

Section 18 of 19

## LICENSING OBJECTIVES

APPENDIX A

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The applicant will accept the follow conditions. The alcohol only will sale in operation hours and the alcohol will be consumed off the premises. CCTV will be installed to the premises, installed the CCTV system that meet the standard in 'UK police requirements for digital CCTV system'. Emergency lighting will be provided. Smoke detector will be installed. The premises operates the "challenge 21" the proof of age scheme. The premises will open and shut at its permitted hours and the sale of alcohol or any other permitted licensing activity will not be carried out at any other time than its permitted opening hours.

b) The prevention of crime and disorder

A CCTV system shall be installed, operated and maintained at the premises.

1. Cameras must be sited to observe the entrance and exit doors inside and the alcohol displays, and floor areas.
2. Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i. e. capable of identification.
3. Cameras viewing till areas must capture frames not less than 50% of screen.
4. Cameras overlooking floor areas should be wide angled to give an overview of the premises.
5. Cameras must capture a minimum of 16 frames per second.
6. Be capable of visually confirming the nature of the crime committed.
7. Provide a linked record of the date, time, and place of any image.
8. Provide good quality images – colour during opening times.

*Continued from previous page...*

9. Operate under existing light levels within and outside the premises.
10. Have the recording device located in a secure area or locked cabinet.
11. Have a monitor to review images and recorded picture quality.
12. Be regularly maintained to ensure continuous quality of image capture and retention.
13. Have signage displayed in the customer area to advise that CCTV is in operation.
14. Digital images must be kept for 31 days.
15. Police will have access to images at any reasonable time.
16. The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.

c) Public safety

Emergency light will be installed and fire extinguisher will be installed. The fire exit is free of any impediment or obstacle at all time of the operating hours.

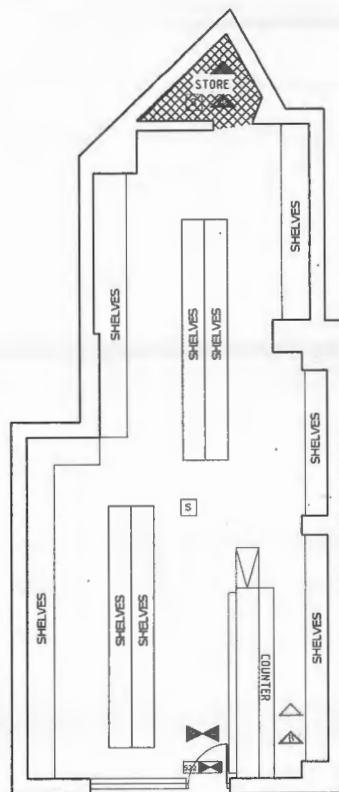
d) The prevention of public nuisance

For public nuisance there will not allow any alcohol drink at inside and outside. All occasions when persons have been refused service will be recorded in a refusals book, which shall be kept at the premises for not less than 12 months. Suitable signage will be displayed at the point of exit advising customers leave the premises quietly. Deliveries to the premises shall only be made during normal working hours. Bins shall not be emptied outside the premises in the late evening, night or early morning.

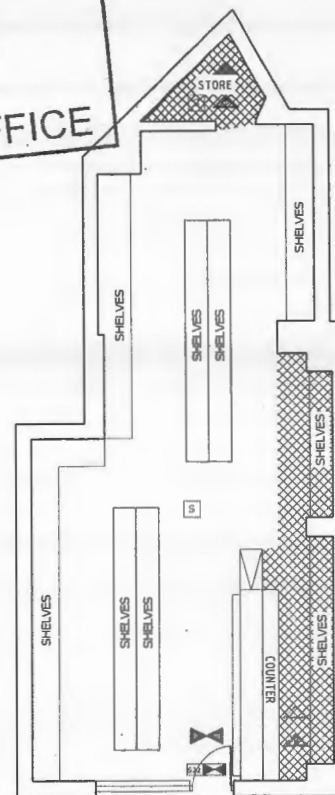
e) The protection of children from harm

We will be very strict to not sell alcohol to children and under age. Any alcohol must be sold by DPS or a person authorised be the DPS at all times. All staff who sells alcohol will be trained in the role by the DPS with regular refresher training. Records of training will be kept and made available for examining officers of the relevant authorities. Where a person appears to be under the age 21, identification in the form of passport, photo driving licence or a proof of age card bearing the pass hologram will be sought and if not provided service of alcohol will be refused. Suitable signage will be displayed at the point of entry and at the service area advising customers that the premises operates the "challenge 21" proof of age

**RECEIVED**  
- 6 JUN 2014  
**LICENSING OFFICE**



EXISTING GROUND FLOOR  
SCALE: 1/100



PROPOSED GROUND FLOOR  
SCALE: 1/100

**LEGEND**

- AMBIT OF LICENSED PREMISES
- LIQUOR SALES
- STORAGE
- WC, PASSAGEWAY, ETC
- SAFETY LIGHTING
- HEAT DETECTOR
- SMOKE DETECTOR
- CARBON DIOXIDE FIRE EXTINGUISHER
- 9 LT. WATER FIRE EXTINGUISHER
- FOAM
- FIRE BLANKET
- INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
- 30min FIRE RESISTANCE DOOR (FIRE DOOR TO HAVE INTUMESCENT STRIPS AND SELF CLOSER)

ALL DIMENSIONS TO BE VERIFIED ON SITE

Client: Mr. Ali Kemal Kop

Address: 31 St. Stephens  
Road, Norwich NR1 3SP

Existing and Proposed  
Ground Floor  
Scale: 1/100

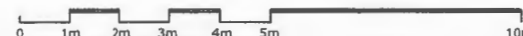
SCALE: 1/100 @A3 REF NO: 024714.04

DATE: MAY. 14 DRG BY: E.C.



