,000 over that period, in comparison to 22.4 per 100,000 in London.¹ Alcohol-specific admissions are those admissions directly caused by alcohol, such as alcohol poisoning, rather than one exacerbated by alcohol and, as such, reflects the acute effects of alcohol and thus public safety. This figure only represents those under 18 who were actually admitted to hospital, and the number would be even higher if it included children who attended accident and emergency but were not admitted.

Off licences and shops licenced to sell alcohol play a significant role in underage access to alcohol. In one national survey, around half of young people aged between 11 and 15 who drank alcohol reported buying alcohol themselves, rather than being given alcohol by someone else.² It is therefore very

¹ <https://fingertips.phe.org.uk/profile/local-alcohol-profiles>

² Smoking, drinking and drug use among young people in England survey, 2010

important that off licences honour their licence and properly protect children from alcohol-related harms.

The Chief Medical Officer's guidance on alcohol advises that an alcohol-free childhood is the healthiest and best option. This is because there is well documented evidence of the association between alcohol consumption and harm to children and young people aged under 18.³ Children are particularly vulnerable to harms because they are still physically and psychologically developing. Alcohol poses both short term health risks to children, such as acute alcohol poisoning and longer term developmental risks. Harms are experienced both in those who binge drink and those who drink regularly.

Young people are also more likely to take risks after drinking, and drinking alcohol in childhood increases the likelihood of having sex at a younger age, unprotected sex, teenage pregnancy, and the contracting sexually transmitted infections. Alcohol use in young people is also associated with injuries from accidents or from fighting, perpetrating or being the victim of alcohol-related crime and violent crime, involvement in anti-social behaviour, school absenteeism, and poor academic performance.

The Islington Licensing Policy emphasises restricting access to alcohol for children as a high priority in Islington in order to help reduce the anti-social behaviour and health issues associated with underage drinking.

Conclusion

Islington Public Health fully supports the review of this licence, since the actions of the premise show disregard for the responsibilities bestowed on those with licences to sell alcohol. In particular it should be noted that:

- Islington experiences high levels of alcohol-related harm,
- selling alcohol to those under the age of 18 years is illegal, and
- the Islington Licensing Policy is clear on measures that should be taken to prevent underage sales taking place and that the issue is of importance in considering licensing decisions.
- Availability of high strength, cheap alcohol shows lack of compliance with the licence condition that states that *'No 'super-strength' beers or ciders over 7.5% abv are sold at less than the price that they cost the business'*. The cheap availability is a significant contributor to harm among vulnerable groups in the borough.

As a consequence, we support Trading Standards' application for a licence review and their request to revoke the licence or impose a suspension of the premise license for significant period for Essex Alternative Market.

³ Guidance on the Consumption of Alcohol by Children and Young People, Department of Health, 2009

**Licensing Act 2003- Representation from the Licensing Authority
Application: Essex Alternative Supermarket, 360 Essex Road, London**

I am submitting a representation on behalf of the Licensing Authority with respect to the police application to review the premises licence.

The grounds for the representation are:

- The prevention of crime and disorder

Licensing Policy Considerations

Licensing Policies 9 & 10 Standards of Management

Licensing Policy 30 Review of Licences

Issues of Concern

The Licensing Authority supports the Trading Standards application to review the premises licence, as it believes that the management of the premises is undermining the licensing objectives.

Ismail Kurt became the premises licence holder and DPS of the premises in August 2016. Since this date, the following incidents have taken place at the premises;

- **October 2016** - Doug Love (Trading Standards) visited the premises to speak to Ismail Kurt and invited him to attend his training. Ismail Kurt said he was too busy.
- **08 December 2016** – Ismail Kurt failed a Challenge 25 visit and sold alcohol to a 21 year old volunteer without asking for ID.
- **28 January 2017** – Member of staff sold alcohol to a volunteer aged 15years and 8months. When the officer went back in, the seller was obstructive, not remembering his name, address and eventually stated he did not speak English, despite conversing in perfect English in his previous exchange. At the time of the visit a chair leg with nails in was found behind the counter, which appeared to be there as an offensive weapon. The premises was also found to be in breach of three licence conditions.
- **On 3 February 2017** – Licensing Officers visited the premises and found 8 breaches of the premises licence conditions. At the time, Ismail Kurt seemed surprised that there were conditions on the premises licence and asked 'where did these come from'. We spoke at length to Ismail Kurt, explaining all of the conditions and what he needed to do to comply with them. He was given two weeks to comply with the conditions and was advised that a warning letter would follow.
- **13 February 2017** – A warning letter was sent to Ismail Kurt outlining the conditions officers had witnessed being breached. This letter was hand delivered to the premises on 14 February 2017.
- **24 February 2017** – Officers from Licensing and Trading Standards visited the premises to check the price of high strength beer and check to see whether the premises had managed to rectify any of the breached conditions. Ismail Kurt was angry that we were there. He was angry that we kept visiting the shop, accusing us of targeting his business with too many visits. At one point he said 'licence conditions are not important'.

- **28 February 2017** – Visit to the premises, Police and Trading Standards visited to ask for the CCTV and invoices. Ismail Kurt was not at the premises and so they spoke to Mehmet Altun, who stated he was not working at the shop, despite having served someone. Ismail Kurt came back into the shop and stated he did not know the name of the person he had left in charge. From the Officers report, it appears that the premises to be in breach of three licence conditions at the time of the visit.
- **15 May 2017** – Visit to the premises by Police and Trading Standards to deliver the review paperwork. The premises was in breach of five premises licence conditions. The Police officer reports that at the time of the visit, Ismail Kurt was very aggressive and that he continually spoke over himself and the Trading Standards Officer.
- **31 May 2017** – Ismail Kurt and Hasan Kurt attended training provided by Trading Standards, although they only stayed for the Avoiding Underage Sales and Additional Information part of the training.

A full report of the above visits is attached as Appendix LA/1

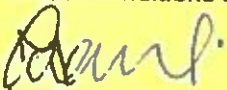
Conclusion / Recommendation

Breaches of the premises licence are taken very seriously by the Licensing Authority. The Licensing Authority expects high standards of management from premises licence holders in Islington. We have significant concerns over Ismail Kurts ability to effectively manage this premises.

