

ISLINGTON COUNCIL LICENSING SUB-COMMITTEE
DECISION FORM

Licensing Sub-Committee D – 9 December 2016

Nisa Local, 89-91 Holland Walk, N19 3XU

DECISION

The Sub-Committee have decided to refuse the transfer of the premises licence to Buluthan Kartal.

The determination of the sub-committee (including the reasons for the decision) will be provided to you in writing within 5 working days.

Appendix 3

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, particularly in relation to Section 42, the national guidance and the Council's Licensing Policy.

The Sub-Committee heard from the licensing officer that at 16.37pm an email had been received from the applicant's agent asking that the application be withdrawn. The Sub-Committee noted that the applicant had been informed on at least two occasions that in order to withdraw with less than 24 hours' notice to the Sub-Committee it would be necessary to attend the Sub-Committee hearing. As neither the applicant nor the agent attended to withdraw the application, the Sub-Committee decided to proceed with the hearing.

The Sub-Committee heard evidence from the police that the applicant had made a previous identical application in September 2016 which was withdrawn just before the hearing. The police had asked for proof of the sale of the premises but no such proof had been received. The police stated that at a visit to the property on the 2 November 2016 proof of sale was again requested. This was never received by the police although the Sub-Committee noted that a document entitled 'agreement' together with a solicitors bank statement had been submitted to the licensing officer. The Sub-Committee noted the police concerns that there had not been a bona fide sale and that it was in fact a sham arrangement.

The Sub-Committee noted that MHAK Management Ltd was currently subject to an investigation following breaches of the premises licence conditions, seizure of illicit alcohol and the sale of alcohol to an underage test purchaser. It was noted that the applicant had worked at the premises for MHAK Management for almost a year and had been present when officers visited the premises and breaches of conditions were noted. The Sub-Committee noted that there was no evidence that the applicant had the wherewithal to purchase the business at the price indicated and as no-one attended it was not possible to question the applicant further on this.

The Sub-Committee was satisfied that, if the application was granted, this would undermine the crime prevention objective. The Sub-Committee considered that the evidence presented by the police showed that the current licensee had failed to comply with the terms of the licence thus undermining the licensing objective to prevent crime and disorder and that the applicant had clear links to the current licensee.

Note of the Committee