



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	5 October 2015		Bunhill

Delete as appropriate		Non-exempt
-----------------------	--	------------

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

1. Synopsis

- 1.1 This is an application by the Police for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review is related to the licensing objective:
 - i) Prevention of crime and disorder.
 - ii) Public safety

2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	N/A
Pollution Team	No
Health and Safety	No
Trading Standards	Yes
Public Health	No

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

3. Background

3.1 The premises currently holds a licence allowing:

- i) The sale of alcohol for consumption off the premises Monday to Friday from 08:00 to 23:00 and Sunday from 10:00 to 22:30.
- ii) Opening hours Monday to Friday from 08:00 to 01:00 the following day and Sunday from 10:00 to 00:00.

3.2 Papers are attached as follows:-

- Appendix 1: application form from Police with current premises licence;
- Appendix 2: representations;
- Appendix 3: submissions from licensee;
- Appendix 4: map of premises location.

3.1 History of the premises:

- a. On 24 November 2005 the premises licence was first granted following a conversion application from the former Justices' Licence. The authorised hours for the sale of alcohol were 08:00 to 23:00, Monday to Saturday, and 10:00 to 22:30, Sunday. The Licensee and DPS were named as Ibrahim Unek (Mr Salman Capti Snr's business partner).
- b. On 19 April 2006 Mr Capti Snr attended Licensing Officer Panel following failed test purchases to children.
- c. On 24 July 2006 an application for review was made by Trading Standards. The review was following a further failed test purchases to under age children.
- d. On 13 September 2006 the review was determined by the Licensing Sub Committee where 8 conditions were imposed on the licence.
- e. On 22 September 2006 Atay Kasapoglu (Mr Capti Snr's son-in-law) made an application for the licence to be transferred into his name and to become the DPS. The applications were granted.
- f. On 1 September 2008 Mr Kasapoglu attended Licensing Officer Panel following a test purchase to children.
- g. On 8 June 2009 Mr Kasapoglu attended Licensing Officer Panel following failed test purchases to a child that nearly resulted in a sale.
- h. On 8 June 2011 an application for review made by Trading Standards was received after seizures of counterfeit and smuggled goods.
- i. On 28 June 2011 Mr Capti Snr made an application for the licence to be transferred into his name and to become the DPS. These applications were objected to by the Police and were withdrawn at the hearing on 22 August.
- j. On 22 August 2011 the licence was revoked by the Licensing Sub Committee following the review. This decision is subject to ongoing appeal which is yet to be determined.

The decision was appealed and the premises continued to operate until a new licence was granted on 2 July 2012.

- k. On 8 September 2011 a new premises licence application was made for a premises licence by Mr Capt Snr. This application was refused by LSC on 3 November 2011. The decision was appealed and on 20 March 2012 the refusal was upheld.
- l. On 17 April 2012 a new premises licence application was made by Umut Capti, Mr Capti Snr's son. This application was subsequently withdrawn on 30 April 2012.
- m. On 2 July 2012 the current premises licence granted to Salmon Capti Jnr.
- n. On 13 February 2013 Trading Standards reviewed the licence after a sale of alcohol to an underage child, breaches of licence conditions and sale of alcohol after the permitted hour. Conditions were imposed on the licence.

4. Planning Implications

- 4.1 The Planning Service has reported that there are no restrictive conditions in force.

5 Recommendations

- 5.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 5.2 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.
- 5.3 The steps stated in Sections 52(4) of the Act are as follows:
 - a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;
 - e) to revoke the licence;
 - f) the Committee also have the option to leave the licence in its existing state;
 - g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

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

24.9.15
Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

WJK/201593743

Appendix 1

Application for the review of a premises licence or club
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 Police - Responsible Authority

PC548NI Nick Pamboris On behalf of the Commissioner of Police of the Metropolis

Apply for the review of a premises license under Section 51 of the Licensing Act 2003 described in part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description City Supermarket 190-194 Goswell Road	
Post town LONDON	Post Code EC1V 7DT