Ismail Kurt has been offered training run by Islington Trading Standards and has been given advice on how to rectify the breaches of licence conditions found at the premises. However, he has continued to be found in breach of premises licence conditions.

In light of the above factors and in order to promote the licensing objectives, the Licensing Authority's recommendation is that the Licensing Committee should strongly consider Revocation of the Premises Licence.

If the Sub-Committee are provided with mitigating circumstances put forward by the premises licence holder, Members may wish to impose an appropriate period of suspension to allow the premises licence holder to take steps to put measures in place at the premises to enable the conditions at the premises to be complied with.


 Terrie Lane
 Licensing Manager
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 020 7527 3233

12 June 2017

LA/I

OFFICER'S REPORT FOR LICENSING ACT OUTCOME

Case No:	1700 05670	Investigating Officer:	Doug Love
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Defendant(s): Ismail Kurt, PLH / DPS Essex Alternative Supermarket, 360 Essex Rd, N1 3PD

Offence(s): Underage sale / Illicit alcohol / Breaches of conditions

Offender(s): Ismail Kurt has been the PLH / DPS only since August 2016. The licence was transferred to him less than two months after it had initially been granted, following a revocation of the previous licence in March 2016. He is a very young man, but has so far shown nothing to indicate that he could make a responsible licensee.

Summary of Facts

Oct 2016	I first visited the premises after Mr Kurt had taken over to introduce myself and inform the new business about the training the Council offers. Mr Kurt was present, but said that he was "too busy" to attend the training, despite my observation that as a new licensee, he may find it very helpful. I left Mr Kurt with a letter describing the training and giving the dates and times of forthcoming sessions.
08/12/16	<p>I asked a volunteer to undertake a C25 TP. Mr Kurt was behind the counter and sold to the volunteer without asking anything. When I went back into the store with the volunteer – who at 21 was older and more mature looking than my preferred volunteer for this activity - Mr Kurt said he thought he was "25". I don't know if this was true or what he thought he ought to say.</p> <p>I issued Mr Kurt with a standard C25 TP 'failure' letter and drew his attention to the advice to use Challenge 25 and to the fact that an underage test purchase would now be performed in the near future.</p> <p>The back of that letter contained details of the forthcoming training, which I again suggested he consider. Again, he told me he was too busy. I encouraged him to make time, observing that his business' main priority should be to avoid anything that may endanger the premises licence.</p> <p>While I was in the shop I noticed that the super strength beers were not priced, although several other beers were. This can be an indication that they are unrealistically cheap. I did not ask at this stage as I did not want to get held up doing an illicit check.</p>
28/01/17	<p>I was leading an UTP operation, accompanied by two police officers and two volunteers, including a male volunteer, aged 15 years and 8 months. During the operation, we visited Essex Alternative Supermarket, where the male volunteer (without the other volunteer being present) was sold a bottle of Smimoff Ice, without being required to provide proof of age, or being asked anything else.</p> <p>PC Clare Fallis, who had observed the sale, and I returned to the shop soon after. The person behind the counter, who was the only person in the shop (contrary to condition 3 in Annex 2) was very un-cooperative. He gave his name as [REDACTED] and said that he didn't work there, but was just helping out, but 'could not remember' his address, did not have ID or a personal licence (contrary to condition 4 in Annex 2) and could not remember his phone number. He repeatedly told PC Fallis and me that he could not understand what we were asking because his English was poor. He told us this in the very respectable English that he was also using to converse with</p>

	<p>customers.</p> <p>He was able to say that he had not realised that the Smirnoff Ice was an alcoholic drink, although I noted that the fridge it had come from contained only alcoholic drinks.</p> <p>I quickly checked for illicit alcohol and tobacco behind the bar. I did not find any goods that caused concern, but I did find a chair leg, with nails in the end (flush to the surface, but, I assume, to give it more weight), which was obviously there as a weapon. I asked Mr Altun if he would surrender it, explaining it was an arrestable offence to possess an offensive weapon. I do not recall him giving a clear answer, but I took it anyway.</p> <p>It was clear that [REDACTED] was not going to answer any of our questions properly, so we left.</p>
03/02/17	<p>At my request, Licensing Officers Carol Jones and Katie Tomaszewski visited the premises to undertake a full conditions check. Mr Kurt was present, again. CJ reports that Mr Kurt was totally unaware of the conditions on his licence and many of them were in breach.</p> <p>She had delivered a letter to the premises on 14th February, detailing her findings and asking Mr Kurt to confirm in writing that he had taken steps to ensure no further breaches occurred. She got no response to this letter.</p>
24/02/17	<p>CJ and I returned to the store to undertake a follow up conditions check (although checking her letter, it appears to have been before his deadline to confirm corrective action had taken place. The store was staffed by Mr Kurt's sister, behind the counter, and a young man who was working in the storage area.</p> <p>Just prior to the visit, I had asked Dan Whitton, Licensing Officer, to make a test purchase of two strong beers - Perla Mocna, for which he was charged £1.10 and Kestrel Super (£1.50), the same prices that Mr Kurt had identified them to be during the visit on the 3rd February.</p> <p>After CJ has established that many of the conditions were still in breach and I had identified six beers that I wanted invoices to be provided for we asked when Mr Kurt was likely to return. We were told he would be back in a few minutes, so we elected to wait. While we were waiting, we continued to look around the shop and CJ quickly found a number of meat products that were past their use by date - mostly within a week, but one was 18 days and another 33 days past. We collected the goods in a basket and I had started to photograph them all when Mr Kurt arrived.</p> <p>He was very angry that I was looking at food and did not accept my assurance that I had a right to do so. He physically prevented me from taking more photographs by removing the goods that I was about to capture and insisted that I should delete the photographs that I had already taken. When I declined to do so, he threatened to call the Police. In the end he called someone he said was another licensee, who he said confirmed that I had no rights to look at food.</p> <p>He was still angry, when we moved on to talking about what we had found during the visit. He confirmed the prices of the beers that I was interested in to be £1.50 for Kestrel Super, Skol Super and Carlsberg Special Brew (£1.65 - £1.85 is the cheapest I've seen on cash and carry invoices) and £1.40 for Perla Mocna (£1.50), Van Pur (which I've never seen before, but which was 10% abv, and has duty + VAT of £1.44 payable) and Okocim Mocne, a reasonable price.</p> <p>I also told him about the underage sale - of which he appeared to be unaware. He said that he didn't know the name of the person covering, but that he was only covering the shop for 30 mins.</p>

