

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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	25 October 2016		Hillrise

Delete as appropriate		Non-exempt
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**Subject:** PREMISES LICENCE TRANSFER AND DPS VARIATION APPLICATIONS  
RE:NISA LOCAL, 89-91 HOLLAND WALK, LONDON N19 3XU

**1. Synopsis**

- 1.1 The Police have objected to the applications by the Buluthan Kartal to transfer and vary the DPS of the premise licence to his name under the Licensing Act 2003. The Police are the only responsible authority entitled to object to transfer and DPS variation applications.

**2. Background**

3.1 Papers are attached as follows:-

- Appendix 1: transfer application form;
- Appendix 2: DPS variation application form;
- Appendix 3: Current Premises Licence
- Appendix 4: Police representations;
- Appendix 5: Licensing Warning Letter 8 July 2016;
- Appendix 6: Trading Standards invitation to interview under caution following seizure of illicit alcohol 21 July 2016;
- Appendix 7: Letter from previous licensee MHAK Management Ltd 29 September 2016;
- Appendix 8: map of premise location

- 3.2 The premises is licenced for the sale of alcohol for consumption off of the premises from 10:00 to 23:00 Monday to Saturday and from 10:00 to 22:30 on Sunday. This premises licence was granted in August 2015. Prior to that the premises was licenced for the sale of alcohol but the licence was revoked in March 2012 following a review by Trading Standards for illicit alcohol and a sale of alcohol to an underage test purchaser.
- 3.3 The previous licensee (MHAK Management Ltd) is currently subject to an investigation following breaches of the premises licence conditions, seizure of illicit alcohol and a sale of alcohol to an underage test purchaser. Details of the reasons for the investigation are set out in the Annex 5 & 6.
- 3.4 On 13 September 2016 MHAK Management Ltd declined to be interviewed under caution through their agent. They were invited by Trading Standards to submit written submissions by 30 September 2016. None have been received. However a letter was sent on 29 September by MHAK Management Ltd, nine days after the transfer and DPS variation applications were received, informing the Council that staff had been dismissed and they were selling the business.
- 3.5 The applicant has worked at the premises for the previous licensee since at least 19 December 2015 and has been present during all three joint visits with Licensing and Trading Standards on 6 July 2016, 13 July 2016 and 17 August 2016. On 13 July 2016 the applicant was asked by the Licensing Officer who the DPS was and Mr Kartal said that he did not know and was not working and was, "Only helping out".
- 3.6 23 August 2016 a sale of alcohol was made to an underage test purchaser during a Trading Standards operation.
- 3.7 On 28 September 2016 the premises was visited again by Licensing, Trading Standards and the Licensing Police. The applicant was present. The CCTV had only 17 days of footage (contrary to Annex 2 Condition 21). This was the fourth visit since 6 July 2016 to find that the CCTV was not compliant with the condition on the premises licence. The applicant stated that it had been fixed a week before and showed officers an invoice dated 14 September 2016. The invoice for the CCTV was to MHAK Management. When asked for evidence of the sale of the premises the applicant stated that the price had not been agreed and they didn't have anything in writing.

### **3. Recommendations**

- 2.1 To determine the application to vary the DPS for the premises licence under Section 37 of the Licensing Act 2003.
- 2.2 To determine the application to transfer the premises licence under Section 42 of the Licensing Act 2003.

### **4. Conclusion and reasons for recommendations**

- 4.1 The Council is required to consider this application in the light of all relevant information.

#### **Background papers:**

The Council's Statement of Licensing Policy  
Licensing Act 2003  
Secretary of States Guidance

Final Report Clearance

Signed by

  
Service Director – Public Protection

14.10.16  
Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020-7527-3031

E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

\* required information

Section 1 of 6

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes  No

Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

RECEIVED 19/9/16  
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ref: Y67225-20.09.16

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**Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

\* Is your business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name

\* VAT number

\* Legal status

\* Your position in the business

Home country

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

**Agent Registered Address**

Address registered with Companies House.

* Building number or name	53
* Street	Stoke Newington High Street
District	
* City or town	London
County or administrative area	
* Postcode	N16 8EL
* Country	United Kingdom

**Section 2 of 6**

**PREMISES DETAILS**

I/we, as named in section 1, apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in section 2 below.

