

	<p style="text-align: center;"><b>Licenisng Sub-Committee</b></p> <p style="text-align: center;"><b>Monday 14<sup>th</sup> July 2014</b></p>	
<p style="text-align: right;"><b>Title</b></p>	<p><b>Transfer Application for Barnet Star, 121 East Barnet Road, East Barnet, EN4 8RF</b></p>	
<p style="text-align: right;"><b>Report of</b></p>	<p>Trading Standards &amp; Licensing</p>	
<p style="text-align: right;"><b>Wards</b></p>	<p>East Barnet</p>	
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>	
<p style="text-align: right;"><b>Enclosures</b></p>	<p>Report of the Licensing Officer Annex 1 – Transfer Application Form Annex 2 – Police Representation Annex 3 – Matters For Decision Annex 4 – Current Premises Licence</p>	
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Michelle Rudland    020 8359 7452 michelle.rudland@barnet.gov.uk</p>	

## Summary

This report asks the Sub-Committee to consider the application for the Transfer of a Premises Licence, under section 42 of the Licensing Act 2003.

## Recommendations

1. That the Sub-Committee considers the application for a transfer of a premises licence for Barnet Star, 121 East Barnet Road, East Barnet, EN4 8RF

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The licensing authority having received a valid representation from the police must hold a hearing to consider the representation

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 Where a notice of representation is given under section 42(6) of the Licensing Act 2003 (and not withdrawn), the authority must hold a hearing to consider it, unless the authority, the applicant and the chief officer of police who gave the notice agree that a hearing is unnecessary.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 Not applicable

## **4. POST DECISION IMPLEMENTATION**

- 4.1 The decision will have immediate effect

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 The Council's Licensing Policy

- 5.1.2 None

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 None

### **5.3 Legal and Constitutional References**

- 5.3.1 Valid representations have been received to the application, which is therefore before the Sub-Committee for consideration.

- 5.3.2 The Licensing Sub-Committee will discharge the functions under the Licensing Act 2003 and associated Regulations, as delegated to it by the Licensing Committee

### **5.4 Risk Management**

- 5.4.1 Not Applicable

## **5.5 Equalities and Diversity**

- 5.5.1 Licence applications/notices are dealt with according to the provisions of the Licensing Act 2003 and associated Regulations which allow both applications and representations to applications to be made by all sectors of the community

## **5.6 Consultation and Engagement**

- 5.6.1 Not applicable

## **6. BACKGROUND PAPERS**

- 6.1 The Transfer Application, the Licensing Officers report, the Police representation and the existing premises licence are attached to this report.

# Officers Report

## **LICENSING ACT 2003**

### **Licensing officer's report**

#### **Transfer Application**

**Barnet Star 121 East Barnet Road, EN4 8RF**

#### **The Application**

This application seeks to transfer the premises licence under section 42 of the Licensing Act 2003 from Mr Giyasettin Top to Mr Suleyan Tekagac of 121 East Barnet Road, EN4 8RF. The Application was submitted by Mr Tekagac by Kent Solicitors.

A copy of the Transfer Application can be found in Annex 1 attached to this report.

#### **Representation**

The police having been provided with a copy of the application have provided the Licensing Authority with their representation. This was received by the licensing authority on Thursday 12<sup>th</sup> June 2014.

The Police have stated that the proposed premises licence holder has been convicted and charged with several offences most of which seem to have involved violent behaviour towards other people and police.

As a result the police have also stated that they are of the opinion that the applicant is not of suitable character to be allowed to hold the premises licence for the venue stated on this application. As a result the have respectfully requested that the Licensing

A copy of the Police Representation can be found attached to this report in Annex 2

#### **Officer Comments - Statutory Guidance**

8.92 The 2003 Act provides for any person who may apply for a premises licence, which includes a business, to apply for a premises licence to be transferred to them. Where the application is made in writing, the applicant must give notice of the application to the chief officer of police. Where it is made electronically via GOV.UK or the licensing authority's electronic facility, the licensing authority must notify the police no later than the first

working day after the application is given. However, the responsibility to notify the DPS remains with the applicant. Otherwise the general guidance on electronic applications set out in paragraphs 8.21 to 8.28 applies.