	<p>It was a difficult conversation, with Mr Kurt persistently talking over me and suggesting that I was targeting his business with too many visits, and we left it that I would e-mail him later to request invoices for the beers (required to be available by Annex 2, condition 10) and CCTV footage (Annex 2, condition 13) from the day of the sale.</p> <p>I did this upon my return to the office, giving him a deadline of the end of the following Monday for the provision of the invoices and cctv.</p>
28/02/17	<p>Neither invoices, nor CCTV footage was provided, so I visited the shop again with PC Ben Chadwick.</p> <p>The person behind the counter when we arrived was the person who had made the sale, who gave his name then as [REDACTED]. He avoided answering any of our questions – even to confirm his name – saying that wasn't working at the shop, despite having served someone in front of us.</p> <p>After a few minutes, Mr Kurt arrived at the shop – he had just popped out to get a sandwich – and [REDACTED] made himself scarce.</p> <p>Mr Kurt was much more reasonable to talk with on this occasion. He handed me a USB stick onto which he said he believed he had downloaded the requested footage, although he wasn't able to play it himself. He also explained that his accountant was not available until the following Wednesday (08/03) and that he would be able to provide invoices after that.</p> <p>I asked about [REDACTED]. Mr Kurt said he didn't know his name, but that he was occasionally around, seemed trustworthy, and that he occasionally minded the shop while IK was not present and that he hoped to employ him soon. (Remember, this is the man who had not informed him about the underage sale, apparently, and who I had just told him had been unco-operative on both occasions I had met him).</p> <p>He complained about the practicality of Annex 2, conditions 3 (minimum of two members of staff at all times) and 4 (one of who has to hold a personal licence), both of which were being breached when we had arrived.</p> <p>Reviewing the CCTV footage – which had recorded properly – back in the office, confirmed that [REDACTED] had been in the shop, apparently on his own, for the whole period of the footage 10am to 12.30pm – considerably more than the 30 minutes Mr Kurt had previously said.</p>
15/03/17	<p>As I had received no invoices, I called the number that Mr Kurt had given me for his accountant. It was answered by someone giving his name as [REDACTED] who confirmed he was the business' accountant and said he had been away, but would speak with his client about the matter.</p> <p>I suspect that some invoices will ultimately be produced, but I would be very surprised if any for the Van Pur beer (which I have never seen before) arrive.</p>

Recommendations

Mr Kurt is a young man and may develop greater maturity, but at the moment and for the foreseeable future, I have absolutely no faith in his ability to manage these premises to an acceptable (let alone high) standard.

He clearly does not understand his responsibilities under the Licensing Act and has failed to promote the protection of children, by leaving clearly insufficiently trained staff in charge; he has failed to

prevent crime and disorder, by buying non-duty paid beer; and he didn't know what the licence conditions were, or understand that they were effectively legal requirements; and even once this had been explained, he did nothing to correct the non-compliances and referred to licence as "not important" during the visit with CJ on the 24/02. He has not shown that he has recognised that he needs assistance – even now, he has not booked himself onto the training course – and the way he handled himself during the visit on 24/02 showed his immaturity and unsuitability to run a business of this nature.

There is no doubt in my mind that the licence should be reviewed and at the moment, I cannot see any outcome other than revocation being appropriate.



Doug Love

15/03/17

Licensing visits on 03 February 2017 with Katie Tomashevski and Carol Jones

Essex Alternative Supermarket, 360 Essex Road

20:33 – Entered the premises and spoke to Ismail Kurt (personal licence issued by Hackney, number 076396) the PLH and DPS. We checked the price of Kestrel Super (£1.50) and Perla Mocha (£1.10) NOTE under the price they should be sold for.

CJ and KT introduced themselves and advised that they were there for a DPI visit. As we walked in, there was a man dusting the wine. He disappeared soon after we entered the premise and did not reappear for the duration we were in the premises (which was for at least an hour). IK advised that the man was only helping him at the premises and that he was there working alone. He stated that there were no other workers and that he worked from 07:00 until midnight all week. If he wanted to go to the cash and carry, he asked a family member to cover for him.

The premises licence and summary were on display. We started going through the conditions of the premises licence. IK did not appear to be aware of many of the conditions on the licence.

Annex 2, Condition 2

The DPS or the Licence Holder shall regularly check the Refusal Book and Incident Book to ensure it is consistently being used by staff.

The last entry into the refusals book was 03/10/16.

Annex 2, Condition 3

Minimum of two members of staff to be present at all times whilst the premises remain open for the sale of alcohol.

IK was the only member of staff at the time of the visit and by his own admission, most of the time the premises was open.

Annex 2, Condition 4

At least one person holding a Personal Licence shall be on duty at the premises when alcohol is being sold.

IK holds a personal licence. However, when he attends the cash and carry, the premises is left in control of someone who does not hold a personal licence.

Annex 2, Condition 5

Every supply of alcohol shall be made by the DPS or a person who holds a personal licence.

This does not happen when someone is covering when IK goes to the cash and carry.

Annex 2, Condition 11

An ultra violet light will be available at the premises for the purposes of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.

IK was not aware of what this was. He did have an ultra violet light for checking notes, but this did not appear to work on duty labels.

Annex 2, Condition 13

CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.

The CCTV appeared to be working. However, IK did not know how to use it and when the electric dimmed (a regular occurrence), the CCTV monitor went out. IK stated the CCTV did not stop recording, however, as he did not know how to use the CCTV, he is not best placed to confirm this.

Annex 2, Condition 18

A bin/receptacle shall be provided for patron's use.

There was a bin placed along the road, but this was a council provided bin and does not comply with the condition. IK stated he could place a bin just inside the premises.

Annex 2, Condition 35

No 'super-strength' beers or ciders over 7.5% abv are sold at less than the price that they cost the business.

Kestrel Super (£1.50) and Perla Mocha (£1.10) NOTE under the price they should be sold for.

