

## APPENDIX A

Application for the review of a premises licence or club  
premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

RECEIVED  
31 MAY 2011

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 Kent County Council Trading Standards

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the  
review of a club premises certificate under section 87 of the Licensing Act 2003  
for the premises described in Part 1 below (delete as applicable)

### Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or  
description

Marmaris  
44 Mote Road

Post town Maidstone

Post code (if known) ME15 6ES

Name of premises licence holder or club holding club premises certificate (if  
known)

Mr Savas Er

Number of premises licence or club premises certificate (if known)

MAID0185/LPRM/3983

### Part 2 - Applicant details

I am

Please tick yes

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

a) a person living in the vicinity of the premises

☐

b) a body representing persons living in the vicinity of the premises

☐

c) a person involved in business in the vicinity of the premises

☐

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

☐

2) a responsible authority (please complete (C) below)

☒

3) 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**

I am 18 years old or over

Please tick yes ☐

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 Richard Strawson Area Manager Kent County Council Trading Standards PO Box 286 West Malling Kent ME19 4HW
Telephone number (if any) 01732 525291
E-mail address (optional) Richard.strawson@kent.gov.uk

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

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

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

As per the information provided below, the premises is believed to be falling in the Licensing Act objective of Protecting Children from Harm by the apparent willingness to allow a sale of alcohol by proxy to a 15 year old volunteer.

**Please provide as much information as possible to support the application**

This premises falls within the Maidstone 'Kent Community Alcohol Partnership' (KCAP) zone, formally setup in April 2010 to assist on and off licensed premises in all matters related to responsible sales of alcohol. As such 'Marmaris' received several advisory visits throughout 2010 (in April, early May, late May and October). Part of the KCAP work included the provision of a folder of information for retailers containing template refusals registers and training records.

During 2010 the premises was also tested for compliance with the best practice standard of 'Challenge 25' which although not a criminal offence provides an indication of whether measures are being adequately employed to prevent sales to minors. It is also a condition of the licence of Marmaris that a Challenge 21 (the predecessor to Challenge 25) should be employed where all potential purchasers who appear to be under 21 are asked for ID. During a Challenge 25 test operation on 31/3/10, Marmaris sold alcohol to an 18 year old volunteer.

In March 2011 information was received that local youths had been boasting that Marmaris was one of the only places they could 'get served' in town. As a member of the KCAP zone attempts were made to share this intelligence with the premises licence holder so that if necessary remedial measures could be undertaken. Several attempts were made to visit the shop however on each occasion it was shut; therefore the information regarding this Intelligence report and a reminder of best practice was communicated by letter to the Premises Licence Holder, Mr Savas Er. (Appendix 1 – statement of Clare Stringer regarding advisory visits and letter sent)

A test purchase operation was conducted on 17<sup>th</sup> March 2011 on the basis of the intelligence received. At approximately 7pm Trading Standards Officer Oliver Jewell was in the premises to witness a test purchase attempt by a 15 year old female volunteer. There was one other male customer in the shop at the time of the attempted purchase.

The attempted purchase was initially refused by a male latterly identified as Mr Savas Er's brother, Mr [REDACTED]. The volunteer left the shop promptly while Trading Standards Officer Oliver Jewell waited to make his purchase. When the volunteer had left the shop the other customer in the shop began to tell Mr [REDACTED] that the volunteer was "his mate's sister" and that she was 19 years old. Mr [REDACTED] continued to explain that they had a Challenge 25 policy by pointing to a poster above the till, however when the male suggested that he could make the purchase on behalf of the volunteer Mr [REDACTED] nodded to imply he could allow that and the male left the shop to catch up with the volunteer. The female volunteer refused the offer and the third party left. As the person was unknown the decision was taken to leave the premises and return the following day. (Appendix 2 – statement of Oliver Jewell)

Trading Standards Officer Oliver Jewell returned to Marmaris on 18<sup>th</sup> March 2011. On arrival Mr [REDACTED] was in the shop, but Mr Savas Er was called and he attended the shop. Explanation was given as to the events of the previous evening and that it was considered that had the volunteer agreed, a proxy sale would have been made. While the criminal offence would have laid with the third party who was willing to buy the alcohol and pass it to our volunteer, there were failings under the objectives of the Licensing Act 2003 in that knowingly allowing a proxy sale would be failing the objective of 'Protecting Children from Harm'.