Name of premises licence holder or club holding club premises certificate (if known) Salman Capti, Junior
--

Number of premises licence or club premises certificate (if known) 13711/130213
--

OK
19/7
28 July 15

Part 2 - Applicant details

I am

Please tick ✓ yes

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

a person living in the vicinity of the premises

a body representing persons living in the vicinity of the premises

a person involved in business in the vicinity of the premises

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

a responsible authority (please complete (C) below)

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

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

Please tick

Mr **Mrs** **Miss** **Ms**

Other title
(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Pc Nick Pamboris 548NI Police Licensing Officer C/O Islington Council Public Protection Division 222 Upper Street London N1 1XR
Telephone number (if any)
E-mail address (optional) licensingpolice@islington.gov.uk

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| public safety | <input checked="" type="checkbox"/> |
| the prevention of public nuisance | <input type="checkbox"/> |
| the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

I am Police Constable Nick Pamboris 548NI Police Licensing Officer for Islington and I act on behalf of the Commissioner of Police of the Metropolis.

City Supermarket: On 19th June 2014 a 17 yr old male was sold 2 knives in the shop by Mr Salman Capti Junior who is the Premises Licence Holder and Designated Premises Supervisor. These knives were then used, by the 17 year old and others, to stab another male leaving him with serious injuries. The 17 yr old male was subsequently convicted of GBH with intent and possession of a bladed article. A prosecution was then brought against Mr Salman Capti Junior by Islington Trading Standards under Section 141 of the Criminal Justice Act for an Under Age sale and for breaching their CCTV condition on the premises licence. He was found guilty and convicted for both these counts. The submitting of this review has been delayed whilst awaiting the outcome of this prosecution.

This premise's has previously been reviewed in 2006, 2011 and 2012.

The Police invite the Sub-Committee to consider revocation of the license and feel this is, in light of 3 previous reviews, proportionate to promoting the licensing objectives. It is felt that the management is not up to the standard expected of a Licensee, and it was the licensee who made the under age sale.

Engagement:

The venue was visited by PC Steve Harrington 425NI on 26th June 2014. One breach of the licence was found. Annex 3, condition 9. The refusals log was not signed by the DPS.

PC Steve Harrington formed the opinion that another licence condition was not being complied with. Condition 1 in Annex 2 requires that the CCTV system should identify frontal identification of every person entering the premises. In PC Steve Harrington's opinion this meant one of the cameras should give a square-on, close up of the public door of the premises taken from inside the premises. In his opinion the camera was not providing an image that would allow frontal identification of every person entering the premises. This would be the same guidance he would give to any licensee in relation to CCTV to be consistent. The same condition also requires that 'CCTV shall be installed, operated and maintained in agreement with the Police'. This requires the licensee to actively seek agreement with the Police. PC Steve Harrington was not aware that the licensee had ever sought such agreement from the Police and did not believe it would have been given with the cameras positioned how it was.

I visited the venue on 14th July 2015. Mr Salman Capti was present as the only staff member in the shop and was serving behind the counter. He did not have his personal licence with him, nor was there a full premises licence or an endorsed copy available to see.

During my visit I noted the following.

There was a CCTV camera covering the entrance to the door. This appears to have been put in place recently, however police were not consulted about this decision. The licence has the following condition.

Annex 2, condition 1. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recording shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.

Annex 3, condition 6. The Licensee shall adopt Challenge 25, the Retail of alcohol Standard Groups advice for off licences.

Although there were 2 signs displaying "Challenge 25" they were not considered to be in prominent places. I had to ask Mr Capti if he had any signs displayed as I was unable to see them. One was a small badge size, stuck to the till, making it difficult to see. The other was A4 in size but hanging from the ceiling directly above where a customer would stand when making a purchase, making it difficult or unlikely that it would be seen.