CJ advised that IK was in breach of the premises licence and that he would be receiving a warning letter detailing all of the problems with the premises. CJ advised that he should close the shop or at least stop selling alcohol until such time as he found someone else to work in the premises, preferably two people one with a personal licence, as he needed another worker there at all times and should have a personal licence holder there when he was at the cash and carry. CJ stated he had two weeks to get everything in place and that she would return to carry out another DPI at the premises.



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E carol.jones@islington.gov.uk
W www.islington.gov.uk

Our ref:
Your ref:

Date: 13 February 2017

Ismail Kurt

This matter is being dealt with by:
Carol Jones

Dear Mr Kurt,

LICENSING ACT 2003

RE: ESSEX ALTERNATIVE SUPERMARKET, 360 ESSEX ROAD, LONDON N1 3PD

I write to you regarding the above premises. At approximately 20:30 on Friday 3 February 2017, Licensing Officers visited your premises to perform a during performance visit.

At the time of our visit we went through the conditions of the premises licence and noted the following breaches;

The last entry into the refusals book was 03/10/16

Annex 2, Condition 2 - The DPS or the Licence Holder shall regularly check the Refusal Book and Incident Book to ensure it is consistently being used by staff.

You were the only member of staff at the time of the visit and by your own admission, the only person working in the shop most of the time the premises was open.

Annex 2, Condition 3 - Minimum of two members of staff to be present at all times whilst the premises remain open for the sale of alcohol.

You hold a personal licence. However, when you attend the cash and carry, the premises is left in control of someone who does not hold a personal licence.

Annex 2, Condition 4 - At least one person holding a Personal Licence shall be on duty at the premises when alcohol is being sold.

When you go to the cash and carry, the premises is left in the care of someone who does not hold a personal licence

Annex 2, Condition 5 - Every supply of alcohol shall be made by the DPS or a person who holds a personal licence.

There was an ultra violet light at the premises for checking notes, but this did not appear to work on duty labels.

Annex 2, Condition 11 - An ultra violet light will be available at the premises for the purposes of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased

There was CCTV at the premises which appeared to be working. However, you did not know how to use it and when the electric dimmed (a regular occurrence), the CCTV monitor went out. You stated the CCTV did not stop recording, however, as he did not know how to use the CCTV I would question how you know this.

Annex 2, Condition 13 - CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.

There was a bin placed along the road, but this was a council provided bin and does not comply with the condition. You stated you could place a bin just inside the premises.

Annex 2, Condition 18 - A bin/receptacle shall be provided for patron's use.

You were selling Kestrel Super (£1.50) and Perla Mocha (£1.10) NOTE under the price they should be sold for.

Annex 2, Condition 35 - No 'super-strength' beers or ciders over 7.5% abv are sold at less than the price that they cost the business.

At the time of the visit, you stated you were not aware of the conditions of your premises licence. As a licensee you are expected to know and comply with your premises licence conditions. The conditions were offered up as a part of the application

for a new premises licence in May 2016. They were the reason that the premises was granted a licence in July 2017.

Any breach of the law could result in legal action being taken against you and those involved in the running of the premises, for which there is a maximum penalty of 6 months imprisonment and/or a fine.

Officers will continue to monitor the premises. You are hereby warned in the strongest possible terms that if you are witnessed in breach of your premises licence, that formal legal action will be taken against you and all those involved in the running of the premises.

I would be grateful if you could please write to me within 14 days from the date of this letter advising me of the measures you have put in place to ensure that these breaches do not occur again.

If you have any queries on any of the above licensing matters than please do not hesitate to contact me.

Yours sincerely

Carol Jones
Licensing Officer

If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 2000.

Visit to Essex Alternative Supermarket, 360 Essex Road - with Doug Love and Carol Jones on 24 February 2017 at approximately 14:00

Licensing Officer Dan Whitton was asked to go to the premises and purchase a can of Kestrel Super and Perla Mocna. DW purchased the cans and confirmed to CJ and DL that he had been charged £1.10 for the Perla Mocna £1.50 for the Kestrel. He then came out and advised us of the transaction.

We entered the premises and introduced ourselves to [REDACTED] IK confirmed she was Ismail Kurt, the Premises Licence Holder's sister. There were two people working at the premises, [REDACTED] confirmed that she did not hold a personal licence. A conversation with the other worker confirmed that he neither held a personal licence. (breach of annex 2 condition 4).

[REDACTED] confirmed she was just covering while her brother was out. She stated she works at the premises for a few hours a day. [REDACTED] confirmed that she had received basic training on the till, alcohol, cigarettes (breach of annex 2, condition 1). CJ asked to see the refusals book, [REDACTED] confirmed that the premises had one, but that she didn't know where it was kept (annex 2, condition 14). [REDACTED] confirmed that she had not seen the conditions of the premises licence, but had gone through them whilst training. [REDACTED] did not know that the premises needed an ultra violet light, or where it may be kept if there was one (breach of annex 2, condition 11).

[REDACTED] stated that she had been shown the CCTV, but did not know how to operate it (breach of annex 2, condition 13). [REDACTED] stated she thought there was an incident book, but did not know where it was (annex 2, condition 15). CJ asked what forms of ID they accept if someone who appears to be underage comes into the store to purchase alcohol, [REDACTED] confirmed that she accepts UK passport and driving licence.

There was no bin in place at the premises (breach of annex 2, condition 18). There was a sign at the door asking patrons to leave the area quietly, however this was not A4 in size and did not ask people not to congregate (breach of annex 2, condition 19)

We spoke to the second worker, [REDACTED] He did not understand my questions, as he did not speak very much English and so [REDACTED] translated for me (this would make annex 2, condition 23 difficult to comply with). KM confirmed that he had received training, however, he was unable to elaborate on what training he had received and confirmed he had not signed any training records (breach of annex 2, condition 30). KM stated he had been working at the premises for a week. KN confirmed his working hours were from 12:00 until 20:00.

DL asked [REDACTED] the price of a number of the high strength beers. [REDACTED] confirmed prices between £1.50 and £1.60. [REDACTED] stated the Kestrel had been £1.50 and the Perla Mocna was £1.40. DL began to question Iikyaz Kurt on the prices and was advised that the PLH Ismail Kurt was going to return soon.