**Premises Licence**

* Premise licence number	LN/15499-040815
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**Name Of Current Premises Licence Holder**

* Name	Mr Ali Has & Mr Kenan Korkmaz
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**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

Building number or name	89-91
Street	Holland Walk
District	
City or town	London
County or administrative area	
Postcode	N19 3XU
Country	United Kingdom

**Further Details**

Please give a brief description of the premises

Supermarket and officence
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Continued from previous page...

Telephone number at the premises if any

### Section 3 of 6

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence to be transferred to you?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Please confirm the following:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

### Section 4 of 6

#### INDIVIDUAL APPLICANT DETAILS

##### Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Mr Buluthan

Family name

Kartal

Continued from previous page...

Is the applicant 18 years of age or older?

Yes  No

**Applicant Postal Address**

Is the address the same as (or similar to) the address given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Applicant Contact Details**

Are the contact details the same as (or similar to) those given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

**Section 5 of 6**

**FURTHER INFORMATION**

Are you the holder of the premises licence under an interim authority notice?

Yes  No

Do you wish the transfer to have immediate effect?

Yes  No

Have you attached the consent form signed by the existing premises licence holder?

Yes  No



Continued from previous page...

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)?

Yes  No

Have you attached the previous licence?

Yes  No

Please enter your reasons

Premise Licence is lost. However we have summary of the licence on the display at the premise. We will send a fee if requested for the loss copy of the Premise Licence.

## Section 6 of 6

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £23

### DECLARATION

\* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

Yuksel Uyran

\* Capacity

Licensing Agent

\* Date

16 / 09 / 2016  
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/islington/change-3> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.



**Islington**  
**Application to vary a premises licence to specify an individual as designated premises supervisor**  
**Licensing Act 2003**

For help contact  
[licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)  
 Telephone: 020 7527 3031

\* required information

**Section 1 of 4**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	Nisa	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes       No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

* First name	Mr Buluthan
* Family name	Kartal
* E-mail	licensing@narts.org.uk
Main telephone number	
Other telephone number	

Include country code.

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

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 20.09.16

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**Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

\* Is your business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name

\* VAT number

\* Legal status

\* Your position in the business

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

Home country

The country where the headquarters of your business is located.

Continued from previous page...

**Agent Registered Address**

Address registered with Companies House.

* Building number or name	53
* Street	Stoke Newington High Street
District	
* City or town	London
County or administrative area	
* Postcode	N16 8EL
* Country	United Kingdom

**Section 2 of 4**

**PREMISES DETAILS**

I/we apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003.

* Premises licence number	LN/15499-040815
---------------------------	-----------------

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Address**

* Building number or name	89-91
* Street	Holland Walk
District	
* City or town	London
County or administrative area	
Postcode	N19 3XU
* Country	United Kingdom

**Contact Details**

E-mail	
Telephone number	
Other telephone number	

Describe the premises. For example, what type of premises it is

Supermarket and offlicence
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Continued from previous page...

**Section 3 of 4**

**SUPERVISOR**

**Full Name Of Proposed Designated Premises Supervisor**

\* First name

\* Family name

Personal licence number of proposed designated premises supervisor

Issuing authority of that licence

**Full Name Of Existing Designated Premises Supervisor**

First name

Family name

\* Would you like this application to have immediate effect under section 38 of the Licensing Act 2003?

Yes  No

\* Will the premises licence or relevant part of it be submitted with this application?

Yes  No

\* Reasons why the premises licence or relevant part of it will not be submitted with this application

Premise Licence is lost. However we have summary of the licence on the display at the premise. We will send a fee if requested for the loss copy of the Premise Licence.

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

Electronically, by the proposed designated premises supervisor  
 As an attachment to this variation

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'

**Section 4 of 4**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £23

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## DECLARATION

\* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

## OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

< Previous 1 2 3 4 Next >



**PREMISES LICENCE  
LICENSING ACT 2003**

<b>Premises licence number</b>	LN/15499-040815	<b>Date of original grant*</b>	4 August 2015
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*\*An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
89-91 HOLLAND WALK			
<b>Post town</b>	London	<b>Post code</b>	N19 3XU
<b>Telephone number</b>			

<b>Where the licence is time limited the dates</b>
Not Applicable

<b>Licensable activities authorised by the licence</b>
Ground Floor
<ul style="list-style-type: none"> <li>The sale by retail of alcohol</li> </ul>