- 8.93 In the vast majority of cases, it is expected that a transfer will be a very simple administrative process. Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder.
- 8.94 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. Such objections are expected to be rare and arise because the police have evidence that the business or individuals seeking to hold the licence or business or individuals linked to such persons are involved in crime (or disorder).
- 8.95 Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants' backgrounds, it is expected that it would raise the matter immediately with the chief officer of police.

Michelle Rudland  
Senior Licensing Officer

Thursday, 26 June 2014

Annex 1 – Transfer Application  
Annex 2 – Police Representation  
Annex 3 – Matters for Decisions  
Annex 4 – Current Premises Licence

# Transfer Application Form

**Application to transfer premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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/We** MR SULEYMAN TEKAGAC

*(Insert name of applicant)*

**apply to transfer the premises licence described below under section 42 of the  
Licensing Act 2003 for the premises described in Part 1 below**

**Premises licence number**

LN/199905628

**Part 1 – Premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> BARNET STAR 121 EAST BARNET ROAD BARNET	
<b>Post town</b> LONDON	<b>Post code</b> EN4 8RF
<b>Telephone number at premises (if any)</b> 017554 768081	

<b>Please give a brief description of the premises</b> A KEBAB SHOP PREMISES WITH PERMANENT POSITION SITUATED ON THE MAIN ROAD.
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<b>Name of current premises licence holder</b> GIYASETTIN TOP
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**Part 2 - Applicant details**

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

**Please tick yes**

- |   |   |
|---|---|
| a) an individual or individuals*                | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual *          |   |
| i. as a limited company                         | <input type="checkbox"/> please complete section (B)            |
| ii. as a partnership                            | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association or        | <input type="checkbox"/> please complete section (B)            |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B)            |
| c) a recognised club                            | <input type="checkbox"/> please complete section (B)            |



- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm:

**Please tick yes**

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Other title   
(for example, Rev)

**Surname**

TEKAGAC

**First names**

SULEYMAN

**I am 18 years old or over**

**Please tick yes**



**Current postal address if different from premises address**

SAME

**Post town**

**Post code**

**Daytime contact telephone number**

07887295317

**E-mail address (optional)**

**SECOND INDIVIDUAL APPLICANT** (fill in as applicable)

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) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

**Part 3**

**Please tick yes**

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

Do you wish the transfer to have immediate effect? ☒

If not when would you like the transfer to take effect?

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Please tick yes**

I have enclosed the consent form signed by the existing premises licence holder ☒

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

**Please tick yes**

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) ☒

**Please tick yes**

I have enclosed the premises licence ☒

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee ☒
- I have enclosed the consent form signed by the existing premises  
licence holder or my statement as to why it is not enclosed ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I have sent a copy of this application to the chief officer of police today ☒
- 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 4 – Signatures** (please read guidance note 2)

**Signature of applicant or applicant's solicitor or other duly authorised agent**  
(See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature S. A. A.

Date 29/05/2014

Capacity OWNER

**For joint applicants signature of 2<sup>nd</sup> applicant, 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature .....

Date .....

Capacity .....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

### **Notes for Guidance**

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

### Consent of premises licence holder to transfer

I/we Giyasettin Top

*[full name of premises licence holder(s)]*

the premises licence holder of premises licence number LN/199905628

*[insert premises licence number]*

relating to

121 East Barnet Road Barnet E4 8RF

*[name and address of premises to which the application relates]*

hereby give my consent for the transfer of premises licence number

LN/199905628

*[insert premises licence number]*

to

Suleyman Tekagac

*[full name of transferee].*

signed

name

(please print)

dated



GIYASETTIN TOP.