While we were waiting for Ismail Kurt, we started to check the pricing in the shop and noted a number of food products in the chiller cabinets were out of date. We started checking the

dates on the food products and noted that quite a lot of the food items were out of date and some were close to the sell by date. Doug Love got a basket and piled it high with food products which were out of date. The most out of date item I found was a pack of hotdogs which had a sell by date of 22 January 2017 (breach of annex 2, condition 27).

DL began to photograph the food products and was still photographing the products when Ismail Kurt walked in. Ismail Kurt was very angry with DL and insisted that he delete the photos. Ismail Kurt saw some of the dates on the out of date food and pointed to some saying they were only five days out of date and would have been picked up on the stock check, which takes place on Fridays.

Ismail Kurt kept on insisting that DL delete the photos and stating it was not DL's job to check the food in his premises. Ismail Kurt kept stating how angry he was with DL for taking the pictures. Ismail Kurt then made a telephone call and spoke in a language I did not understand. He kept saying the word 'licensing'. When he finished the telephone call, he told us his friend had confirmed the DL was not allowed to look at the food at the premises or take pictures.

Ismail Kurt kept on saying how angry he was, however, he answered questions CJ asked. Ismail Kurt confirmed that he had not trained KM, as he was only on trial for a few days (possible breach of annex 2, condition 1). DL asked the prices of the high strength beer. Ismail Kurt stated they were all between £1.40 and £1.60. DL advised that the premises were selling the cans of high strength beers way below cash and carry prices (breach of annex 2, condition 35). DL confirmed that the spirits were priced in line with what the premises would have purchased them for.

Ismail Kurt started to question DL on why he was always being visited. DL advised he had visited the premises initially for an underage test purchase, where a man called Mehmet Altun had sold alcohol to the underage volunteer. DL asked who MA was and how long he had worked at the premises. Ismail Kurt confirmed he had only come for that day and was only on the till for half an hour while Ismail Kurt had gone to get lunch. Ismail Kurt confirmed MA had been a friend of a friend who owned an off licence. DL advised that at the time of the sale, MA stated he had thought that Smirnoff Ice was a soft drink.

Ismail Kurt again kept asking DL why he kept visiting the premises. DL started to confirm that the first visit was for the underage sale, Licensing Officers visited the second time to check conditions and that because there had been a number of breaches of premises licence conditions we were revisiting. Ismail Kurt kept talking over DL, however, accused DL of talking over him.

Ismail Kurt again asked DL why he kept visiting the premises as most of his neighbours had not been visited, DL advised that he was trying to tell him of the reasons. Ismail Kurt then kept telling DL that DL's remit was checking alcohol and that he had never found a problem at the premises with illegal alcohol and so he didn't understand why DL kept visiting. CJ tried to answer that the premises had not been complying with licence conditions at the time she and a colleague had visited. At this point, Ismail Kurt said 'licence conditions are not important' and kept asking why DL was pushing him (he did not mean physically).

DL then again tried to explain that we were visiting because of the underage sale and the breaches found when Licensing Officers visited the premises earlier that month. DL also voiced his concern about the lump of wood, which DL had confiscated at the time of the underage sale, which could be used as an offensive weapon. Ismail Kurt stated that he works in a dangerous area and asked what he was supposed to do if someone threatens his safety. He stated he would use the wood to push someone away from him. DL advised that Ismail Kurt could have been arrested if he had been found in possession of the wood, as it would be seen as an offensive weapon. Ismail Kurt said it was his safety and had it in case someone threatens him.

At this point, DL and CJ decided to leave the premises.

Breaches of the Premises Licence

Annex 2, Condition 1

All staff responsible for selling alcohol shall receive regular training from the DPS (with refresher training not less than once in every 6 months) with written records of the training made available to the Police and other Responsible Authorities on:

- a) in the Licensing Act 2003*
- b) Use of the CCTV,*
- c) Use of the Refusal Book,*
- d) Use of the Incident Book,*
- e) The Challenge 25 Policy and forms of ID acceptable,*
- f) Refusal of patrons who attempt to purchase alcohol or tobacco in breach of this operating schedule or Licensing Act 2003*

Annex 2, Condition 4

At least one person holding a Personal Licence shall be on duty at the premises when alcohol is being sold.

Annex 2, Condition 11

An ultra violet light will be available at the premises for the purposes of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.

Annex 2, Condition 13

CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.

Annex 2, Condition 14

A refusal book recording all refused sales of alcohol shall be kept at the premises and maintained at all times, which shall be made available to a police officer or an authorised officer of any responsible authority upon request. The register will contain:

- a) details of the time and date the refusal was made*
- b) the reason for the refusal (including underage and attempted purchase by a person who is drunk)*
- c) the identity of the staff member refusing the sale*
- d) brief description of the customer concerned*

Annex 2, Condition 15

An incident book shall be kept and maintained at the premises at all times, which shall be made available to a police officer or an authorised officer of any responsible authority upon request. The incident book shall be used to record the date and time of any incident as per condition 6 below, the name of the staff member and a brief description of the customer concerned.

Annex 2, Condition 18

A bin/receptacle shall be provided for patron's use.

Annex 2, Condition 19

A suitably worded sign, of a size A4 or larger, shall be displayed at each exit point from the premises. The sign shall remind customers to respect the neighbours, leave the area quietly and request that they do not congregate outside the premises.

Annex 2, Condition 23

Particular care must be taken by members of staffing in conveying to (drunk) customers the reasons why alcohol cannot be sold to a person under the influence of alcohol in a courteous manner.

Annex 2, Condition 27

Care must be taken to scrutinise the lawfulness of all products sold at the premises. In particular care must be taken to ensure that:

- a) beverages and other food products are within their sell by date*
- b) are free from any defects whether packing, contents or otherwise*
- c) all products sold are presentable and contain the necessary descriptions and labels*
- d) all products are of good acceptable quality*
- e) all products sold are genuine and authentic.*

Annex 2, Condition 30

All staff whose responsibilities include the retail sale of alcohol or age restricted products shall receive induction training prior to them being permitted to sell tobacco and alcohol and logs to be kept at the premises detailing the date of the training, name of staff member being trained, name of trainer 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.