<b>The times the licence authorises the carrying out of licensable activities</b>																												
<ul style="list-style-type: none"> <li>The sale by retail of alcohol: <table border="0"> <tr><td>Monday</td><td>10:00</td><td>to</td><td>23:00</td></tr> <tr><td>Tuesday</td><td>10:00</td><td>to</td><td>23:00</td></tr> <tr><td>Wednesday</td><td>10:00</td><td>to</td><td>23:00</td></tr> <tr><td>Thursday</td><td>10:00</td><td>to</td><td>23:00</td></tr> <tr><td>Friday</td><td>10:00</td><td>to</td><td>23:00</td></tr> <tr><td>Saturday</td><td>10:00</td><td>to</td><td>23:00</td></tr> <tr><td>Sunday</td><td>10:00</td><td>to</td><td>22:30</td></tr> </table> </li> </ul>	Monday	10:00	to	23:00	Tuesday	10:00	to	23:00	Wednesday	10:00	to	23:00	Thursday	10:00	to	23:00	Friday	10:00	to	23:00	Saturday	10:00	to	23:00	Sunday	10:00	to	22:30
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<b>The opening hours of the premises:</b>																												
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Sunday	07:00	to	22:30																									

<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b>
Off Supplies

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

MHAK Management Ltd  
Unit1, Bellfleur Crescent  
Red Lodge, Bury Lodge  
Bury St Edmonds  
Surrey IP28 8XQ

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

08615641

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

Ibrahim Has

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

LBH-PER-N-0255 – LB Hackney

Islington Council  
Public Protection Division  
222 Upper Street  
London  
N1 1XR  
T: 020 7527 3031  
E: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

  
Service Manager (Commercial)

10/9/15  
Date of Issue



## **Annex 1 - Mandatory conditions**

1. No supply of alcohol may be made under the premises licence:
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.

There are further 'Mandatory conditions' applicable to licences authorising the supply of alcohol. A full list of the current mandatory conditions is available from the licensing pages on Islington's web site, [www.islington.gov.uk](http://www.islington.gov.uk). This list is subject to change by order of the Secretary of State and licensees and other responsible persons are advised to ensure they are aware of the latest conditions.

## **Annex 2 - Conditions consistent with the Operating Schedule**

1. The store shall be managed and manned by trained members of staff.
2. Underage prosecution signs shall be clearly displayed and visible within the store at the point of sale.
3. A till prompt shall be used to ask staff to carry out proof of age checks on items that are age restricted.
4. The Nisa Group shall carry out random checks by the area manager and mystery customers visits to check internal systems and ensure that the store and staff are fully up to date and weaknesses are highlighted where relevant.
5. The "Challenge 25" policy shall be fully integrated into the store and staff training manuals.
6. People suspected of purchasing alcohol for under age children shall be banned from the store.
7. Fire exits and relevant signage shall be clearly displayed and visible.
8. Staff shall be given induction training in cases of fire hazards and public assembly points shall be allocated in case of emergency.
9. A fully operational first aid kit shall be kept on site at all times.
10. Loitering outside the store shall be banned to prevent noise and general nuisance.
11. All members of staff shall be trained and retrained at periodical refresher training sessions.
12. No spirits shall be purchased in a resealed box, without thorough checks being made to ensure it is legal to sell.
13. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
14. Only alcoholic drinks which are detailed on invoices will be purchased or accepted as part of a 'free' offer. Invoices (or copies) for all alcoholic goods on the premises will be made available to officers from the council, police or HMRC upon request.
15. An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.

16. If any spirits bought by the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards as soon as possible.
17. The licensee shall adopt 'Challenge 25', the Retail of Alcohol Standards Group's advice for off-licences, and promote it through the prominent display of posters.
18. The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The training shall include the assessment of age; making a challenge; acceptable proof of age; and recording refusals. The licensee shall keep records of training and instructions given to staff, detailing the areas covered, and make them available for inspection upon request by the licensing team, police or trading standards.
19. The licensee shall put arrangements in place to ensure that before serving alcohol to persons they believe to be less than 25, staff ask to see accredited proof of age: that is, proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
20. The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection upon request by the licensing team, police or trading standards.
21. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.
22. No high strength beer, lager or cider of 6.5% abv or above shall be sold other than premium beer, lager or cider priced at £1.95 or above per 500ml.
23. The premises shall have a panic button directly linked to the local Police station.