Please provide as much information as possible to support the application (please read guidance note 2)

CRIS and CAD reports in chronological order:

SUMMARY OF INCIDENTS

CRIS REPORTS

CRIS - 2714216/14 - 19th June 2014 - 1435 hrs

A 17 year old male purchased 2 knives from the venue. This male and others, then went on to attack another male on Cyrus Street using the knives that had just been purchased. Cyrus Street is almost opposite the venue. The victim received multiple stab wounds as a result of this attack. The 17 year old male was arrested and charged with GBH and possessing a Bladed Article. He subsequently pleaded guilty and was convicted of both these offences.

SUMMARY & RECOMMENDATIONS

City Supermarket is a convenience store located in a busy location in Islington, surrounded by residential dwellings as well as being on a busy commuter route. Knife crime is now a regular occurrence between young people in Islington and as result of this Police would expect management of the venue to have put in all options open to them in an attempt to prevent knives being sold to young people, particularly those under the age of 18 in an effort to promote the licensing objectives. This has not been the case and very nearly resulted in the tragic death of a young man.

Since 2006 the venue has been reviewed on 3 separate occasions. Despite best efforts by the police and other responsible authorities the venue has continuously fallen below the management levels expected of a licensee and continue to draw the attention of responsible authorities through poor management. Previous reviews have resulted in further conditions being placed on the licence, but to date have prevented further incidents from taking place.

In light of this:

Police would seek as a minimum the following:

Revocation of the licence. This would prevent the licensee and management being responsible for any further incidents and would have a positive impact on the local community knowing that knives would not be so easily available to young people in the area.

Representations made by Police relating to the premises:

Date	Application/Review	Details
4 August 2011	Trading Standards Review	Representation supporting the revocation of the licence.
4 August 2011	Transfer and DPS Variation Applications	Representation against the grant of Transfer and DPS Variation to Salmon Capti Sr.
3 November 2011	New Premises Licence	Representation against the grant of new premises licence to Salmon Capti Sr
23 April 2012	New Premises Licence	Representation against the grant of new premises licence to Umut Capti.
2 July 2012	New Premises Licence	Representation against the grant of new premises licence to Salmon Capti Jr.

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please tick ✓ yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

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

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

Part 3 – Signatures (please read guidance note 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 *NR 548N1*
Date *27TH JULY 2015.*
Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

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

The application form must be signed.

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

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

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 **PC548NI Nick Pamboris** URN:

--	--	--	--

Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 201677**

This statement (consisting of: ... **3** 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: *NR* **548NI** Date: **27th July 2015**

Tick if witness evidence is visually recorded (supply witness details on rear)01

My name is Nick Pamboris 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.

This statement is submitted to support the application by the Metropolitan Police Service made under Section 51 of the Licensing Act 2003. This is for the review of the premises license held for the premises at 190-194 Goswell Road, EC1V 7DT and known as City Supermarket.

The application for a review is on the basis of concerns in relationship to the following Licensing Objectives:

- The prevention of crime and disorder.
- Public Safety

SUPPORTING DATA

The data in this report has been collated from various Police indices. It has been taken from the CRIS system - the MPS computer database used to record all allegations of crime, the CAD system that records all calls to police and the CRIMINT system used for intelligence reports. I have searched between dates 1st July 2011 and the 27th July 2015. Should any new information be forthcoming I will produce it at the earliest opportunity.

SUMMARY OF INCIDENTS

CRIS reports: I exhibit the redacted CRIS report as NIP/1

CRIS 2714216/14

Signature: *NR* **548NI** Signature witnessed by:

Continuation of Statement of **PC548NI Nick Pamboris**.....

A 17 year old male purchased 2 knives from the venue. This male and others, then went on to attack another male on Cyrus Street using the knives that had just been purchased. Cyrus Street is almost opposite the venue. The victim received multiple stab wounds as a result of this attack. The 17 year old male was arrested and charged with GBH and possessing a Bladed Article. He subsequently pleaded guilty and was convicted of both these offences.