Annex 2, Condition 32

Training records to be made available to a police officer or an authorised officer of any responsible authority upon request. The training shall include, but is not restricted to -

- a) *the prevention of underage sales of alcohol which shall include-*
 - i. *operation of the "Challenge 25" scheme;*
 - ii. *types of acceptable ID;*
 - iii. *method of recording challenges;*
 - iv. *potential consequences of making an underage sale.*
- b. *refusing sales of alcohol to persons who appear to be drunk;*
- c. *the operation of the CCTV equipment*
- d. *using and maintaining the refusal and incident register*

Annex 2, Condition 35

No 'super-strength' beers or ciders over 7.5% abv are sold at less than the price that they cost the business.

Statement of witness

(Criminal Procedure Rules, r.27.2;
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s. 5B)

STATEMENT OF Daniel Whitton

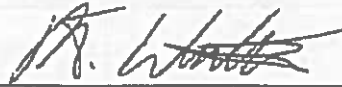
Age of witness (if over 18 enter "over 18") Over 18

Occupation of witness Licensing Officer

This statement, consisting of ONE page signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 16th March 2017

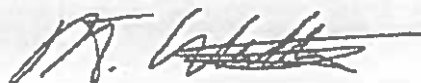
Signed: _____



My name is Daniel Whitton. I have been employed as a Licensing Officer with the London Borough of Islington ("LBI") since November 2006. My duties include enforcement of licensing legislation, processing applications, producing Committee Reports for Licensing Committee hearings, attending hearings and attending court for Appeals and prosecutions.

This is a witness statement in relation to the premises known as Essex Alternative Supermarket, situated at 360 Essex Road, London, N1 3PD. On 24th February 2017 I accompanied my colleague and licensing officer Carol Jones with Doug Love of the Council's Trading Standards team to carry out a test purchase at the aforementioned premises. Doug parked the van in the nearby street, Ockendon Road. I left the van and walked to and entered the supermarket. I located a fridge and selected one can of lager to purchase. I took the 500ml can of "Perla Mocna" lager to the service counter and was advised it was £1.10. I then advised the female staff member serving me that I wanted an additional can. I returned to the fridge and selected a 500ml can of "Kestrel Super" lager. I was advised that this additional can was £1.50. I paid the total of £2.60 for the two cans. I then left the shop and returned to van with my purchases.

Signed _____



SAH/1

SAH/1

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 **Steven HARRINGTON PC 426 NI** URN:

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Age if under 18 **Over 18** (If over 18 insert 'over 18') Occupation: **Police Officer 193779**

This statement (consisting of: pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: *Steven Harrington* Date: 15/05/2017

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

My name is Steven Harrington and I am a Police Constable 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.

On WEDNESDAY 15th MAY 2017 I was on duty in plain clothes when I attended ESSEX ALTERNATIVE SUPERMARKET 360 ESSEX ROAD NI 3PD. I was in company with Mr Doug LOVE an Islington Trading Standards Officer. Mr LOVE was delivering review papers for the venue and I was carrying out a conditions check on the license.

On my arrival I spoke with a male behind the counter who gave his name as [redacted] of [redacted]. [redacted] did not speak very good English and made a phone call to Mr Ismail KURT, his son, who is also the Premises License holder. Mr Ismail KURT informed me that he was on his way to the venue and would arrive in about 20 minutes. I informed him that I would continue with my check as far as possible until he arrived. At this time there was only one member of staff working in the store that being [redacted] this is a breach of the license Annex 2 Condition 3 which states that A minimum of two members of staff to be present at all times whilst the premises remain open for the sale of alcohol.

I asked [redacted] if he had a Personal License and he explained that he has completed the course and was waiting for his license. Annex 2 Condition 5 states: At least one person holding a personal license shall be on duty at the premises when alcohol is being sold. Alcohol was clearly on display on the shelves behind the counter and in the fridges on the left of the store and wine was displayed on shelves to the right of the store. I asked [redacted] if he could operate the CCTV system, I do not think that he clearly understood what I was asking. I decided to look at other conditions on the license while waiting for Mr Ismail KURT to arrive. While I was looking around another male arrived in the store who stated that he worked there. He gave his name as [redacted].

Signature: *Steven Harrington* Signature witnessed by: _____

SAH/1

Continuation of Statement of Steven HARRINGTON PC 425 NI

..... these details we obtained from a driving license as did not speak very good English. started to put some stock out. I continued to check the conditions on the license. Annex 2 Condition 19 states that there should be an A4 sized notice at each exit point reminding customers to leave quietly and to respect the neighbours. I could not see any such sign and I checked inside and outside of the only entry/exit door at the venue. Annex 2 condition 29 states that an A4 or larger sized notice should be displayed at the point of entry advising customers that the store operates the Challenge 25 proof of age scheme. I again checked inside and out of the only entry/exit point and could not see any sign. The only Challenge 25 notices I could see were sited at the very top of the cigarette display behind the counter. There were 3 of these sized approximately 6 inches long by 2 inches deep. I only noticed these while looking around for the position of the CCTV cameras and I do not think that any potential customers would notice these unless pointed out to them.

Mr Ismail KURT arrived at the store; his attitude took me a bit by surprise as he appeared to be aggressive and would continue to talk over me when I was trying to explain the reason for the visit and what I had found. He did manage to show me the refusals Log which had a last entry on the 11/03/2017 two slim males refused alcohol. Mr Ismail KURT explained that the store had been shut while changes were made to the interior and that they had only been back open again for about 3-4 weeks?

I asked for the training records and these were not available for viewing which is a breach of Annex 2 Condition 32: Training records to be made available to a Police Officer or an authorised Officer of any responsible Authority upon request. I then asked Mr Ismail KURT to show me some recorded CCTV footage from 3 weeks ago but he could not. There was a male working in the store who was dealing with some wiring in the ceiling and this may have affected the CCTV system. I told Mr Ismail KURT that I would return at a later date to check again.

Mr LOVE informed Mr Ismail KURT of the review and informed him that there would be a Licensing Committee. Mr Ismail KURT showed complete disregard for what Mr LOVE was telling him and stated that he had done nothing wrong. I pointed out the breaches I had found and informed him that I would expect a responsible Licensee to avoid such breaches and to rectify these immediately. Mr KURT stated that the store had only just re opened and that he could not find everything. I found this hard to believe as he had told me that the store had been open for 3-4 weeks.