The conditions of the premises licence include the following matters which were checked upon during this visit.

**Refusals book** – It is a condition that a refusals book should be maintained of all

refusals including the time, date, item, description of person, reason for refusal and person making refusal. During the visit Oliver Jewell requested to see a copy of the refusals book. A refusals register was produced containing several refusals following the most recent advisory visit in October but these tailed off with the last refusal being recorded on 22<sup>nd</sup> December 2010 (Appendix 3). Mr Savas Er requested to enter the refusal made by his brother the previous evening, however a copy was obtained prior to this as it was clear that had the visit not have been taking place, this entry would not have been made.

**CCTV** – It is a condition of the licence that CCTV is maintained and stored for at least 30 days. During the visit on 18<sup>th</sup> March 2011 it was requested that a copy of the CCTV be produced on CD-R to cover the period of events the night before. Mr Savas Er confirmed this would be possible and would be ready either later that afternoon or for Monday morning. It was agreed that a Trading Standards Officer would collect the CCTV on the Monday.

On Monday 21<sup>st</sup> March 2011, Trading Standards Officer Gillian Powell attended Marmaris and was told the CD-R of CCTV footage had been produced but had been lost over the weekend. She was told that a new copy would be prepared by the following day.

On Tuesday 22<sup>nd</sup> March 2011, Trading Standards Officer Oliver Jewell attended the shop again and asked for the CCTV footage. Mr [REDACTED] phoned his brother Mr Savas Er and passed the phone to Oliver Jewell. Mr Savas Er explained that he had tried to make a new copy but it appeared that he had "accidentally deleted all the data" from the CCTV system and he was unable to produce a new copy as required by the premises licence.

**Training** - It is a condition of the premises licence that staff training be auditable and available to Police or Trading Standards Officer. While it is acknowledged that Marmaris is a family run business, no record of training was available to suggest any training had ever been carried out.

Mr Savas Er was offered the opportunity to attend an interview with Trading Standards Officers to discuss the above failings (copy of letter sent 28<sup>th</sup> April 2011 – Appendix 4) however this request has not received a response.

A review of the premises licence is therefore requested by this department to deal with the apparent lack of compliance with the objectives of the Licensing Act and the failure to abide by existing conditions.

As no additional meaningful conditions can be added to the licence to directly deal with the issue of the proxy sales and the failure to abide by existing conditions, it is requested that the licence be suspended for a period of at least 14 days.

It is also requested that the following conditions be added to the premises licence:

The sale of alcohol may only be transacted by a personal licence holder at all times. At any time when no personal licence holder is present to make the sale a sign will be displayed prominently to make purchasers aware that there are to be 'NO ALCOHOL SALES'.

The existing conditions 12, 13 and 14 should be amended to reflect a change in best practice recommendations from 'Challenge 21' to 'Challenge 25'

Additional posters will be displayed to the agreement of Kent Police and Local Authority Officers to raise awareness of customers as to the issue of 'proxy sales'.

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

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**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 guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

26/5/11

Capacity

AREA MANAGER

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)  
Oliver Jewell  
Kent County Council Trading Standards  
PO Box 286

**Post town**  
West Malling

**Post Code**  
ME19 4HW

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** oliver.jewell@kent.gov.uk

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

## APPENDIX A

TS59

### KENT COUNTY COUNCIL - TRADING STANDARDS STATEMENT OF WITNESS

Statement of (full name): Clare Michelle Stringer

Age of Witness: 31

Date of birth: 2<sup>nd</sup> June 1979

Occupation of Witness: Trading Standards Officer

This statement (consisting of one 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 in it anything which I know to be false or do not believe to be true.

Signed... *C. Stringer* ..... Date... *26/5/11* .....