ENGAGEMENT

On 14th July 2015 I visited the venue and carried out a full licensing visit. I completed a Form 695 and I exhibit the report as NIP/2.

SUMMARY & RECOMMENDATIONS

City Supermarket is a convenience store located in a busy location in Islington, surrounded by residential dwellings as well as being on a busy commuter route. Knife crime is now a regular occurrence between young people in Islington and as result of this Police would expect management of the venue to have put in all options open to them in an attempt to prevent knives being sold to young people, particularly those under the age of 18 in an effort to promote the licensing objectives. This has not been the case and very nearly resulted in the tragic death of a young man.

Since 2006 the venue has been reviewed on 3 separate occasions. Despite best efforts by the police and other responsible authorities the venue has continuously fallen below the management levels expected of a licensee and continue to draw the attention of responsible authorities through poor management. Previous reviews have resulted in further conditions being placed on the licence, but to date have prevented further incidents from taking place.

In light of this:

Police would seek as a minimum the following:

Revocation of the licence. This would prevent the licensee and management being responsible for any further incidents and would have a positive impact on the local community knowing that knives would not be so easily available to young people in the area.

The Police invite the Sub-Committee to consider the above as well as any further action they deem appropriate based upon the evidence presented to them and proportionate to promoting the licensing objectives.

Signature:



Signature witnessed by:



PREMISES LICENCE LICENSING ACT 2003

Premises licence number	13711/130213		
Postal address of premises, or if none, ordnance survey map reference or description			
CITY SUPERMARKET 190-194 GOSWELL ROAD			
Post town	London	Post code	EC1V 7DT
Telephone number			

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
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>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Tuesday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Wednesday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Thursday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Friday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Saturday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Sunday</td><td>10:00</td><td>to</td><td>22:30</td></tr> </table> 	Monday	08:00	to	23:00	Tuesday	08:00	to	23:00	Wednesday	08:00	to	23:00	Thursday	08:00	to	23:00	Friday	08:00	to	23:00	Saturday	08:00	to	23:00	Sunday	10:00	to	22:30
Monday	08:00	to	23:00																									
Tuesday	08:00	to	23:00																									
Wednesday	08:00	to	23:00																									
Thursday	08:00	to	23:00																									
Friday	08:00	to	23:00																									
Saturday	08:00	to	23:00																									
Sunday	10:00	to	22:30																									

The opening hours of the premises:																																			
<table border="0"> <tr><td>Monday</td><td>08:00</td><td>to</td><td>01:00</td><td>On the day following</td></tr> <tr><td>Tuesday</td><td>08:00</td><td>to</td><td>01:00</td><td>On the day following</td></tr> <tr><td>Wednesday</td><td>08:00</td><td>to</td><td>01:00</td><td>On the day following</td></tr> <tr><td>Thursday</td><td>08:00</td><td>to</td><td>01:00</td><td>On the day following</td></tr> <tr><td>Friday</td><td>08:00</td><td>to</td><td>01:00</td><td>On the day following</td></tr> <tr><td>Saturday</td><td>08:00</td><td>to</td><td>01:00</td><td>On the day following</td></tr> <tr><td>Sunday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> </table>	Monday	08:00	to	01:00	On the day following	Tuesday	08:00	to	01:00	On the day following	Wednesday	08:00	to	01:00	On the day following	Thursday	08:00	to	01:00	On the day following	Friday	08:00	to	01:00	On the day following	Saturday	08:00	to	01:00	On the day following	Sunday	10:00	to	00:00	
Monday	08:00	to	01:00	On the day following																															
Tuesday	08:00	to	01:00	On the day following																															
Wednesday	08:00	to	01:00	On the day following																															
Thursday	08:00	to	01:00	On the day following																															
Friday	08:00	to	01:00	On the day following																															
Saturday	08:00	to	01:00	On the day following																															
Sunday	10:00	to	00:00																																