**PLANNING  
LICENSING  
CONSULTANCY**

33b Grand Parade, Green Lanes,  
Haringey, London N4 1LG  
Telephone: (020) 8809 2320  
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**NORWICH**  
City Council

## **NOTICE OF DETERMINATION**

Date of Hearing: 21 June 2013

Licence Type: Review of a premises licence

Name of Applicant: Norfolk County Council (Trading Standards)

Name of Premises: Norwich Mini Market and Off Licence.

Postal address of Premises: 31 St Stephens Road, Norwich NR1 3SP

Licensing Sub-Committee: Councillors Button (Chair) Henderson and Maxwell

Other Persons Present: Mr Ali Capti, Mr Mehmet Sert; Mr Duncan Harris and Mr Matthew Lucking of Trading Standards, Norfolk County Council and Jeremy Brown and Michelle Bartrum of Norfolk Constabulary; Mr Tony Shearman of the Environmental Protection Section of Norwich City Council, Mr Ian Streeter (Licensing Manager); Mr D Lowens and Ms R Thompson of nplaw

### DETERMINATION

1. The application to vary the premises licence to specify Mr Mehmet Sert as the designated premises supervisor and the application to transfer the premises licence to Mr Mehmet Sert, both opposed by the Norfolk Constabulary, were withdrawn by Mr Ali Capti prior to being considered.
2. The sub-committee then heard the application by Norfolk County Council, Trading Standards service to review the premises licence in respect of 31 St Stephens Road, Norwich.

Councillors heard from Mr Ian Streeter who presented the report regarding this application to review the premises licence. He referred the councillors to their range of powers and noted that the matter was previously listed for a review on 24 April but was unable to proceed on that day due to that sub-committee not being certain that the respondent to the review had been properly served.

Norfolk County Council, Trading Standards service (Duncan Harris) then addressed the committee regarding the reasons for this review being their concern regarding a number of criminal offences involving the sale of alcohol to under age children covering the last two

years and more and summarised the matters contained on pages 32 and 33 of the agenda, emphasising an incident which occurred on Thursday 25 June 2009 when a 15 year old male volunteer was able to purchase two cans of Fosters lager, an incident on 16 February 2011 when counterfeit bottles of Smirnoff Vodka were discovered behind kick boards for the shelving units, together with the discovery of cigarettes, hand rolling tobacco, spirits and wine where it was believed the duty had been evaded, an incident on 22 February 2011 when a 13 year old female volunteer was able to purchase a bottle of WKD Original Blue and an incident in December 2012 when a 17 year old girl was able to purchase a bottle of vodka from these premises and due to its consumption subsequently required medical intervention at hospital. Mr Harris spoke regarding the warnings given to the business, including warning letters issued in both English and Turkish and mentioned that during a visit on 9 March 2012 to deliver a warning letter to the premises (given to Mr Sert) officers noted the sale of alcohol to a person who appeared to be under age without any challenge being made by Mr Sert. Comments made by Mr Sert during his interview on 17 June 2011 were also noted. Mr Harris also mentioned the difficulties which had been found attempting to serve Mr Capti with papers due to difficulty in obtaining his correct location.

It was agreed that on 8 June 2012 one young volunteer was refused service of alcohol.

Mr Harris mentioned that it was the experience of Norfolk County Council trading standards that Mehmet Sert has held himself out to be the sole trader and the person responsible for these premises in discussions with trading standards.

The councillors then heard from the Norfolk Constabulary who confirmed that they supported the need for a review of these premises because the premises were not being run correctly. Information continued to be received, prompting test sales to take place. In the police's view the sale of vodka to the hospitalised child was not a one off mistake but part of a series of problems indicating that there needed to be changes to management and stated the information from the 17 year old who had purchased the vodka was that she had visited the shop on four separate occasions when she was 16 without being requested to provide identification. The police referred councillors to their proposed conditions.

Mr Ali Capti when asked if he wished to ask questions of Trading Standards or Norfolk Constabulary following their presentations said that he did not wish to do so in either case.

Mr Ali Capti then spoke to Committee and in response to a question from nplaw (D Lowens) confirmed (after speaking to Mr Sert in Turkish) that it was correct that on 25 June 2009 a fixed penalty notice had been issued to a member of staff regarding illegal sale of alcohol, it was agreed that on 16 February 2011 concealed bottles and cigarettes had been found, it was agreed that on 22 February 2011 a member of staff at the premises had sold alcohol to an under age person, it was agreed that Mr Sert had confirmed when questioned by Trading Standards that at that date no formal process to record refusals existed (though one has subsequently been prepared) and that no formal training to members of staff existed and Mr Sert confirmed via Mr Capti that these were the answers he had given. Mr Capti agreed that a 17 year old had been able to purchase vodka from the premises in December 2012 and this had led to a further fixed penalty notice being issued to a member of staff in respect of the illegal sale of alcohol to an under age person. Mr Capti was directed to the conditions presented by the Norfolk Constabulary on page 69 of the agenda and by the Trading Standards service of Norfolk County Council on page 33 of the agenda and disputed whether it was appropriate for all staff working at the premises involved in the sale of alcohol to undertake the national certificate for personal licence holders or similar before being allowed

to serve alcohol. Other than the insertion of words ensuring that the electronic till prompt mechanism proposed by Trading Standards under (c) related to alcohol sales Mr Capti was happy to accept these proposed conditions.