I am employed by Kent County Council as a Trading Standards Officer for the Trading Standards Department, working from the West Kent Area Office, which is currently located at 8 Abbey Wood Road, Kings Hill, West Malling, ME19 4YT. During 2010 I was involved in a project called The Kent Community Alcohol Project which took place in Maidstone town centre. My role included visiting off-licences in this area to advise them on the sale of age restricted products. Advice included operating a Challenge 25 policy and keeping a recorded of refused sales of age restricted products. I visited Marmaris, 44 Mote Road, Maidstone, Kent, ME15 6ES to conduct these advisory visits on 12 May 2010, 27 May 2010 and 11 October 2010. Following the visit on the 27 May 2010, on 23 June 2010 I sent letters to the three people I spoke to on this visit. On 14 March 2011 I attempted to visit Marmaris again as I had been passed an intelligence report stating 16 year olds had been bragging they had purchased beer and wine from there. Unfortunately the shop was not open by 8.50 am, so I placed a hand written notice through the shops front door advising them of the complaint and asking them to contact me. On the same day I sent the Designated Premise Supervisor, Mr Savas ER, a letter by 1<sup>st</sup> class post. *C. Stringer*

Signed... *C. Stringer* ..... Date... *26/5/11* .....



Mr Savas Er  
Marmaris  
44 Mote Road  
Maidstone  
ME15 6ES

**TRADING STANDARDS**  
**West Kent Area Office**  
17 Kings Hill Avenue  
Kings Hill  
West Malling  
Kent ME19 4UL  
Tel: 01732 525291  
Fax: 01732 525319

Website: [www.tradingstandards.gov.uk/kent](http://www.tradingstandards.gov.uk/kent)  
Email: [Clare.stringer@kent.gov.uk](mailto:Clare.stringer@kent.gov.uk)  
Ask for: Clare Stringer  
Ref: CS/273565  
Date: 23 June 2010

Dear Mr Er

### **Licensing Act 2003**

Further to my visit to Marmaris on 27<sup>th</sup> May, I write to confirm the matters I discussed with you and your colleagues. The visit included advice on:

- The benefits of using Challenge 25. This is where anyone who appears under 25 should be asked for valid proof of age before being sold age restricted products such as alcohol. This will provide a clear margin of error when judging a young persons' age.
- I enclose posters titled 'Under 25', 'it is a criminal offence to buy alcohol on behalf of a child' and 'it is an offence for persons under 18 years to purchase or attempt to purchase alcohol'.
- A training folder has been previously left at Marmaris. I recommend you read the information in the folder Kent Trading Standards has provided, drawing particular attention to the sections on Challenge 25 and Making the Refusal. I recommend you sign and date any information you read and ensure your staff do the same.
- The licensees and business owner should ensure all staff training is up to date. Training can include anything your employers asks staff to read or what is discussed.
- It is advisable to maintain a refusal book to log all refused sales. Refusals must be recorded by every person who serves customers regardless of if the person serving is paid or unpaid helping out. Licensees should regularly review the refusals log and follow up with staff members if refusals are not being regularly recorded. Enclosed are two examples of a refusals register which you may use.
- Only valid proof of age, which displays a picture of the customer, should be accepted. I would recommend that you only accepted photo driving licences, passports or proof of age cards which display a 'pass' hologram. Photocopies must not be accepted.

- You should tell your employees what the shops policy is concerning the sale of age restricted products. It is recommended your policy includes:
  1. What proof of age you expect staff to accept as age identification.
  2. That you have a Challenge 25 policy. You must ensure staff understand what this means.
  3. Keeping a refusals record.It is advisable that your shops policy is in writing, with a copy kept with the refusals log.
- You should be aware that Trading Standards Authorities, including this Service, make test purchases of various age restricted products using volunteers under the relevant legal age. This means that any business may be tested in this way. If you sell to a volunteer you will be committing a criminal offence for which you may be prosecuted and the need for a licence to be reviewed would also be considered.

Further guidance notes which may be useful for business and consumers may be viewed on our website [www.tradingstandards.gov.uk/kent](http://www.tradingstandards.gov.uk/kent). Please contact me if you have any questions.