Mr LOVE put two blue notices on street furniture outside the store and informed Mr Ismail KURT of this and explained that it was an offence to remove these. Mr LOVE and I left the store.

Signature: Henry Percent Signature witnessed by:

Your License Review
Our Licensing/NI
Date: 04/06/2017



KEY 3

PREMISES LICENSE REVIEW:
ESSEX ALTERNATIVE SUPERMARKET
360 ESSEX ROAD
N1 3PD

METROPOLITAN POLICE
SERVICE
Islington Police Licensing Team
Islington Police Station
2 Tolpuddle Street
London
N1 0YY
Telephone: 07799133204

Email:
licensingpolice@islington.gov.uk

4th June 2017

Dear Sir/Madam

Re: Premises License Review: Essex Alternative Supermarket 360 Essex Rd N1 3PD

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be supporting this application for a review of a premises license under Section 51 Licensing Act 2003.

I have read the application submitted by Mr Alonso Ercilla, Trading Standards Manager, 222 Upper Street N1 1XR.

I am in full agreement with his assessment of the premises. I believe that the management standards are far from reaching the high standards required and expected by all of the Responsible Authorities and the Council Licensing Policy.

The evidence put forward in Mr Ercilla's report makes it clear to me that Mr Ismail Kurt is not a suitable person to have the responsibility of being the Premises License Holder and Designated Premises Supervisor of Essex Alternative Supermarket.

I visited the venue on the 15th May 2017 and completed a statement attached SAH/1. It is clear to me that the venue is not being run in a responsible manner.

At the time of my visit I identified the following breaches:

A [REDACTED] was serving behind the counter and was the only person working in the shop. This is a breach of Annex 2 Condition 3 on the license which states that a minimum of two members of staff to be present at all times whilst the premises remain open for the sale of alcohol.

[REDACTED] informed me that he had completed his personal license course and was waiting for his license. Annex 2 Condition 5 on the license states at least one person holding a personal license shall be on duty when alcohol is being sold.

Annex 2 Condition 19 states that there should be A4 sized notices at each exit point reminding customers to leave quietly and to respect the neighbours. There is only one entry/exit door at the premises and there were no such posters present.

Annex 2 Condition 29 states that there should be an A4 sized, or larger poster displayed at the point of entry advising customers that the premises operates a "Challenge 25" proof of age scheme. There was no such poster present. I was very concerned by this as in January 2017 a minor had been served alcohol at the venue and Mr Ismail Kurt had been informed of this by Trading Standards Officer Mr Douglas Love.

I did see 3 small 6" x 2" notices placed at the very top of the display cabinet behind the counter, but I only noticed these whilst looking for the location of the CCTV cameras. I do not believe that customers would see these very small signs without being prompted to look in that location.

When Mr Ismail Kurt did arrive at the shop during my visit his demeanour was very aggressive and he continually spoke over both me and Mr Love.

I asked him if I could see the staff training records as required by Condition 32, Annex 2 on the license. Mr Kurt could not provide these to me. I also asked to see the refusals log and was shown this by Mr Kurt. The

last entry was made on the 11/03/2017, two slim males refused alcohol. Mr Kurt stated that the shop had been shut for renovation and had only been open again for 3-4 weeks.

I then asked to see some recorded CCTV footage but this could not be done at the time. There was a male present who appeared to be doing something with electrical wiring in the ceiling and this may have been the cause of the CCTV failure. I have at this time not been able to get back to the shop to check.

I pointed out the breaches to Mr Ismail Kurt.

In my professional opinion a responsible Licensee would not have allowed these breaches to occur. Mr Kurt's excuse that he could not find everything as the shop had only been open again for 3-4 weeks is unacceptable and shows a clear disregard for the Licensing objectives. He totally ignored all that Mr Love was telling him about the review process and just stated that he had done nothing wrong. This again leads me to believe that Mr Ismail Kurt is not a suitable person to be the licensee and DPS of a premises selling alcohol. If he doesn't recognise the fact that he is breaching his license conditions then I do not see that we could ever have trust in him to operate his shop in a way that promotes the 4 licensing objectives

My recommendation would be that the license is revoked or at very least a long suspension served to allow Mr Kurt to fully acquaint himself of the Licensing objectives and the conditions contained within the venue license.

It is for Mr Kurt to prove to this Committee that he is a suitable person to operate a licensed premises and it is my opinion that at this time he can't do that.

I do support and agree with the clear recommendations in Mr Ercilla's report and feel that this is the right course of action in these circumstances.

Islington Police Licensing Team
Pc Steven Harrington 425NI

SAH/1

SAH/1

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 Steven HARRINGTON PC 425 NI URN: [] [] [] []

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Officer 193779

This statement (consisting of: pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Signature] PC425NI Date: 15/05/2017

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

My name is Steven Harrington and I am a Police Constable 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.

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On my arrival I spoke with a male behind the counter who gave his name as [redacted] [redacted] did not speak very good English and made a phone call to Mr Ismail KURT, his son, who is also the Premises License holder. Mr Ismail KURT informed me that he was on his way to the venue and would arrive in about 20 minutes. I informed him that I would continue with my check as far as possible until he arrived. At this time there was only one member of staff working in the store that being [redacted] this is a breach of the license Annex 2 Condition 3 which states that A minimum of two members of staff to be present at all times whilst the premises remain open for the sale of alcohol.

I asked [redacted] if he had a Personal License and he explained that he has completed the course and was waiting for his license. Annex 2 Condition 5 states: At least one person holding a personal license shall be on duty at the premises when alcohol is being sold. Alcohol was clearly on display on the shelves behind the counter and in the fridges on the left of the store and wine was displayed on shelves to the right of the store. I asked [redacted] if he could operate the CCTV system, I do not think that he clearly understood what I was asking. I decided to look at other conditions on the license while waiting for Mr Ismail KURT to arrive. While I was looking around another male arrived in the store who stated that he worked there. He gave his name as [redacted]

Signature: [Signature] Signature witnessed by:

SAH/1

Continuation of Statement of Steven HARRINGTON PC 425 NI

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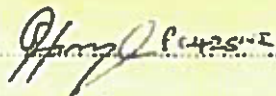
Mr Ismail KURT arrived at the store; his attitude took me a bit by surprise as he appeared to be aggressive and would continue to talk over me when I was trying to explain the reason for the visit and what I had found. He did manage to show me the refusals Log which had a last entry on the 11/03/2017 two slim males refused alcohol. Mr Ismail KURT explained that the store had been shut while changes were made to the interior and that they had only been back open again for about 3-4 weeks?