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

1. A personal licence holder shall be on site at all times during the hours permitted for the sale of alcohol.

### **Annex 4 -- Plans**

Reference Number: 201586732 Date: 18/05/2015

**Your** Premises License Transfer

**Our** Licensing/NI

**Date:** 29/09/2016



Premises License Transfer

NISA LOCAL

89-91 Holland Walk  
London  
N19 3XU

**METROPOLITAN POLICE  
SERVICE**

**Islington Police Licensing Team  
Islington Police Station  
2 Tolpuddle Street  
London  
N1 0YY**

Telephone: 07799133204

Email:  
Licensingpolice@islington.gov.uk

**Date 29th September 2016**

Dear Sir/Madam

**Re: Premises License Transfer Application: Nisa Local 89-91 Holland Walk London N19 3XU**

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this Premises License Transfer as it is our belief that if granted this application would undermine the Licensing Objective: The prevention of Crime & Disorder.

We are aware that there is a history of non compliance of the current license conditions by the current license holders. This is extremely disappointing as the license was only issued in August 2015 along with conditions suggested by the Police Licensing Team and agreed to by the then applicants. The current licensee was invited in by the Council Licensing Officer responsible for the venue to attend a PACE interview as part of their investigation; however the Licensee failed to attend. Three days later this application for the transfer was submitted.

Pc Steven Harrington, one of the Islington Police Licensing team visited the venue today, 28th September 2016 at 12:30pm in company with Katie Tomashevski Islington Council Licensing Officer and Douglas Love Trading standards Officer. Serving behind the counter was Mr Buluthan Kartal who is named on the application as the sole applicant and when this was pointed out to him he stated that this was not the case and that the application was for a company to be named as the license holder and that he was currently setting this company up with his business partner. When pushed further on this Mr Kartal said that being Turkish they don't write anything down but do it all by word of mouth. Mr Kartal explained that he had a personal License but he did not physically have the license due to the issuing Councils Card Printer not working. This has been co-ordinated with Hackney Council Licensing Team. The license does state that a personal License holder must be on site at all times during the permitted hours for the sale of alcohol.

The CCTV System only had stored footage for the last 17 days when it clearly states on the license that it must be for a minimum of 31 days, Mr Kartal explained that the system had been upgraded on the 14/09/2016 and it would take 31 days of recording to meet the condition. He produced an invoice dated the 14/09/2016 but this was in the name of the current Management Company MHAK Management Limited. We have severe doubts at the moment as to the sincerity of this application and believe that it has been submitted in an attempt to avoid enforcement action being taken against the current licensee. It is our belief that the current licensees will still be heavily involved in the day to day running of the business if this application is successful.

It is for these reasons that we submit that the application is refused.

Should you wish to discuss the matter further please contact us on Mobile 07799133204 or via email, Licensingpolice@islington.gov.uk

Islington Police Licensing Team  
Steven Harrington Pc 425NI  
Pete Conisbee Pc 575NI  
Ben Chadwick Pc 292NI

**Your** DPS Variation

**Our** Licensing/NI

**Date:** 04/10/2016



**METROPOLITAN POLICE  
SERVICE**

Islington Police Licensing Unit  
Islington Police Station  
2 Tolpuddle Street  
London  
N1 0YY

Telephone: 07799133204

Email:

[licensingpolice@islington.gov.uk](mailto:licensingpolice@islington.gov.uk)

4<sup>th</sup> October 2016

**Nisa Local**

**89-91 Holland Walk  
LONDON  
N19 3XU**

Dear Sir

**Re: DPS Variation, Nisa Local 89-91 Hollands Walk N19.**

With reference to the above application, we are writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objective, Prevention Of Crime and Disorder.

This objection is aligned to a premises licence transfer application that the police have also objected too and is in the same name as this applicant.

The concerns brought about within that representation is the belief that the application has only been submitted in an attempt to evade enforcement action for breaches of their current licence. The previous DPS and Premises licence holder were invited in for a PACE interview and failed to attend and shortly afterwards these two applications were submitted.

PC Harrington attended the premises with the local authority and trading standards and found the current applicant Mr Buluthan KARTEL working at the premises. Mr KARTEL stated that he was not the only applicant (although the application states otherwise) and that the new premises licence holders will be a company set up by himself and his business partner.

I have checked police indices and they clearly show the applicant in this case Mr KARTEL working at the premises as of 19th December 2015 showing no real change in person regarding how the premises may be run. It also shows Mr KARTEL being heavily associated with the management of a premises failing to promote the Licensing Objectives.

I believe there is no other explanation other than the venue is using disruptive techniques in ensuring the premises are not brought to account as to their previous transgressions.

I have conducted a number of checks on police indices and have not found any direct evidence on these to not support Mr KARTEL as a DPS. However the two applications are inextricably interlinked and I believe they should be brought forward to the Licensing committee for decision.