Yours sincerely

**Clare Stringer**  
**Trading Standards Officer**

Mr [REDACTED]  
Marmaris  
44 Mote Road  
Maidstone  
ME15 6ES

**TRADING STANDARDS**  
**West Kent Area Office**  
17 Kings Hill Avenue  
Kings Hill  
West Malling  
Kent ME19 4UL  
Tel: 01732 525291  
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Website: [www.tradingstandards.gov.uk/kent](http://www.tradingstandards.gov.uk/kent)  
Email: [Clare.stringer@kent.gov.uk](mailto:Clare.stringer@kent.gov.uk)  
Ask for: Clare Stringer  
Ref: CS/273565  
Date: 23 June 2010

Dear Mr [REDACTED]

### Licensing Act 2003

Further to my visit to Marmaris on 27<sup>th</sup> May, I write to confirm the matters I discussed with you and your colleagues. The visit included advice on:

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- A training folder has been previously left at Mararis. I recommend you read the information in the folder Kent Trading Standards has provided, drawing particular attention to the sections on Challenge 25 and Making the Refusal. I recommend you sign and date any information you read.
- The licensees and business owner should ensure all staff training is up to date. Training can include anything your employer asks you read or what is discussed.
- It is advisable to maintain a refusal book to log all refused sales, from every person who serves customers regardless of if the person serving is paid or unpaid. Licensees should regularly review the refusals log and follow up with staff members if refusals are not being regularly recorded. Enclosed are two examples of a refusals register which you may use.
- Only valid proof of age, which displays a picture of the customer, should be accepted. I would recommend that you only accepted photo driving licences, passports or proof of age cards which display a 'pass' hologram. Photocopies should not be accepted.

- You should check with your employer what their policy is concerning the sale of age restricted products which includes proof of age and keeping a refusals record.
- You should be aware that Trading Standards Authorities, including this Service, make test purchases of various age restricted products using volunteers under the relevant legal age. This means that any business may be tested in this way. If you sell to a volunteer you will be committing a criminal offence for which you may be prosecuted and the need for your employers a licence to be reviewed would also be considered.

Further guidance notes which may be useful for business and consumers may be viewed on our website [www.tradingstandards.gov.uk/kent](http://www.tradingstandards.gov.uk/kent). Please contact me if you have any questions.

Yours sincerely

**Clare Stringer**  
**Trading Standards Officer**

Mr [REDACTED]  
Marmaris  
44 Mote Road  
Maidstone  
ME15 6ES

**TRADING STANDARDS**  
**West Kent Area Office**  
17 Kings Hill Avenue  
Kings Hill  
West Malling  
Kent ME19 4UL  
Tel: 01732 525291  
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Website: [www.tradingstandards.gov.uk/kent](http://www.tradingstandards.gov.uk/kent)  
Email: [Clare.stringer@kent.gov.uk](mailto:Clare.stringer@kent.gov.uk)  
Ask for: Clare Stringer  
Ref: CS/273565  
Date: 23 June 2010

Dear Mr [REDACTED]

### Licensing Act 2003

Further to my visit to Marmaris on 27<sup>th</sup> May, I write to confirm the matters I discussed with you and your colleagues. The visit included advice on:

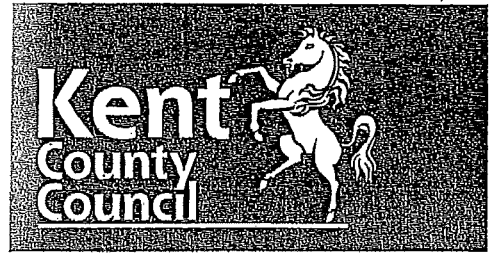
- The benefits of using Challenge 25. This is where anyone who appears under 25 should be asked for valid proof of age before being sold age restricted products such as alcohol. This will provide a clear margin of error when judging a young persons' age.
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- A training folder has been previously left at Mararis. I recommend you read the information in the folder Kent Trading Standards has provided, drawing particular attention to the sections on Challenge 25 and Making the Refusal. I recommend you sign and date any information you read.
- The licensees and business owner should ensure all staff training is up to date. Training can include anything your employer asks you read or what is discussed.
- It is advisable to maintain a refusal book to log all refused sales, from every person who serves customers regardless of if the person serving is paid or unpaid. Licensees should regularly review the refusals log and follow up with staff members if refusals are not being regularly recorded. Enclosed are two examples of a refusals register which you may use.
- Only valid proof of age, which displays a picture of the customer, should be accepted. I would recommend that you only accepted photo driving licences, passports or proof of age cards which display a 'pass' hologram. Photocopies should not be accepted.