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

Salman Capti, Junior

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


Not applicable

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

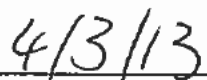
Salman Capti, Junior

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

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



Service Director - Public Protection



Date of Issue

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence:
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

Annex 2 - Conditions consistent with the Operating Schedule

1. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recording shall be made available to an Authorised Officer or a Police officer (subject to the Data Protection Act 1998) within 24 hours of any request.
2. **Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by customers or staff.**
3. No alcoholic goods will ever be purchased from sellers calling to the shop.
4. Invoices (or copies) for all alcohol goods on the premises will be kept at the shop and made available to officers from the Council, police or HMRC upon request.
5. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
6. An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
7. If any spirits bought by the company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.
8. All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.
9. Appropriate fire safety procedures are in place along with appliances including fire extinguishers (Foam, H2O and CO2) fire blankets, internally illuminated fire exit signs a smoke detector and emergency lighting. All appliances shall be checked internally and comply with relevant British Standards.
10. All fire escapes/escape routes will be clearly marked and kept free from obstructions at all times.
11. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
12. Trade waste agreement to be maintained at all times.
13. To protect children from harm:

- i) the premises are effectively and responsibly managed
 - ii) provision of a sufficient number of people employed or engaged
 - iii) appropriate instruction, training and supervision of those employed or engaged.
14. A software system that provides a till prompt relating to underage sales shall be installed.

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

1. Mr Salman Capti Snr is not permitted to sell any alcohol on the premises at any time.
2. No deliveries will take place on Sundays or Bank Holidays and between the hours of 23:00 and 07:00 hours other days of the week.
3. No rubbish will be moved, removed or placed outside the premises on Sundays or Bank Holidays and between the hours of 23:00 and 07:00 hours other days of the week.
4. Prominent, clear and legible notices must be displayed at the public exit to the premises requesting the public to respect the needs of local residents and to leave the area quietly.
5. Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.
6. The licensee shall adopt Challenge 25, the Retail of alcohol Standard Groups advice for off licences.
7. The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The training shall include the assessment of age: making a challenge; acceptable proof of age; and recording refusals. The licensee shall keep records of training and instruction given to staff and make them available for inspection upon request by the licensing team, police or trading standards.
8. The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards for example, proof of age cards carrying the 'PASS' logo (and no others) a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
9. The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.

Annex 4 – Plans.

Ref 94.05/05 March 2005

**Licensing Act 2003- Representation from the Licensing Authority
Application: City Supermarket, 190-194 City Road London EC1**

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 public nuisance
- The prevention of crime and disorder

Licensing Policy Considerations

Licensing Policies 9 & 10 Standards of Management Saturation

Licensing Policy 30 Review of Licences

Issues of Concern

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

Whilst the sale of knives is not a licensable activity, the sale of any age-restricted products to underage young people indicates that there is insufficient management control in the premise.

The Police review also noted breaches of the licence conditions in June and July 2014 and this confirms that the management is not sufficiently robust to ensure 100% compliance with legal requirements.

These two factors are sufficient to question the Licence Holders ability to promote the licensing objectives.

Recommendations

In order to promote the licensing objectives it is recommended that the licensing committee considers the application and any mitigation put forward by the Licence Holder and makes a proportionate and appropriate decision.

Janice Gibbons
Service Manager

3 August 2015

**ISLINGTON****PUBLIC PROTECTION DIVISION**Trading Standards
222 Upper Street
London N1 1XRTel:
E-mail:

Please reply to: Doug Love

MEMO TO:**LICENSING TEAM
222 UPPER STREET**Our Ref:
Your Ref:
Date: 20/08/15**LICENSING ACT 2003: REPRESENTATIONS BY RESPONSIBLE AUTHORITY****City Supermarket, 190-4 Goswell Road, EC1V 7DT**

The Police application for a review of the premises licence for the above premises has been examined by me on behalf of Trading Standards. I wish to make the following representation.