Should you wish to discuss the matter further please contact us on Mobile 07799133204 or via email, [licensingpolice@islington.gov.uk](mailto:licensingpolice@islington.gov.uk)

Yours sincerely  
Ben Chadwick Pc 292NI  
Steven Harrington Pc 425NI  
Peter Conisbee Pc 575NI



# ISLINGTON

Licensing Team  
Public Protection Division  
222 Upper Street  
London N1 1XR

MHAK Management Ltd  
Unit1, Bellfleur Crescent  
Red Lodge, Bury Lodge  
Bury St Edmonds  
Surrey IP28 8XQ

T 020 7527 3882  
F 020 7527 3057  
E katie.tomashevski@islington.gov.uk  
W www.islington.gov.uk

This matter is being dealt with by:  
Katie Tomashevski

Our ref: WK/16002115

Your ref:

Date: 8 July 2016

Dear Sirs,

## LICENSING ACT 2003 - WARNING LETTER

NISA, 89-91 HOLLAND WALK, LONDON N19 3XU

I am writing to you, as the licensee for the above premises, regarding a visit made by Council Officers to the premises on 6 July 2016 at 10:50 where they found the premises open and using the premises licence. During the visit the Licensing Officer spoke to Zerdest Zagrosi.

There were a number of issues that I would like to bring to your attention:

- 1 The Licensing Officer noted that the time on the monitor for the CCTV was an hour out. When we asked Mr Zagrosi to show us footage from 7 June 2016, he was unable to do so. It seems that the earliest footage available was from 30 June and not the required 31 days. Both of these issues are a breach of Annex 2 Condition 21.
- 2 We asked to see the refusal log book Mr Zagrosi informed us that refusals were kept electronically but he could not produce a record for us to inspect. This is a breach of Annex 2 Condition 20.
- 3 We asked to see the ultra-violet light to check the UK Duty Stamp on spirits as required by Annex 2 Condition 15 and were told that one was not available.
- 4 The fire exit was not with relevant signage and clearly displayed or visible. This is a breach of Annex 2 Condition 7. It was also noted that there were no fire extinguishers at the premises and the fire alarm (break glass) was not properly labelled. Please supply a copy of the fire risk assessment to this office by 14 July at mid-day.
- 5 We asked to see the training records as required by Annex 2 Condition 18 and were told that all the training records for staff were kept at head office. Please supply a copy of the details of training for your staff by 14 July at mid-day.
- 6 The Trading Standards officer requested invoices for the wine that was on sale for two 750cl bottles for £5. We were told that invoices were kept at head office and none were available at the premises. This is a breach of Annex 2 Condition 14 as it is required to keep the documents or copies of them on the premises.

- 7 When questioned neither Mr Zagrosi nor Mr Kartal have a personal licence. This is a breach of Annex 3 Condition 1.
- 8 We did not ask to see the panic button directly linked to the local police station as required by Annex 2 Condition 23 so ask that you supply us with the details of the provider and records for this service by 14 July at mid-day.

You will be aware that prior to the grant of this premises licence there were a number of issues with previous licensees and the licence was revoked. You assured our Licensing Sub Committee that the premises would be properly run. We expect that the breaches of the licence to be rectified in

As the licensee at the premises, you are liable for prosecution if the premises continue to contravene current licence. A person found guilty of such an offence is liable to a maximum fine of £20,000 and or 6 months imprisonment. Any future breaches could result in the Council instigating legal proceedings or review the licence.

Please be aware that following this unsatisfactory visit the premises will continued to be monitored for compliance.

Should you have any queries on any of the above licensing matters than please do not hesitate to contact us.

Yours sincerely



**Katie Tomashevski**  
**Licensing Officer**



Trading Standards Service  
Public Protection Division  
222 Upper Street  
London N1 1XR

Tel : 020 7527 3874  
E-mail : doug.love@islington.gov.uk  
W www.islington.gov.uk

Date: 21/07/16

MHAK Management Ltd  
Unit1, Bellfleur Crescent  
Red Lodge, Bury Lodge  
Bury St Edmonds  
Surrey  
IP28 8XQ

Dear Sirs,

**RE: NISA, 89 HOLLAND WALK, N19 3XU  
LICENSING ACT 2003  
CONSUMER PROTECTION from UNFAIR TRADING REGULATIONS 2008**

I am writing to invite you to attend an interview after enforcement visits by Katie Tomashevski of Licensing and myself on 6<sup>th</sup> July 13<sup>th</sup> July 2016.