- You should check with your employer what their policy is concerning the sale of age restricted products which includes proof of age and keeping a refusals record.
- You should be aware that Trading Standards Authorities, including this Service, make test purchases of various age restricted products using volunteers under the relevant legal age. This means that any business may be tested in this way. If you sell to a volunteer you will be committing a criminal offence for which you may be prosecuted and the need for your employers a licence to be reviewed would also be considered.

Further guidance notes which may be useful for business and consumers may be viewed on our website [www.tradingstandards.gov.uk/kent](http://www.tradingstandards.gov.uk/kent). Please contact me if you have any questions.

Yours sincerely

**Clare Stringer**  
**Trading Standards Officer**



Mr Savas Er  
Marmaris  
44 Mote Road  
Maidstone  
ME15 6ES

**TRADING STANDARDS**  
West Kent Area Office  
17 Kings Hill Avenue  
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Email: [Clare.stringer@kent.gov.uk](mailto:Clare.stringer@kent.gov.uk)  
Ask for: Clare Stringer  
Ref:  
Date: 14 March 2011

Dear Mr Er

### Licensing Act 2003

I write further to my attempted visit to you today, Monday 14<sup>th</sup> March 2011. The purpose of the visit was to advise you on the sale of age restricted products, as this department very recently received information that a 16 year old purchased beer and wine from Marmaris. Please contact me so I can provide the advice over the phone.

The visit would have included advice on:

- The training folder previously left at Marmaris. I recommend you read the information in the folder Kent Trading Standards has provided, drawing particular attention to the sections on Challenge 25 and Making the Refusal. I recommend you sign and date any information you read and ensure your staff, and anyone else who may serve customers, do the same.
- The benefits of using Challenge 25. This is where anyone who appears under 25 should be asked for valid proof of age before being sold age restricted products such as alcohol. This will provide a clear margin of error when judging a young persons' age.
- The licensees and business owner should ensure all staff training is up to date. Training can include anything your employers asks staff to read or what is discussed. For example this letter can be shared with staff and form part of your training records.
- It is advisable to maintain a refusal book to log all refused sales. Refusals must be recorded by every person who serves customers regardless of if the person serving is paid or unpaid helping out. Licensees should regularly review the refusals log and follow up with staff members if refusals are not being regularly recorded.
- Only valid proof of age, which displays a picture of the customer, should be accepted. I would recommend that you only accepted photo driving licences, passports or proof of age cards which display a 'pass' hologram. Photocopies must not be accepted.

Clive Bainbridge  
Head of Trading Standards



**INVESTORS  
IN PEOPLE**

- You should tell your employees what the shops policy is concerning the sale of age restricted products. It is recommended your policy includes:
  1. What proof of age you expect staff to accept as age identification.
  2. That you have a Challenge 25 policy. You must ensure staff understand what this means.
  3. Keeping a refusals record.It is advisable that your shops policy is in writing, with a copy kept with the refusals log.
- You should be aware that Trading Standards Authorities, including this Service, make test purchases of various age restricted products using volunteers under the relevant legal age. This means that any business may be tested in this way. If you sell to a volunteer you will be committing a criminal offence for which you may be prosecuted and the need for a licence to be review would also be considered. I strongly recommend you remind staff they may be tested in this way and the reasons why they must not sell alcohol or tobacco to under 18's. It would be advisable to show people who serve your customers this letter on their next shift, asking them to sign and date it to show they have read and understood it. This can then form part of your training records, as previously mentioned in this letter.

Further guidance notes which may be useful for business and consumers may be viewed on our website [www.tradingstandards.gov.uk/kent](http://www.tradingstandards.gov.uk/kent).