1. This premises has been run by the Capti family since the early 2000s. Trading Standards have had a number of dealings with the business over the years, which are summarised on at the end of this representation. I have had personal knowledge of the business since 2011.
2. When I first encountered the business, I felt that they were reluctant to engage with me and that they missed several opportunities to improve the management of the business through following the written advice that was given to them and through ignoring the offers of further help that I made.
3. After the 2012 review application was made, however, the Capti sons, Salman Jnr and Umut, did appear more willing to engage. They requested a meeting, which Katie Tomashevski of Licensing and I attended and we talked through the importance of fully complying with conditions and following advice to ensure that the management of the premises improved. I recall at around this time visiting the premises to check compliance with licence conditions and being satisfied. This would have been a general assessment, rather than a check of every last detail – for instance, I would only have confirmed that the CCTV was working and capable of recording for 31 days: I would not have checked that the detailed criteria of that condition had been met.
4. Given this improved attitude towards responsible authorities, TS downgraded their recommendation from revocation in the written application and asked for the licence to be suspended at the meeting.
5. Between that review and the incident that prompted the Police review, the management did seem to improve in terms of compliance with conditions and underage sales and TS had no issues with the business.
6. After receiving an e-mail from the Police, alleging that the business had sold knives which were subsequently used in a serious stabbing to a 17 year old, I investigated the case.
7. As part of the investigation, I visited the shop with PC Steve Harrington. I had not, previously to receiving the allegation, been aware that this shop sold knives, although the Capti's other shop – City Household and Stationery over the road at 153 Goswell Road – was known to sell knives and had received written advice in May 2013. This advice was not being followed in either shop: knives were on open display, instead of locked away, or

kept behind the counter; no 'reminder' stickers had been placed on knives to help staff remember the law when selling them; no posters were displayed in City Supermarket.

8. I also spoke with the 17 year old buyer, who subsequently admitted his role in the stabbing and was sentenced to five years youth detention. He had said while under caution at the Police station that he had bought the knives, but not taken part in the actual attack. I visited him at Feltham YOI and although he refused to make a statement for me, he confirmed that he had purchased the knives at City Supermarket (and said that he also used to buy cigarettes there). This information is of course hearsay and could not be used in the criminal courts, but it is relevant to mention it here (whilst noting that the Licensing Sub-Committee may choose not to give it too much weight).
9. A prosecution resulted and the business and Salman Capti Jnr, the seller, were both found guilty of the sales of the knives, the Court finding that there was no reasonable doubt that the offence had taken place. (The defence argued that the knives had been stolen – even had this been accepted by the Court, one may view the business somewhat culpable by displaying the knives in a way that facilitated theft).
10. Salman Capti Jnr was also convicted for a breach of the cctv condition. When PC Steve Harrington and I had, on reviewing cctv footage of the sale picked up from Islington Police station, noted a breach of the 'cctv' conditions. There was no camera that gave sufficient detail of people entering the shop to enable identification. From the point of view of my investigation into the knife sale, this deprived me of a clearer view of events at the time of the sale. In more general terms, it meant that someone could have entered the store with criminal intent; approached the counter from the side; and left the shop without ever being clearly seen on cctv.
11. Since the review application has been made, I have visited the shop once – as part of a knives campaign run with the Police to encourage retailers sign an undertaking either to stop selling knives altogether, or at least to follow our advice when doing so. Umut Capti was present and showed me the additional cctv camera that had been added, which now provided a close up of the front door. He also drew my attention to two 'Under 25?' posters and asked me to comment on the prominence. In the position I saw them – adjacent to the wine shelves and in the counter area – I think they were prominent enough to satisfy Annex 3, condition 6.
12. I have since received an undertaking, signed by Umut, that the business will no longer sell knives.
13. I agree fully with the Police that the Licensing Sub-Committee should seriously consider revoking the licence in this instance. Certainly, if the Committee considers that the twin failures in ignoring written advice from Trading Standards and in selling the knives – particularly with such serious consequences – negates any general improvement in compliance with conditions or in 'passing' underage test purchases, this I believe is the only realistic option.
14. If, however, the Committee are of a view that there has been a general improvement since the 2012 review **and** they feel confident that this can be sustained with no similar errors in future a revocation may not be appropriate. If this is the case, I feel that the licence should be suspended for a substantial period to act as a deterrent against such lapses and the licensee should be made aware that this is the business' very final chance.