Mr Capti was questioned by councillors regarding the amount of time he spends at the premises and problems regarding his correct address were mentioned as had been detailed by the representative for Trading Standards. A councillor noted that one employee had been responsible for two under age sales and heard from Mr Capti regarding his reasons for not wishing to have staff undertaking the national certificate for personal licence holders or similar. Mr Capti mentioned that he had tried to give some training on this matter.

Mr Capti did not wish to speak further to members of the Sub-Committee and had no comments to make regarding the powers available to the Sub-Committee.

Members considered their decision in private.

### **The Sub-Committee's Decision**

The Sub-Committee removed the current designated premises supervisor Mr Ali Capti from the premises licence, suspended the licensable activity of the sale of alcohol at the premises for a period of three months and imposed the following conditions:

1. All staff working at the premises involved in the sale of alcohol must undertake the national certificate for personal licence holders or similar before being allowed to serve alcohol.
2. An electronic till prompt mechanism for alcohol sales shall be installed at the premises within three months.
3. A CCTV system covering all areas of the shop where alcohol is displayed, the counter area and the store room shall be present and the footage shall be retained for 30 days.
4. There will always be a member of staff on duty who is conversant with the CCTV system and able to download CCTV footage for police or other authorised persons upon request.
5. The premises licence holder shall ensure that adequate training shall be carried out and documented in relation to dealing with an incident, prevention of crime and disorder, sale of alcohol to under age persons, persons over 18 purchasing for under age persons and to a person who is drunk. This training shall be given before a person is authorised to sell alcohol at the premises.
6. The training records shall be kept on the premises and produced to a police officer or licensing authority authorised person upon request.
7. Refresher training shall be completed every six months and documented in the training records.
8. A refusal/incident book will be kept to record all refusals and incidents. The log will include date, time, product, gender, approximate age and description of the customer and shall be completed as soon as practicable after the sale is refused.

9. The premises licence holder shall mark all alcohol products so that their point of origin of sale can be identified.
10. The shop shall operate a Challenge 25 policy in relation to alcoholic products, therefore any person appearing to be under 25 years of age must produce photographic ID before being allowed to purchase alcohol. Notices stating this policy will be displayed at the entrance to the premises and at the counter area.

### **The Sub-Committee's reasons**

Councillors found that the management of the premises was unsatisfactory and that despite warnings being given a series of sales of alcohol to under age persons had taken place. Councillors were also concerned regarding the hidden counterfeit items found. Councillors noted Mr Capti had not raised any challenges to the responsible authorities following the representations made by Norfolk County Council Trading Standards and the Norfolk Constabulary other than in respect of one condition. Councillors thought the designated premises supervisor was not in sufficient control of the premises to enable compliance with all the licensing objectives and noted the agreed admissions made as to the lack of formal training to staff and the lack of a refusals book and the length of time problems have been shown to exist. The designated premises supervisor has been at fault, failing to ensure the licensing objectives of the protection of children from harm and the prevention of crime and disorder are sufficiently supported at these premises.

Due to the poor management the Sub-Committee felt it was necessary to order the DPS removed and felt it was necessary to add the conditions mentioned above in order to assist with compliance with the licensing objectives. Members had considered adding the requested condition from the Norfolk Constabulary regarding the sale of beers/ciders over 6.5% alcohol by volume but felt that this was not necessary to deal with the issues arising from this review.

These were very serious matters and the failure over a long period and despite warnings to ensure the protection of children from harm required the significant penalty of a three month suspension which would also allow the necessary changes to the premises and the training of staff to take place. This was an appropriate and proportionate response to the seriousness of the matters agreed, the detrimental effect on the community which took place regarding sales of alcohol to under age persons and the vulnerability of the persons affected by such sales.

Those present were given details of their right to appeal.

Right to appeal against the determination of the Authority:

Applicants, the premises licence holder and any person who has submitted a relevant representation who is aggrieved by the decision or the imposition of any term or condition

or restriction have a right of appeal to the Magistrates Court within 21 days of the date on which they are notified of the decision.

Dated this 12 July 2013

IN THE NORWICH MAGISTRATES COURT

IN THE MATTER OF THE LICENSING ACT 2003

BETWEEN

MR. ALI CAPTI

AND

NORWICH CITY COUNCIL

**LICENSING APPEAL AGAINST SUSPENSION OF OFF-LICENCE**

**Norfolk County Council**

David Lowens

**Justices**

Paul Allen

Nigel Stringer

Richard Howard

**Legal Adviser**

Esther Tan-Worthington-Chapman

Evidence heard from

Doreen Cochrane

Ian Streeter

Duncan Harris

Matthew Lucking

PC Spinks

Ali Capti

Mehmet Sert



### **Issues To Be Decided**

1. Was the Decision made by the Licensing Committee wrong?
2. Was the Decision to suspend the off-licence wrong?
3. Was the business at the Norwich Mini Market ,St. Stephens Road managed in compliance with the licensing objectives set out in s. 182 of the Licensing Act 2003?
4. The Particular Objective in question being the persistent sale of alcohol to children and Whether there is a Fundamental breach of the Objective of Child Protection from underaged sales by the Apellant

### **Facts not in Dispute**

It was acknowledged in evidence that a number of licensing offences were committed at the premises which included underaged alcohol sales and presence of counterfeit alcohol. It was accepted that fixed penalty tickets had been issued and accepted at the premises by those operating on the premises.

### **Facts in Dispute**

Was Mr. Capti responsible for staff selling alcohol to underaged children ?

Was Mr. Capti responsible for mismanagement of the premises by allowing the sales to take place without adequate measures to counteract such offences taking place?