I look forward to hearing from you.

Yours sincerely

**Clare Stringer**  
**Trading Standards Officer**



# Business Advice



Business Name

Majmaris

Legal Entity

Address

Postcode

Telephone Number

Dear Sir

During the course of a visit to your premises the following points were noted.

1. Please share the information in this notice with all people who serve customers.
  2. Kent Trading Standards have received a report that this shop sold beer and wine to 16 year old.
  3. Please remind all person who serve why they must not sell alcohol to under 18's - legal and social.  
To avoid making a misjudgement of age I recommend all people who serve alcohol ask for proof of age if a customer appears under 25 - following a challenge 25 policy.  
Ensure all people who serve know Trading Standards do send in underage volunteers to buy alcohol. The penalty could be a fixed penalty notice, or criminal prosecution with a fine and criminal record.  
The shop's alcohol licence could be reviewed or even suspended.  
I recommend you keep a refusals log to show all people who serve customers regularly refuse sales + ask for proof of age.
- I have attempted to visit you today 14/3/2011.  
Please contact me 01732 525 291

Failure to follow the advice outlined above as being a legal requirement may lead to you breaching the law and facing legal action. Please contact me if you have any questions.

Issued by (please print name)

CLARE STRINGER

Officer Number

237

Telephone number

01732 525 291

Signed

Cl Stringer

Dated

14/3/11

Received by (please print name)

Position

Signed

Dated

Reference Number

TS 1474

Data Protection Act

Any personal information provided will be processed in accordance with the requirements of the Data Protection Act 1998

# KENT COUNTY COUNCIL - TRADING STANDARDS STATEMENT OF WITNESS

Statement of (full name): Oliver Lee Jewell  
Age of Witness: 30 Date of birth: 22/11/1980  
Occupation of Witness: Trading Standards Officer

This statement (consisting of three 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 in it anything which I know to be false or do not believe to be true.

Signed... *Oliver Jewell* Date... 18/5/11

I am a Trading Standards Officer for Kent County Council based at 8 Abbey Road, Kings Hill, Kent, ME19 4YT. On the 17<sup>th</sup> March 2011 I was leading a test purchase operation in the Maidstone area for the purchase of alcohol with a fifteen year old volunteer. At approximately 19.05 I entered Marmaris, 44 Mote Road, Maidstone, Kent and browsed the shop waiting for the volunteer to enter. There was one male in the shop behind the counter who I now know to be Mr [REDACTED] and another male was in the shop as a customer. The 15 year old volunteer selected a bottle of Bacardi Breezer and went to the till where I joined in a queue immediately behind her. Mr [REDACTED] asked for ID and when the volunteer replied that she had none he refused the sale. The volunteer left the shop, but the other male in the shop immediately stated she was "his mate's sister" and that she was 19 years old. Mr [REDACTED] pointed to the Challenge 25 posters by the till to indicate that without ID he could not serve her anyway. The customer in the shop then asked if he could buy the alcohol on behalf of the volunteer and give it to her. Mr [REDACTED] said this was "ok" and the male said he would catch up with her to see if she wanted him to do so. The male customer ran off