Doug Love
Principal Consumer Services Officer

Summary of TS interactions with City Supermarket

Nature	Comments
Reviews	<p>TS have bought reviews on three occasions:</p> <ul style="list-style-type: none">- In 2006 there was a review after two under-age sales to 14 year old volunteers, one of which was made by Salman Capti Jnr, who was then just 16 years old. The Licensing Sub-Committee added conditions to the licence.- In 2011, the licence was revoked after a large amount of illicit alcohol (158.15l of spirits and 164 bottles of wine) was seized from the business in a joint HMRC / TS visit.- In 2012, conditions were added after a further underage sale, several breaches of licence conditions and evidence of a number of late sales.
Test purchasing	<p>There have been 14 underage test purchases attempted at the business since 2004. Five sales have resulted (one in 2004; two in 2006; one in 2009; one in 2012). Refusals have taken place in 2004, 2007, 2008, 2009 (3), 2013, 2014, 2015.</p> <p>One 'Challenge 25' test purchase took place in 2013 when an 18 year old was refused alcohol as he could not provide proof of age.</p>
Illicit goods	<p>After the seizure that led to the 2011 review, no further illicit goods have been found at the premises.</p>



Working in partnership

Undertaking

I, Umut CAPTI, manager of City Supermarket UK LTD,

undertake to do the following on behalf of the business, with regard to its retail shop at

190-194 Goswell Rd EC4V 7DT

1) The following items will not be sold by the business:

- Kitchen knives with pointed blades
- Utility knives with retractable blades (ie. craft / DIY knives)
- Razor blades (except those enclosed in disposable razors / replacement razor cartridge heads)
- Other bladed products, such as meat cleavers

2) Staff will be given awareness training about other dangerous, but not legally age-restricted, products, such as screwdrivers and other tools that could be used as weapons. Staff should ask young purchasers buying about the intended use of such items and be empowered to refuse the sales if they have any concerns. (Alternatively, the business may wish to voluntarily prohibit sales of these items to young people, entirely).

SIGNED:

DATE: 31-07-2015

NARTS

From: Love, Douglas
Sent: 16 September 2015 11:32
To:
Subject: RE: City Supermarket

Hi, Mahir.

07/09/13 – alcohol tp attempted by female volunteer, aged 16 years & 10 months. Reason for refusal (ie. whether proof of age requested, or age asked) not recorded.

25/06/14 – knives to attempted by female volunteer, aged 17 years & 8 months. This note recorded: "Couldn't find knives, but asked at counter and was told "Yes, but you'll need ID".

09/07/15 – this was a 'Challenge 25 tp', where a male volunteer, aged 18 years and 9 months attempted to buy alcohol without proof of age and was refused. (It was wrongly recorded as an underage sale, hence the error in my representation: I will correct this at Committee).

Regards,

Doug

From: NARTS
Sent: 16 September 2015 10:57
To: Love, Douglas
Subject: City Supermarket