Has Mr. Capti as the designated Premise Supervisor with the attendant responsibility for day to day control of the premises taken reasonable and adequate steps to comply with the licensing objectives set out under s.182 of the Licensing Act 2003?

Was Mr. Capti, the licensee responsible for the acts or omissions by Mehmet Sert who owns and runs the off-licence?

### **Facts Found**

#### **We found on the evidence that:**

Mr. Capti, as the designated premise licence holder had full management responsibility for the day to day running of the shop.

All his staff whether part-time or full-time including Mr. Sert should have been fully trained in the relevant area of licensing sales to the public or at the very least properly instructed to comply with licensing laws.

Mr. Capti in his evidence stated he found out about most of these offences at the Licensing Committee meeting on the 21.6.2013 and had no knowledge of these prior to the meeting.

Mr. Capti stated he was not responsible for the illicit alcohol found concealed on the premises stating it was Mr. Sert's responsibility and that most of the time he was not

present at the premises when the supply of alcohol to underaged customers occurred which gave rise to the offences under the Licensing Act 2003.

Mr. Sert in his evidence stated he did not tell Mr. Capti about the penalty notices and that he knew nothing about the sale of alcohol to the 13 year old girl.

He stated that Mr. Capti had nothing to do with these matters and both attach blame to the part-time employee who had worked there.

In response to the question as to why the illegal alcohol was hidden behind boards, he stated that most of it had been seized and that he had hidden the remainder behind the boards in case the officers return for them again.

He stated he does not understand whether it was counterfeit alcohol or not and that he had paid £3000 to £4000 to someone from London for the alcohol and believed the goods to be legal.

He stated this was a seller who is a stranger to him and that he had got £6000 from friends and relatives on that day to purchase the alcohol without knowing the identity of the person who sold the alcohol to him.

We find the evidence of Mr. Capti and Mr. Sert not credible and that as a fact the premises had been mismanaged persistently and there are fundamental breaches of the licensing objectives which caused us grave concern.

### **Decision**

We find that the Licensing Committee Decision of the 21.6.2013 was not wrong.

We had regard to all the evidence given by those present and attach appropriate weight accordingly including the new evidence given by Doreen Cochrane.

We find that the evidence given today establishes a tolerance for criminal activity on the premises in addition to the underaged sales of alcohol and that the objectives of the Prevention of Crime and Disorder and the Protection of Children from Harm under the Licensing Act 2003 can only be met by a revocation of the Premise Licence.

In coming to our decision, we had regard to the Local Authority's statement of Licensing Policy and the Guidance.

We had regard to the decision of the Licensing sub-committee on the 21.6.13.

We had full consideration of the promotion of the licensing objectives under s.182 of the Licensing Act 2003.

We had regard to our powers under s.181 of the Licensing Act 2003 Schedule 5 Par 8(1) for revocation of the Premise licence.

We had regard to Art. 6 of the Human Rights Act 1998 on the Appellant's Right to a Fair trial and Proportionality of the Decision made by this Bench.

We had regard to Caselaw in the Hope and Glory case , Merlot case and Bassetlaw DC case as submitted by the Council.

30.1.14

Paul Allen  
Nigel Stringer  
Richard Howard



**NOTICE OF DETERMINATION**

Date of Hearing: 17 April 2014

Licence Type: Application for the grant of a premises licence

Name of Applicant: Mrs Gunay Sert

Name of Premises/Postal Address of Premises: 31 St Stephens Road, Norwich NR1 3SP

Licensing Sub-Committee: Councillors Stammers (Chair), Maxwell and Button

Responsible authorities : Michelle Bartram, Tom Munday and Richard Spinks of Norfolk Constabulary Licensing Team and Duncan Harris on behalf of Trading Standards

Other persons present: on behalf of the applicant – Gunay Sert, Mehmet Sert and Mehir Kilic (legal advisor/translator)

Also present were: Michael Shaw, Dogan Terbas, Deborah Budd, Ian Streeter (Norwich City Council Licensing Manager), David Lowens (nplaw Solicitor) and Doreen Cochrane (local resident and objector)

**DETERMINATION:**

Prior to the start of Committee the councillors carried out an unaccompanied site visit to 31 St Stephen's Road where councillors had noted the presence of bottles of 'Frosty Jacks' white cider by the door to the premises and present within the shop display area with wrapping in a condition that indicated one bottle had been removed from this bundle.

In addition Councillor Maxwell mentioned that she had been contacted by a person regarding this application but as this person was unwilling to provide any comment in writing, the legal advice given at committee was that no weight whatsoever should be placed upon this information. Councillor Maxwell confirmed that she was not pre-determined in respect of this matter, retaining an open mind.

Mr Streeter then presented the report and provided a plan to committee showing the location of the application premises and the location of those persons who had written in support of and in opposition to the application.

The applicant assisted by Mr Kilic who acted as her translator then presented the application and in addition to those matters proposed as the operating schedule shown on

appendix A of the agenda offered additional conditions during the presentation and questioning as follows:

1. Mr Mehmet Sert shall not work behind the counter as a cashier and shall not otherwise serve customers at 31 St Stephen's Road.
2. Condition 14 of the proposed conditions in Appendix A was amended to read "a personal licence holder which shall not be Mr Mehmet Sert shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol".
3. This premises licence shall not come into effect until at least one other member of staff than Mrs Gunay Sert (which cannot be Mr Mehmet Sert) holds a personal licence.