Signed... *Oliver Jewell* Date... 18/5/11

# KENT COUNTY COUNCIL - TRADING STANDARDS

## STATEMENT OF WITNESS

Page 2

### Continuation of statement of Oliver Lee Jewell

out of the shop. I made my purchase and left the shop. As I was walking up the road I could see the male talking to our volunteer who was being accompanied back to the car by Trading Standards Officer Samantha Goacher. The volunteer and Samantha made excuses and the male left. I returned to Marmaris at approximately 14.20 on 18<sup>th</sup> March 2011. Mr [REDACTED] was again behind the till. I began explaining the purpose of my visit when Mr [REDACTED] asked if his brother could join us. Mr Savas Er, the premises licence holder, came to the shop. I asked Mr Savas Er if he had received the letter from Trading Standards Officer, Clare Stringer, earlier in the week as I knew she had written to Mr Savas Er to outline recent concerns and remind Mr Savas Er of best practice. Mr Savas Er confirmed that he had received this letter. I went on to explain the incident that occurred the night before and that it was apparent that had the volunteer not refused the offer, that a proxy sale of alcohol would have been made and whilst no criminal offence would take place on their part by doing so, knowingly allowing this was failing in the Licensing Act objective to 'Protect Children from Harm'. I asked to see a copy of the refusal book as I knew it was a condition of the licence that all refused sales be recorded. I was shown a single sheet of paper that formed part of the Kent Community Alcohol Partnership (KCAP) advice pack. This page had been started on 11/10/10 and contained a total of 23 entries, the last being on 22/12/10. I asked if a copy could be made to which Mr Savas Er initially asked his brother to complete an entry to record the refused sale the previous night, however I asked that a copy be made prior to this being added as it was my belief had I not raised the matter that the refusal in question would have been recorded. I also asked if any

Signed... *Oliver Jewell* .....


Date... 18/3/11 .....

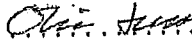
# KENT COUNTY COUNCIL - TRADING STANDARDS

## STATEMENT OF WITNESS

Continuation of statement of Oliver Lee Jewell

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training records were available for any of the staff working in the shop as this was another condition on their licence, however despite having a template form as part of their 'KCAP' pack this had been left unused. Finally as it was a condition on their licence to make available upon request a copy of CCTV to the police or local authority officers within 48 hours, I asked for a copy of the CCTV from the previous evening between 19:00 and 19:15 hours to be made. Mr Savas Er confirmed this would be done over the weekend and would be collected on Monday 21<sup>st</sup> March 2011 in the afternoon. When visited by another officer this was not ready so I arranged to visit on the following day. On Tuesday 22<sup>nd</sup> March 2011 I visited Marmaris at approximately 10.20am. Mr [REDACTED] was in the shop who phoned Mr Savas Er and passed the phone to me to speak to him. Mr Savas Er explained that he had tried to make another copy of the CCTV but when he had gone on the system this time it appeared that all the data had been accidentally deleted and therefore it would not be possible to make a copy of the footage as requested. I reminded Mr Savas Er that this was a condition of his licence. On 28<sup>th</sup> April 2011 I wrote to Mr Savas Er to offer him the chance as the Premises Licence Holder, the opportunity to discuss the incident on 17<sup>th</sup> March 2011 and the subsequent breaches of conditions on the premises licence, however as of 18<sup>th</sup> May 2011 no response to this invitation has been received. 

Signed.....  .....

Date... 18/5/11 .....