22/05/2014

# Representation



**METROPOLITAN  
POLICE**

*Working for a safer London*

*With compliments*

London Borough of Barnet  
Licensing Team  
Building 4  
North London Business Park  
Oakleigh Road South  
London  
N11 1NP

COLINDALE POLICE STATION  
GRAEME PARK WAY  
LONDON NW7 5TW

Telephone: 020 87335273  
e-mail: [SX\\_Licensing@met.police.uk](mailto: SX_Licensing@met.police.uk)  
Date: 12th June 2014

L.B.B. ref:  
Our ref: SX01/242/2014

Police Make Representations to the following application made under  
Sect 42 of the Licensing Act 2003

Application Given To Police On: 09th June 2014

Premises: BARNET STAR, 121 EAST BARNET ROAD, BARNET, EN4 8RF

Representations:

The Police representations are concerned with the previous criminal history of the applicant.

The applicant has been convicted and charged with several offences most of which seem to involve violent behaviour towards other people and police.

**The applicant has been convicted of Battery, Theft, Public order offences and Possession of an offensive weapon. These offences has been stretched over a period of time from 2008 until 2012 suggesting that this is a trait for the applicant rather than a one of incident. The applicant has also been arrested for Greivous Bodily Harm and another very serious offence. In both these instances the allegations were not continued with.**

The applicant has also come to police notice very recently via stops made by police and allegations against him that have left the police trying to issue him with a Harrasment Order.

**It is of the opinion of the police that the applicant is not of suitable character to be allowed to hold the premises licence at the venue stated on the application and as a result the Police respectfully request that the Licensing Sub Committee reject this application for the reasons mentioned and in order to promote the licensing objectives.**

Yours Sincerely,

Police Sergeant Mark ALTMAN



# Matters for Decision

## TRANSFER APPLICATION

**Barnet Star, 121 East Barnet Road, Barnet, EN4 8RF**

### MATTERS FOR DECISION

Decision	
GRANT	REFUSE

(Delete where appropriate)

Reasons for decisions above:

# Current Premises Licence

<b>Licensing Act 2003</b>  <b>Part A:</b> <b>Premises Licence</b>  <b>Premises Licence Number:</b> <b>LN/199905628</b>	<b>Licensing Authority:</b> London Borough of Barnet, Building 4, North London Business Park Oakleigh Road South New Southgate, London, N11 1NP  <div>LPRL/08/12423 (27/06/2013)</div>
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## Part 1 – Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> Barnet Star, 121 East Barnet Road	
<b>Post Town</b> Barnet	<b>Post code</b> EN4 8RF
<b>Telephone number</b> 020 8440 3215	
<b>Where the licence is time limited the dates</b> This premises licence is not time limited	
<b>Licensable activities authorised by the licence</b> The Provision of Late Night Refreshment	
<b>The times the licence authorises the carrying out of licensable activities</b> <b><u>The Provision of late night refreshment - Indoors only</u></b>  <u>Standard Days and Timings:</u> Sunday to Thursday                      23:00hrs - 00:00hrs Friday to Saturday                         23:00hrs - 01:00hrs	
<b>The hours that the premises are open to the public</b> Not Restricted	
<b>Where the licence authorises supplies of alcohol whether these are on and/ or off supplies</b> N/A	

## Part 2

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

Mr Giyasettin Top  
50 Daleview Road  
London  
N15 6PJ

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

N/A

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

N/A

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

N/A

## Annex 1 - Mandatory Conditions

N/A

## Annex 2 – Conditions consistent with the operating schedule

- 1 The Licensee shall ensure that the use of the premises shall not cause a nuisance to nearby residents.
- 2 The total number of persons accommodated at any one time in the premises shall not exceed 10.
- 3 The premises may remain open for the purposes of the licence from 2300 hours to 0100 hours of the morning following Fridays and Saturdays.
- 4 The premises may remain open for the purposes of the licence until Midnight on Sundays to Thursdays inclusive.

## Annex 3 – Conditions attached after hearing by the licensing authority

N/A

As submitted to the Council with the application for the grant of a premises licence under schedule 8 of the Licensing Act 2003. Reference: LPRL/08/12423

