



**Kent
Police**

Chief Officer of Police Representation in relation to an application for **variation** of premises licence **to specify individual as premises supervisor** made under Part 3 **Section 37** Licensing Act 2003 (S37(5) Licensing Act 2003)

Details of person making representation	
Name of Chief Officer of Police	Chief Constable Alan Pughsley
Postal Address: (Area Headquarters)	Maidstone Police Station Palace Avenue Maidstone.
E-mail address	neil.barnes@kent.pnn.police.uk
Telephone Number:	01622 604403

Details of premises representation is about	
Name of Premises:	Capitol Express
Address of premises:	11 Snowdon Parade, Vinters Park Maidstone
Date application received by police	18/05/2017
Date representation sent to Licensing Authority	25/05/17

The Chief Officer of Police has received an application for the variation of a premises licence made under the provisions of Section 37 Licensing Act 2003. The relevant representations within the meaning of S.37(5) of the Licensing Act satisfy the requirements of S.37 (6) of that Act and are as follows:

Is this a representation regarding the specification of a Premises Supervisor under S37 (5) Licensing Act 2003? YES/NO

If yes, complete the following statement: -

Due to the exceptional circumstances of this case, I am satisfied that granting the application would undermine the prevention of crime and disorder objective because:

Kent Police have received an application to vary the Premises Licence for Capitol Express in Snowdon Parade, Maidstone. The application is to remove Mr Ferhat Ok as the Designated Premises Supervisor and replace him with his brother Mr Bulent Ok.

Kent Police have been informed by Mr Bulent Ok's licensing consultant that both he and Ferhat Ok co-own the premises each with a 50/50 stake. It was stated that Bulent Ok is in

the process of buying out Ferhat Ok and his brother will then walk away. Kent Police were also told that Bulent OK had in effect only been a sleeping partner in the business up until now, however Kent Police do not believe this to be the case with clear evidence that Bulent Ok has been working at the premises.

The premises failed a test purchase on the 7th March 2013 when Mr Bulent Ok sold alcohol to a person under 18. The test purchase operation was conducted by trading standards after a number of complaints had been received regarding underage sales at the premises. The premises failed another test purchase on the 21/03/17 and on this occasion Mr Ferhat Ok sold alcohol to a person under 18. Again this operation was only conducted after a number of complaints re underage sales were received.

Although the matter is still being investigated by Trading Standards it is highly likely that a Review of the premises licence will follow. It is Kent Police's view that this variation is simply trying to avoid that Review by stating that a fundamental change has been made to the staff and ownership of the premises since the last failed test purchase but in fact it is simply changing a name on the paperwork without changing anything of substance.

On the 18th April 2017 Trading Standards and Kent Police conducted a follow up visit to the premises and spoke to Ferhat Ok. He stated that he and his brother were the only people who worked at the premises. He also stated that Bulent Ok updates the till and can use the CCTV system, therefore although Mr Bulent Ok was not the designated premises supervisor or the premises licence holder at the time of the failed test purchases he clearly held a significant position and was not simply a sleeping partner.

Therefore this variation simply changes the Designated Premises Supervisor from one half of the set-up at the time of the failed test purchase to the other half. It simply changes the Designated Premises supervisor from one person who has failed a test purchase to another who has also failed a test purchase operation.

Kent Police can have no confidence that the licensing objectives will be upheld if Bulent Ok does become the designated premises supervisor, the variation changes a name on paper but does not change the ethos at the premises.

Please use separate sheets where necessary

Signed: 

Print name: PC Neil Barnes

Pp Chief Officer of Police of Police for the Police Area in which the licensed premises are situated.

Date: 25/05/17

Force Number: 10051

Representation must be made **within the period of 14 days** beginning with the day on which the Chief Officer of Police is notified of the application to vary to specify an individual as premises supervisor. Please return this form along with any additional sheets to the Licensing Authority. This form must be returned within the Statutory Period.