Dear Mr Love,

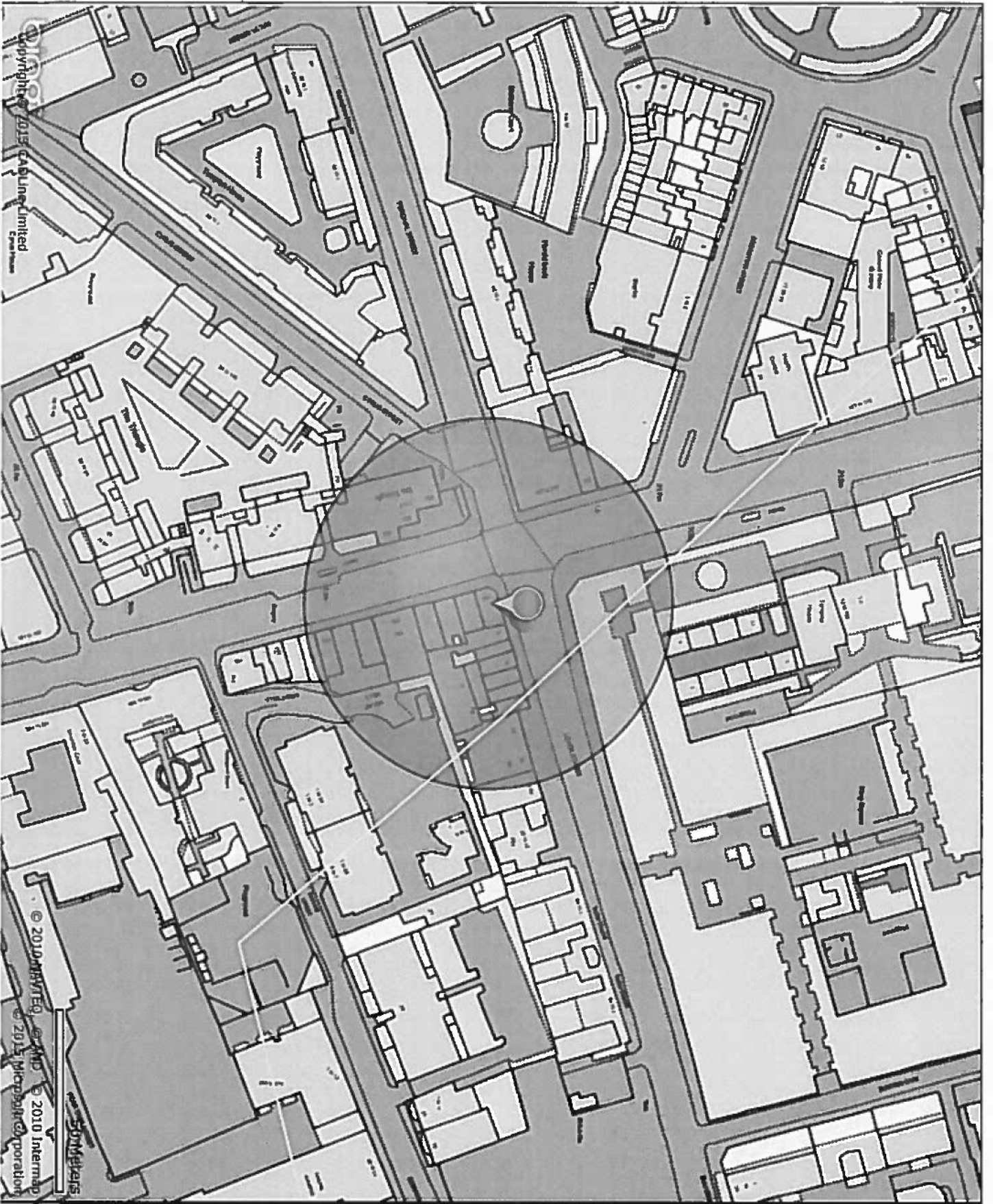
I would like to ask you please if you can provide us any the details of test purchasing refusals that you have mentioned in your representations which were in year 2013,2014 and 2015.

Kind Regards,
Mahir Kilic



53 Stoke Newington High Street, London N16 8EL | 020 7241 3636 | FAX: 0871 661 5283

This e-mail is intended for the addressee only. If you have received it in error, please contact the sender and delete the material from your computer. Please be aware that information in this email may be confidential, legally privileged and/or copyright protected.



Title : 190-194
Goswell Road EC1V
7DT

Islington Borough
Boundary

Printed by :
RO RO

Printed at :
23-09-2015

ISLINGTON