During the application it was confirmed that Mrs Gunay Sert was the applicant and that the intention was to sell alcohol for consumption off the premises between 8.00 am and 11.00 pm. A copy of the personal licence held by her was available if needed. It was confirmed to be correct that she had worked at the premises under the previous management. The applicant noted that the decision of the committee had been to suspend the premises licence for three months rather than to revoke the premises licence and mentioned that the suspension was felt to be appropriate. The applicant mentioned the decision of the Magistrates Court was currently being appealed. The applicant confirmed that since 13 January 2014 the premises had stopped serving or displaying alcohol. Regarding the bottles of alcohol noted at the site visit, the applicant mentioned that their CCTV system could be examined to confirm that no sales had taken place and it was possible that the alcohol had been purchased from other premises and dumped at 31 St Stephens Road. The applicant noted the conditions being suggested and noted that condition 3 ( CCTV ) was already implemented at the premises. The applicant also mentioned that a till prompt system was installed, prompting the person at the till to ask for identification when an age related product was being sold and further mentioned the stock control system, the intention being to mark with ultra violet ink the date of purchase of alcohol to enable the product to be identified against the necessary invoice of that date so as to confirm where the particular stock had arrived from. The applicant confirmed that Mr and Mrs Sert were aware of the conditions proposed and they were willing to co-operate with Trading Standards and the Norfolk Constabulary in respect of the licensing objectives.

There was discussion following questions from the councillors regarding the nature of Mrs Sert's interest at the time of the previous committee hearing and at the time of the magistrates court decision to revoke the premises licence.

It was confirmed that Mr Capti had not had day to day management of the premises and though theoretically in charge had a limited role only. He had effectively left control of the premises to others three or four years ago. It was agreed that Mrs Sert became DPS following the decision of the licensing sub-committee but prior to the appeal being heard by the Norwich Magistrates Court. She stated she had not been DPS when the instances of underage sales occurred or when the counterfeit items were found on the premises. She confirmed in response to questions that she had not sold any alcohol at these premises since 13 January 2014. In respect of those bottles of Frosty Jacks cider noted on the premises this morning, she mentioned that these may have been forgotten but were

not for sale. Councillors noted that these appeared to be in the wrapping for a pack of six bottles with one bottle missing and had been on display.

The applicant mentioned that she was intending to be at the premises 11.00 am to 3.00 pm and then again from 7.00 pm until close and another member of staff was intended to cover other occasions who would be obtaining a personal licence. The applicant responded to questions as to how she would enforce an age challenge scheme in the case of an English language speaker and some practical difficulties were noted regarding English language skills in this situation. The applicant's representative confirmed that her personal licence training had been undertaken in Turkish and a certificate of this training was also available. The applicant said that Mr Mehmet Sert would not be working at the shop but would be helping with the obtaining of alcohol via cash and carry purchases. The applicant offered a condition that Mr Sert would not be involved behind the counter and confirmed that his personal licence would not be used.

In response to questions from the licensing manager, the applicant confirmed that Mr and Mrs Sert were operating this business and that if the application was granted it would be Mrs Sert who would manage the business but Mr Sert would have a financial interest in the business. It was confirmed that Mrs Sert would not be able to complete any incident book in English. Mrs Sert mentioned that she had previously cleaned the shop and was involved in the business in that way and it was agreed that from time to time Mrs Sert had sold alcohol at these premises.

Following questions the responsible authorities then provided their representations, the Norfolk Constabulary noting that their concern was that the management of the premises had not effectively changed and they mentioned the views of the Norwich Magistrates Court. They felt the new application was made too soon and was a way of manipulating the licensing process and noted that under the old management significant problems had occurred and damage to the licensing objectives had taken place. Problems had occurred with obtaining CCTV and the constabulary requested that if the councillors were minded to grant a licence, a condition be imposed requiring all members of staff to be able to access the CCTV system. The constabulary mentioned that the location of these premises was close to a school. The constabulary view was that the premises had no strong management structure and the councillors needed to exercise caution and consider the history of this matter when considering this application.

The Trading Standards department of Norfolk County Council (Mr Duncan Harris) noted the concerns of trading standards and asked the committee to give great weight to the protection of children from harm and the crime and disorder objectives, noting that at the time of the magistrates court hearing Mrs Sert was DPS and Mr Sert was in day to day management of these premises. Trading Standards was concerned that shops improvement tended to be temporary when they were under investigation but this did not lead to a long term improvement. Trading Standards had little reason to believe a new name would have significant affect upon the necessary promotion of the licensing objectives and continued their formal objection to the grant of a new licence.

The applicant questioned the responsible authorities and it was agreed that the Norfolk Constabulary was unaware of any further incident since the magistrates hearing and Trading Standards confirmed that a test purchase exercise in October 2013 had taken place when the intended purchase had been refused. The constabulary noted that following the revocation of the premises licence they had visited on 31 January and had seen that alcohol was still present in the public areas of the premises although it was agreed that they had not witnessed any sale.

Mrs Cochrane a local resident then spoke to Committee noting her concerns regarding youngsters drinking in the area of these premises and mentioning the length of time that this had occurred. She confirmed that she was able to see persons proceeding to and leaving the premises and noted that she had seen persons in school uniform from the Hewitt School in possession of alcohol which she felt had been obtained from these premises. She noted that since the licence had been revoked the area was now peaceful and quiet with a significant reduction in anti-social behaviour compared to the situation which had existed when the premises were able to sell alcohol.

The applicant summarised her application noting that it was Mrs Sert who had refused a test purchase in October and there had been no instances regarding the sale of alcohol to minors for a significant period. The applicant had demonstrated that she could run the premises well.

Councillors asked for clarification of the involvement of Mr Sert in the intended running of the premises and the applicant responded that Mr Sert would be helping out regarding purchases from wholesalers but would not have day to day control. He would still be involved, this being a husband and wife business but would not be managing the premises.