At the first visit, breaches of premises licence conditions were noted and a request for invoice for certain items was made. Ms Tomashevski wrote to you on 8<sup>th</sup> July in regard to this visit.

At the second visit, I seized a number of bottles of Italian wine, which I believe to be non-duty paid. Further breaches of premises licence conditions were noted.

Ms Tomashevski and I are disappointed that no-one from the company has contacted us about these matters, particularly given the discussions we had prior to the licence being granted.

Consequently, we are inviting you to attend a PACE interview, as we wish to ask you questions about the above matters.

- Failures to comply with premises licence conditions are evidence of an offence under section 136 (1) the **Licensing Act 2003**.
  - **The Consumer Protection from Unfair Trading Regulations 2008**. Schedule 1, unfair commercial practice 9, prohibits creating the impression a product is legal to sell when it is not. Displaying non-duty paid goods creates the impression that they are legal to sell, when they are not, so is an offence under section 12.
- 
- Any interview will be take place at these offices
  - The interview will comply with the PACE codes of practice
  - You will be cautioned that what you say may be given in evidence \*
  - The interview will be recorded
  - You may be accompanied by a legal representative
  - You may stop the interview at any time.

***PACE caution: You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence.***

We will also ask you questions about the business; your knowledge of the law; and where the seized goods came from. You will have a chance to say anything you like about the allegations at

the end of the interview. Please bring with you any documents, records or other things that you might refer to during the interview.

I propose the interview should take place on **Thursday 18<sup>th</sup> August at 2pm**, if this is convenient.


**I recommend that you seek independent legal advice before attending an interview.**

If you wish to be interviewed, please contact me (or Ms Tomashevski on 020 7527 3882, as I am away for the next three weeks) to confirm attendance and arrange a mutually convenient time. If you choose not to be interviewed, please confirm this in writing (e-mail or letter).

Please contact me if anything in this letter needs further explanation or if you have any questions.

Yours sincerely

**Doug Love**  
Principal Consumer Services Officer



### Travel Green

**to the Municipal Offices, 222 Upper Street**

**Cycle**  
There are public cycle racks at the front of the building

**Walk**  
Find us on the London A to Z map, page 50 (55)

**Tube**  
Victoria line to Highbury & Islington Station (3 min walk)

**Rail**  
Silverlink (North London Line) or WAGN (Great Northern Line) to Highbury & Islington Station (3 min walk)

**Bus**  
Routes 4, 19, 30 & 43 to stops E, F & G  
Routes 277 to stops C & D  
Routes 271 & 366 to stops A & B

**Accessibility**  
● Parking (020 7527 1976) ● Building ● WC



**ISLINGTON**



To: Katie Tomashevski / Doug Love  
Licensing Team  
Public Protection Division  
222 Upper Street  
London N1 1XR

29<sup>th</sup> September 2016

Dear Sir/Madam,

**Re: NISA, 89-91 HOLLAND WALK, LONDON N19 3XU**

We are writing to you as a result of our company's internal investigation in to the matters you have raised in your letter dated 8<sup>th</sup> July 2016. For the avoidance of doubt, we have taken your letter very seriously and as a result have taken drastic steps in relation to this particular store. Unfortunately, the manager whom we entrusted for the running of this store failed, above all, to inform us of the issues raised in your said letter and has since been dismissed.

As a result of our own investigations into the failings at the store, we have identified that a number of staff did not comply with our company's policies and or training which was given. Mr. Ibrahim Has who was the DPS of the premise has been dismissed since 5<sup>th</sup> September 2016.

Since these dismissal and more importantly as a result of commercial calculations we can confirm that we have now decided to sell the business onto third parties.

To this end, we can confirm that we have agreed to sell the business to Mr. Buluthan Kartal and Mr. Zerdest Zagrosi following our board meeting on the 7<sup>th</sup> September 2016. As a result, the Premise Licence had been transferred to Mr. Buluthan Kartal with immediate affect. Our company has no more interest at 89-91 Holland Walk, London N19 3XU other then been leaseholder, which is currently in the process of being transferred to the said new owners.

We would be happy to assist you any further if you require further information.

Yours Sincerely,

Mr. Mustafa Has  
Company Secretary  
For and on behalf of Mhak Management Ltd

**Suggested conditions**

As per current licence

**Title : 89-91 Holland Walk N19 3XU**

Islington Borough  
Boundary

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