# Refusal register

## Kent Community Alcohol Partnership

CY16089-10 01795419182  
For Ban

information pack  
information pack

Week commencing  
week commencing

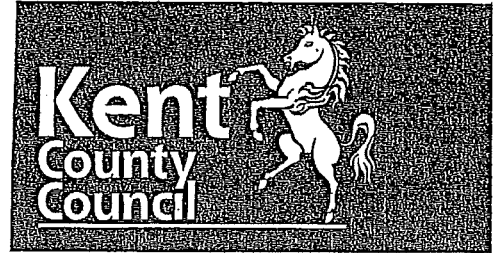
Page  
Page

Date	Time	Sex	Approx Age	Product	Reason	Initials
11/10/2010	15:44	M (F)	Under 18 / 19-25	A (T) O	underage	S.E
13/10/2010	17:49	M (F)	Under 18 / 19-25	A (T) O	underage	S.ER
14/10/10	21:44	M (F)	Under 18 / 19-25	A (T) O	Drunk	S.ER
15/10/10	16:49:38	M (F)	Under 18 / 19-25	A (T) O	underage	C.E
17/10/10	13:32:21	M (F)	Under 18 / 19-25	A (T) O	underage	C.ER
18/10/10	15:37:11	M (F)	Under 18 / 19-25	A (T) O	underage	C.ER
19/10/10	18:40:51	M (F)	Under 18 / 19-25	A (T) O	underage	C.ER
21/10/10	14:18	M (F)	Under 18 / 19-25	A (T) O	Small child	S.ER
21/10/10	21:03	M (F)	Under 18 / 19-25	A (T) O	underage	S.ER
24/10/10	11:19	M (F)	Under 18 / 19-25	A (T) O	underage	S.ER
24/10/10	21:50	M (F)	Under 18 / 19-25	A (T) O	wrong ID	S.ER
25/10/10	20:04	M (F)	Under 18 / 19-25	A (T) O	underage	S.ER
29/10/10	18:30	M (F)	Under 18 / 19-25	A (T) O	No ID underage	S.ER
5/11/10	14:25	M (F)	Under 18 / 19-25	A (T) O	No ID underage	C.ER
6/11/10	17:49	M (F)	Under 18 / 19-25	A (T) O	No ID underage	C.ER
6/11/10	19:05	M (F)	Under 18 / 19-25	A (T) O	No ID underage	C.ER
6/11/10	20:13	M (F)	Under 18 / 19-25	A (T) O	No ID underage	C.ER
6/11/10	20:18	M (F)	Under 18 / 19-25	A (T) O	Passport copy	C.ER
7/11/10	12:45	M (F)	Under 18 / 19-25	A (T) O	No ID underage	C.ER
18/11/10	16:58	M (F)	Under 18 / 19-25	A (T) O	is not his passport	C.ER
19/11/10	14:40	M (F)	Under 18 / 19-25	A (T) O	Passport copy	C.ER
20/11/10	22:30	M (F)	Under 18 / 19-25	A (T) O	No ID underage	C.ER
22/12/2010	21:40	M (F)	Under 18 / 19-25	A (T) O	No ID	S.ER
		M (F)	Under 18 / 19-25	A (T) O		

Checked by

Date

Date eg 5/9	Time	Male Female	Under 18 19 to 25	Alcohol Tobacco Other	eg no ID	Staff to initial
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Mr Savas Er  
Marmaris  
44 Mote Road  
Maidstone  
Kent  
ME15 6ES

**TRADING STANDARDS**  
**West Kent Area Office**  
PO Box 286  
West Malling  
Kent ME19 4HW  
Tel: 01732 525291  
Fax: 01732 525319

Website: [www.tradingstandards.gov.uk/kent](http://www.tradingstandards.gov.uk/kent)  
Email: [oliver.jewell@kent.gov.uk](mailto:oliver.jewell@kent.gov.uk)  
Ask for: Oliver Jewell  
Ref: 307101  
Date: 28 April 2011

Dear Mr Savas Er

**Premises Licence MAID0185/LPRM/3983**

Further to my previous visits to your shop, Marmaris, I am writing to invite you to attend a meeting at our office. I would like to take this opportunity to discuss with you the objectives of the Licensing Act in relation to the 'Protection of Children from Harm'.

As I have previously explained to you, following an incident witnessed during a test purchase operation on 17<sup>th</sup> March 2011, it is believed that your premises may not be adequately upholding the objective of 'Protection of Children from Harm' by virtue of the fact it was apparent that had the underage volunteer not declined the opportunity, that a proxy sale would have been made in the knowledge of the person serving at the time of the incident.

I have previously requested a copy of the CCTV held by you for 17<sup>th</sup> March 2011 between 19:00 and 19:15 hours. You have since told me that you believe you have accidentally deleted all footage. I must remind you that as per your premises licence there are embedded conditions which appear to have been breached in this instance. If in the meantime you have managed to recover the CCTV footage I would ask that a copy is brought to our meeting or arrangements made for its collection.

Finally as I have previously advised you, as you appear to be failing in the above objective of the Licensing Act 2003, this authority has the option to consider submitting an application to review your premises licence. I would therefore urge you to carefully consider the measures already in place and if appropriate bring evidence of any changes made since my last visit to our meeting.

I would be grateful if you could contact me at the above office within the next 14 days in order to arrange a mutually convenient time for a meeting to be held. The meeting may be tape recorded

Clive Bainbridge  
Head of Trading Standards



**INVESTORS  
IN PEOPLE**

004328

to enable an accurate record of what is said and agreed upon to be maintained and a copy of this recording will be made available to you if requested.

Yours sincerely

**Oliver Jewell**  
**Trading Standards Officer**