### **Decision of the Licensing Sub-Committee**

The application was refused.

### **Reasons for the Councillors decision**

The Councillors took account of the s182 National Guidance and their Local Guidance as well as the matters raised before them and the written representations.

They were very concerned regarding the proposed management of these premises from the point of view of promotion of the licensing objectives. It was not in dispute that the sale of alcohol to children was a significant breach of the licensing objectives.

The management of the premises at the time of the decision by the Norwich Magistrates Court Licensing Bench that the licensing objectives could only be upheld by the revocation of the premises licence involved both Mr and Mrs Sert. Mrs Sert had been the designated premises supervisor at that stage. The Norwich Magistrates Court had heard evidence from a local resident in respect of concerns regarding underage sales and this evidence was valid as at the date of the magistrates' court appeal hearing, rather than at the date of the committee hearing. The evidence of the local resident Mrs Cochrane therefore related in part to a period when Mrs Sert had been designated premises supervisor and involved in the management of the premises as well as Mr Sert.

The councillors primary concern was that Mr Sert would still be involved in the management of the premises albeit less directly than previously and noted the significant problems in respect of his behaviour noted both by the previous licensing sub-committee and by the Norwich Magistrates Court. Councillors were not satisfied that the management structure was sufficient to uphold the licensing objectives, due to the likely influence of Mr Sert upon the running of these premises.

The councillors concerns with the management of the premises were so significant that even the proposed conditions were felt likely to be insufficient to uphold the licensing objectives due to concerns regarding whether they would be upheld.

The councillors gave weight to the concerns of Trading Standards and the Norfolk Constabulary that the controlling mind at this business was likely to remain that of Mr Sert.

Noting that the premises had a store room, there was no adequate explanation as to why alcohol was on display in the retail area of these premises during the morning site visit and this indicated at best poor management control.

**Right of the party to appeal against the decision of the Licensing Sub-Committee.**

For your information, applicants and any persons who have made relevant representations who are aggrieved by the decision or the imposition of any condition, term or restriction, may within 21 days of the date on which they receive notification of the decision, appeal to the magistrates court.

Dated this 17<sup>th</sup> April 2014

Posted this ..... April 2014.



APPENDIX  
E



**NORFOLK**

CONSTABULARY

*Our Priority is You*

Mr Ian Streeter  
Licensing Manager  
Norwich City Council  
St Peters Street  
Norwich

Date: 3<sup>rd</sup> July 2014

The Licensing Team

Bethel Street Police Station  
Norwich  
Norfolk  
NR2 1NN

Tel:

Fax:

Email:

[www.norfolk.police.uk](http://www.norfolk.police.uk)

Non-Emergency Tel: 0845 456 4567

Dear Mr Streeter

**Application for a premises licence – Norwich Mini Market, 31 St Stephens Norwich**

I can confirm that the Police have received a copy of the premises licence application for St Stephen's Mini Market, 31 St Stephens Road, Norwich in the name of Mr Kop.

This application has been submitted following the permanent revocation of the previous premises licence as a result of underage sales of alcohol, under the previous management. The determination was made following a Licensing Committee Hearing and upheld at the appeal to Magistrates Court.

The Magistrates in fact considered it appropriate to revoke the premises licence permanently as the court was of the view that there was a tolerance for criminal activity due to underage sales of alcohol, based on the evidence and representations made.

A further application was received for these premises from the spouse of the previous manager and following representations from Police and Trading Standards in respect of concerns as to the controlling mind effectively being the previous manager. The Licensing hearing refused the application.

This new licence application for the sale of alcohol is in the name of Mr Ali Kemal Kop. We are aware that this person currently resides in London and has no permanent address in Norwich. A Licensing enquiry visit was carried out at the shop on the 1<sup>st</sup> July 2014, Mr Kop was on site at the time of the visit, however he was unable to produce anything in writing to confirm that he had or was in the advance stages of purchasing the leasehold interest in the business on a permanent basis.

Mr Kop informed Police that he was currently staying with a friend and has personal commitments in London. He appears not to have any address or permanent links to Norwich save for this application. Norfolk Police are concerned that there is no independent evidence that the leasehold to this business is currently in the process of being transferred into Mr Kop's name, which would effectively mean that the current leaseholder/management will remain in place and overall control. This would clearly be contrary to the previous revocation and cause significant concerns in light of the previous

underage sales.

Without such evidence, the Police are concerned that if the application is granted, it may effectively subvert the previous determination of the Committee and Magistrates Court, as the existing leaseholders and previous management will still be in control. In which case the Police are concerned as to the previous issues of underage sales, thus undermining the licensing objectives, in particular the prevention of crime and disorder and protection of children from harm.

The Police licensing team have contacted the applicant's Solicitors for clarification of the current position in relation to the leasehold transfer; the solicitors have confirmed that they have only received initial instructions and a file was opened on 12 May 2014. The matter has not been progressed any further at this time and this is clearly a concern to the Police as seven weeks have passed since that time. This is inconsistent with the information provided.

Enquires have been made with the freehold owners of the property and the Police have been advised that they are unaware of any proposed change in leaseholders and the lease is not due to be renewed until November 2015, which again raises concerns with this matter and is again inconsistent with the information provided by Mr Kop. The Police have again written to the Solicitors to clarify the position further, however at this time we remain concerned.

There are concerns that once this Premises Licence has been granted, that Mr Kop may return to London leaving the previous management to remain managing the premises which will undermine the licensing objectives, in particular the prevention of crime and disorder and protection of children from harm.

I hope the committee will consider the points raised.