I asked for the training records and these were not available for viewing which is a breach of Annex 2 Condition 32: Training records to be made available to a Police Officer or an authorised Officer of any responsible Authority upon request. I then asked Mr Ismail KURT to show me some recorded CCTV footage from 3 weeks ago but he could not. There was a male working in the store who was dealing with some wiring in the ceiling and this may have affected the CCTV system. I told Mr Ismail KURT that I would return at a later date to check again.

Mr LOVE informed Mr Ismail KURT of the review and informed him that there would be a Licensing Committee. Mr Ismail KURT showed complete disregard for what Mr LOVE was telling him and stated that he had done nothing wrong. I pointed out the breaches I had found and informed him that I would expect a responsible Licensee to avoid such breaches and to rectify these immediately. Mr KURT stated that the store had only just re opened and that he could not find everything. I found this hard to believe as he had told me that the store had been open for 3-4 weeks.

Mr LOVE put two blue notices on street furniture outside the store and informed Mr Ismail KURT of this and explained that it was an offence to remove these. Mr LOVE and I left the store.

Signature



Signature witnessed by

Continuation of Statement of Steven HARRINGTON PC 425 NI

[Empty rectangular box for statement content]

Signature: Signature witnessed by:

Witness contact details

Home address:

Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (tick one) Day and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability:

Witness care

- a) Is the witness willing and likely to attend court? No. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? No. If 'Yes' what are they? (Orally hearing, deaf, transport, language difficulties, visually impaired, restricted mobility or other concerns)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me. Yes No
- b) I have been given the Victim Personal Statement leaflet. Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?'. Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice). Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA. Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

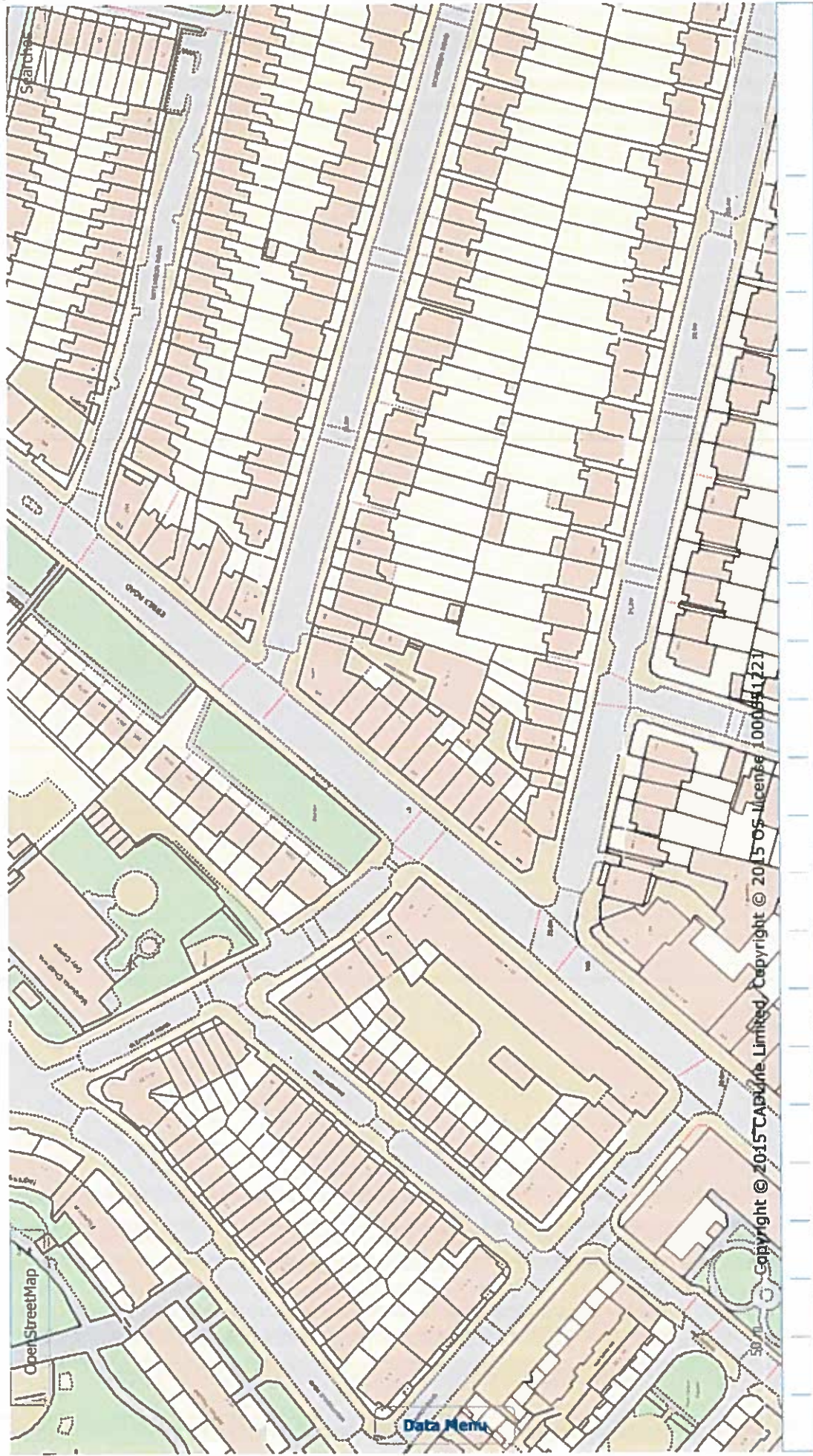
Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): PC 425 NI 193779 Steven HARRINGTON .. Station: ISLINGTON

Time and place statement taken:



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