Yours faithfully,

Michelle Bartram  
Licensing Officer

# Norwich City Council Licensing Authority Licensing Act 2003



**NORWICH**  
City Council

## Statement of support or objection to an application for a premises licence

<b>Your name/organisation name/name of body you represent (see note 1)</b>	Duncan Harris / Norfolk County Council Trading Standards Service
<b>Postal address</b>	Trading Standards, County Hall; Martineau Lane, Norwich, NR1 2UD
<b>Email address</b>	
<b>Contact telephone number</b>	
<b>Address of the premises you wish to support or object to</b>	31 St Stephens Road, Norwich
<b>Your support or objection must relate to one of the four licensing objectives (see note 2)</b>	
<b>Licensing objective</b>	<b>Please set out your support or objections below. Please use separate sheets if necessary.</b>
To prevent crime and disorder	See separate letter
Public safety	
To prevent public nuisance	
To protect children from harm	See separtate letter
Please suggest any conditions which would alleviate your concerns	
<b>Signed:</b> D.Harris	<b>Date:</b> 3/7/2014

*Norwich City Council Licensing Department*

*Licensing Office  
City Hall  
St Peters Street  
Norwich  
NR21NH*

Tel: 0344 800 8020  
Business advice helpline

Tel: 03454 04 05 06  
All new consumer enquiries  
Fax: 01603 222999  
DX: 135926 Norwich 13  
Email: [trading.standards@norfolk.gov.uk](mailto:trading.standards@norfolk.gov.uk)  
[www.norfolk.gov.uk](http://www.norfolk.gov.uk)

Please ask for: Duncan Harris

Your ref: Istanbul Mini Market, 31 St  
Stephens Road, Norwich

Contact No:

My ref:

3<sup>rd</sup> June 2014

Dear Licensing

Norfolk County Council Trading Standards Service as a responsible authority has received notification of a licence application under the Licensing Act 2003 in relation to the following applicant

**Mr Ali Kemal, Istanbul Mini Market, 31 St Stephens Road, Norwich**

The Service would like to draw the attention of the Licensing Authority to a number of matters:

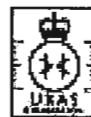
1. The lease for this address is currently held by Mr Ali Capti. Mr Capti was the former premises licence holder and the Designated Premises Supervisor for this premises. Mr Capti was the subject of a licence review and subsequent appeal. The Licensing Magistrates on the 30<sup>th</sup> January 2014 stated the following after hearing evidence about the premises:

We find the evidence of Mr. Capti and Mr. Sert not credible and that as a fact the premises had been mismanaged persistently and there are fundamental breaches of the licensing objectives which caused us grave concern.

The Magistrates went on to say:

We find that the evidence given today establishes a tolerance for criminal activity on the premises in addition to the underaged sales of alcohol and that the objectives of the Prevention of Crime and Disorder and the Protection of Children from Harm under the Licensing Act 2003 can only be met by a revocation of the Premise Licence.

Contd..



2. Despite numerous interventions by Trading Standards and the Police in the form of both education/advice visits and test purchasing, this premises, with Mr Capti as Premises Licence Holder and Mr Mehmet Sert as owner and manager has a long history of criminal activity in relation to under age sales and counterfeit alcohol. A number of incidents are detailed below:

- Wednesday 16th February 2011 various boxes of wine and spirits were discovered concealed in the voids behind the kick boards under the shop displays. On this occasion Customs Officers found the following items which were all seized due to being duty evaded:
  1. A carrier bag containing 340 cigarettes and 250g of tobacco
  2. 61 litres of spirits and 82½ litres of wine
- Tuesday 22nd February 2011 the sale of alcohol, namely a bottle of WKD blue, to a 13 year old female young volunteer.
- Friday 7th December 2012 sale of vodka to a 17 year old female. The female was served on her way to school. As a result of consumption of part of the bottle of vodka purchased on that day the young female ended up in the A&E department of the Norfolk and Norwich Hospital.
- Friday 21 June 2013 Licence Review application heard for the premises. Licence suspended for 3 months with removal of Designated Premises Supervisor. Decision was appealed and the matter was heard again in front of Licensing Magistrates on 30 January 2014.

As a result of these facts Norfolk County Council Trading Standards Service would like to formally object to a new alcohol licence being granted by the Licensing Authority. This is to prevent further harm to the young people of Norwich under both the protection of children from harm and crime and disorder licensing objectives. We have little reason to believe that the change of name on the premises licence will have a resulting positive impact on the promotion of the licensing objectives.

We suspect that the change is being applied for to subvert the previous revocation through the review process.

Yours sincerely

**Duncan Harris**  
**Principal Trading Standards Officer**

# APPENDIX G

Dear Sir

St Stephens Square  
has been such a  
heavenly place to  
live since St Stephens  
Rd had their licence  
taken away, no Alcoholics  
hanging around, no broken  
bottles or cans for us  
to clean up, best of  
all "no peeing or pooping  
for us to clear up

and disinfect  
down, its

amazing the difference  
this has made to us  
all. So I just hope  
and pray they will  
not be given a  
licence to sell alcohol  
ever again,

Yours faithfully

Home Watch Co-Ordinator

14705586  
Mrs D Cochrane  
19A St Stephens  
Square  
Norwich  
NR1 3SS



Organisational Development

19 JUN 2014

331 ROOM

Mrs D Cochrane  
19A St Stephens  
Square  
NORWICH  
NR1 3SS

IFAW

Dear Sir

Re the licence 31st  
Stephens Rd, please don't  
let them fool you. Memet  
drives Ali around in his  
car, and is often seen  
unloading goods from his  
car & taking into shop which  
he has purchased from the  
wholesaler, as home watch  
co-ordinator I speak for many  
residents in the square, it's  
a much better place to live  
since no alcohol has been sold,  
and it took me 10 yrs to do  
this, so please don't give in  
to **RECEIVED** yours sincerely

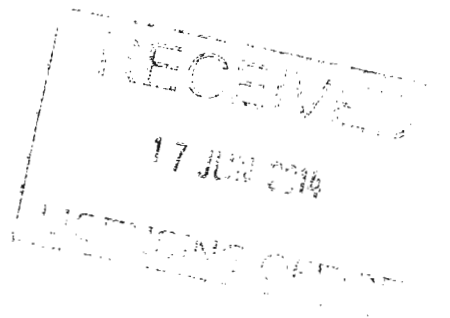
19 JUN 2014

miss [redacted]



Flat 6 Needham Place  
St Stephens Square  
Norwich NR1 3SD

Mr Ian Streeter  
Licencing Department  
Norwich City Council  
16 June 2014



Dear Mr Streeter

**Re: Convenience Store/Off-Licence, 31 St Stephens Road, Norwich**

I write to protest against another attempt by Mr Memhmet (?) of the above store to obtain a liquor licence, albeit in another name.

You will be aware of the case, where the shopkeeper had his licence permanently withdrawn following a series of unfortunate happenings. He immediately applied again in his wife's name (she with virtually no English). This was likewise refused.

I am informed that he is trying a third time, in the name of a relative or friend from London or somewhere. It is perfectly obvious that this is a further attempt to avoid the consequences of his licence being revoked and as such I consider this an abuse of process, wasting taxpayers' money in a frivolous application.

I hope you will also see it this way and give the appropriate response.

You will have heard from other residents of the improved situation since the licence was withdrawn. Needham Place flats has also benefitted from a more settled situation.

Yours sincerely,

D S Hansell

(Chairman, Ketts Court Management Co Ltd – managers of Needham Place flats)



Norwich City Council Licensing Authority  
Licensing Act 2003

RECEIVED

16 JUN 2014

LICENSING OFFICE

Organisational Development

16 JUN 2014

Statement of support or objection to  
an application for a premises licence

Your name/organisation name/name of body you represent (see note 1)	MR AND MRS GEDDE
Postal address	31 ST STEPHENS SQUARE NORWICH, NR1 3SS
Email address	/
Contact telephone number	/
Name of the premises you wish to support or object to	ISTANBUL MINI MARKET
Address of the premises you wish to support or object to.	31 ST STEPHENS ROAD, NORWICH, NR1 3SP.

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	Crime increases when intoxicated. Intoxicated/alcohol dependant individuals frequent area.
Public safety	Roudy drunk people are intimidating License holders have taken up responsibility for their customers leaving shop peacefully.
To prevent public nuisance	Load shouting. Groups hanging around area drinking alcohol on streets
To protect children from harm	Known to sell Alcohol to Under-18's.

Please suggest any conditions which would alleviate your concerns.	
--	--

Signed:

Date: 13/6/14.

Please see notes on reverse

# Norwich City Council Licensing Authority Licensing Act 2003



**NORWICH**  
City Council

## Statement of support or objection to an application for a premises licence

<b>Your name/organisation name/name of body you represent (see note 1)</b>	Rebecca Curtis/Local resident/Istanbul Mini Market
<b>Postal address</b>	45a St Stephens Square Norwich
<b>Email address</b>	
<b>Contact telephone number</b>	
<b>Address of the premises you wish to support or object to</b>	31 St Stephens Road, Norwich, NR1 3SP
<b>Your support or objection must relate to one of the four licensing objectives (see note 2)</b>	
<b>Licensing objective</b>	<b>Please set out your support or objections below. Please use separate sheets if necessary.</b>
<b>To prevent crime and disorder</b>	<div style="transform: rotate(-15deg); border: 2px solid black; padding: 10px; text-align: center;"> <p><b>RECEIVED</b></p> <p>23 JUN 2014</p> <p>LICENSING OFFICE</p> </div>
<b>Public safety</b>	
<b>To prevent public nuisance</b>	
<b>To protect children from harm</b>	
<b>Please suggest any conditions which would alleviate your concerns</b>	

Norwich City Council Licensing Authority  
Licensing Act 2003

Statement of support or objection to  
an application for a premises licence

CORPORATE RESOURCES

20 JUN 2014

POST ROOM

RECEIVED

20 JUN 2014

OFFICE

Your name/organisation name/name of  
body you represent (see note 1)

IGRZEGORZ  
SZYMCHAK

Postal address

43 St Stephens Sq  
Norwich NR1 3SS

Email address

6

Contact telephone number

Name of the premises you wish to  
support or object to

ISTANBUL MINI MARKET

Address of the premises you wish to  
support or object to.

31 St Stephens Bbad  
Norwich NR1 3SP

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	I haven't seen any problem around this shop. I support them for their licence.
Public safety	I have never witnessed any problems with this people.
To prevent public nuisance	Surely a safe shop and nice owners. They are open late night, I feel safe when they are open as they may alert the police if they see anything is wrong in my neighborhood.
To protect children from harm	I have seen them asking for an ID when they serve people look under aged.

Please suggest any conditions which  
would alleviate your concerns.

I fully support this shop to get it's licence  
as I will be able to purchase my alcohol  
here, I really don't like and don't feel safe to  
wander around in the city to find an open  
shop to buy my drink. I believe  
having this shop here helps many  
people around this area.

Signed:

Date:

Please see notes on reverse

17/06/2014