

Leicester
City Council

WARDS AFFECTED: WESTCOTES

HEARING UNDER LICENSING ACT 2003

17 January 2020

**APPLICATION TO TRANSFER AN EXISTING PREMISES LICENCE AND TO VARY A
PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS
DESIGNATED PREMISES SUPERVISOR
EFES MANGAL, 26-36 BRAUNSTONE GATE, LEICESTER, LE3 5LG**

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

- 1.1. This report provides information for Members about applications made under the Licensing Act 2003, to assist them in determining the outcome of that application.

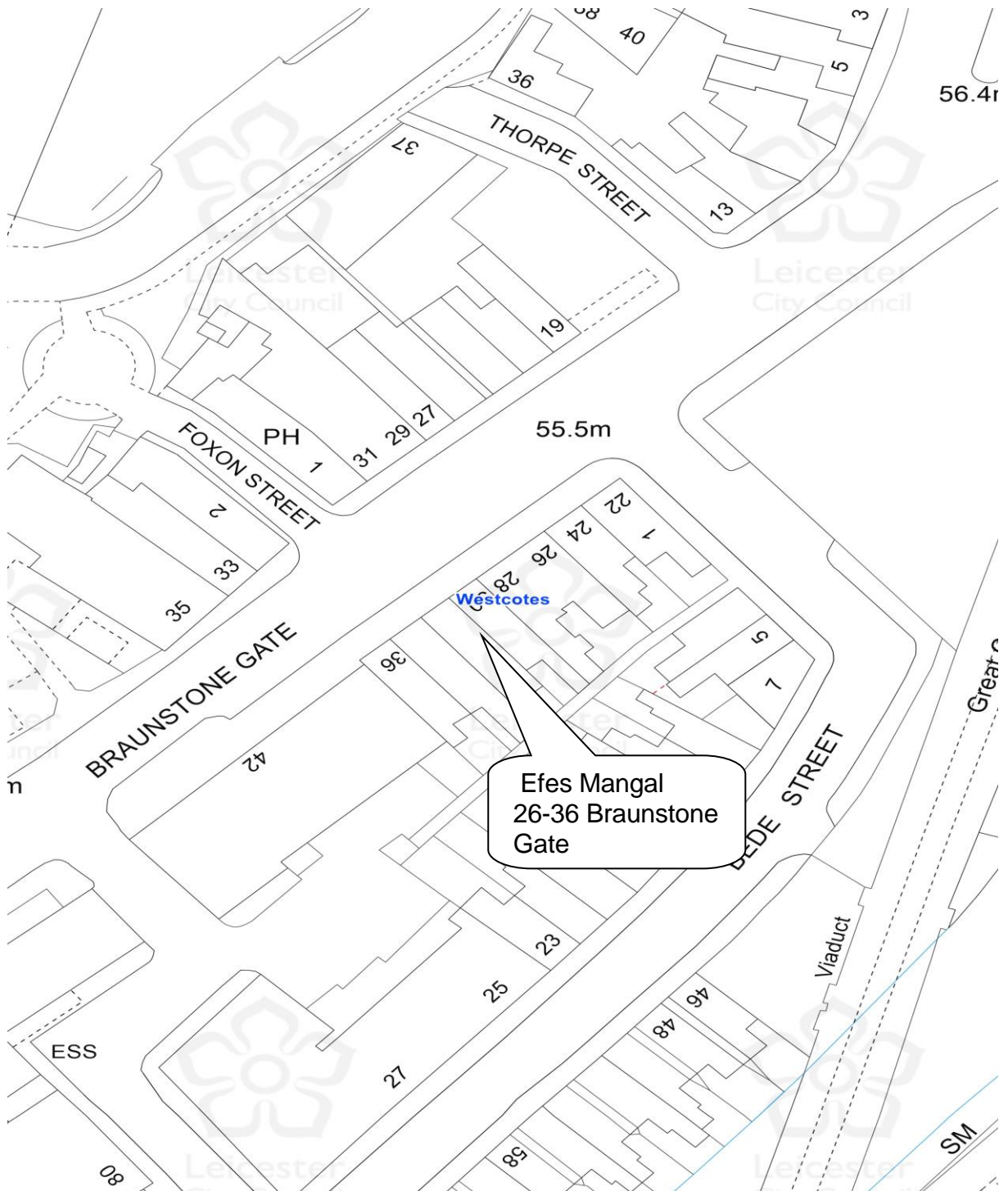
2. Determination to be made

- 2.1. Having considered the application and representation, Members must consider whether to:
- having regard to the Police representation, reject the application if they consider it necessary for the promotion of the crime prevention objective;
 - or
 - grant the application.

3. Summary

- 3.1 This report outlines an application for a transfer and DPS variation to an existing premises licence for Efes Mangal, 26-36 Braunstone Gate and summarises the representation received. It also highlights the licensing objectives, the relevant parts of the guidance and regulations, and the pertinent sections of the Licensing Authority's Licensing Policy.

4 Location Plan



5 Existing Licence

5.1 The existing licence is attached at Appendix A.

6 Application

- 6.1 An application was received on 12 December 2019 from Mr Omed Ganawy-Bean to transfer the existing premises licence for Efes Mangal into his name and to specify himself as the Designated Premises Supervisor. A copy of the application is attached at Appendix B.

7 Representation

- 7.1 A representation was received on 16 December 2019 from Leicestershire Police in relation to the prevention of crime and disorder. Leicestershire Police have concerns regarding the applicant due to a recent incident where he was stopped by the Police whilst driving. A copy of the representation is attached at Appendix C.

8 Statutory Guidance

- 8.1 Any decision made by the Licensing Authority must be in accordance with the licensing objectives. In addition, the government has issued guidance under section 182 of the Licensing Act 2003. The relevant parts of the guidance in this case are as follows:

Section	Heading
2.1 – 2.6	Crime and disorder
4.31 – 4.38	Specification of new designated premises supervisors
4.39 – 4.42	Police objections to new supervisors
8.99 – 8.102	Transfers of premises licences
9.31 – 9.41	Hearings

9 Statement of Licensing Policy

- 9.1 The relevant parts of the Licensing Authority's Statement of Licensing Policy are as follows:

Section	Heading
2	Fundamental principles

10 Points for Clarification

- 10.1 The applicant and the party making the representation have been asked to clarify certain points at the hearing, as follows:

By the applicant

1. Whether the applicant considers that the concerns outlined in the representation are valid, and if not why not?

By the party making the representation

1. Whether they have any additional information to support the representation they have made?

11. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	Paragraph 7
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

12. Background Papers – Local Government Act 1972

- a. None.

13. Consultations

- a. The Licensing Authority is not obliged to consult any parties with regard to applications made under the Licensing Act 2003. However, the applicant is required to give notice of the application to the Chief Officer of Police and the existing designated premises supervisor for the premises as set out in the 2003 Act.

14. Reason for Treating the Report as ‘Not for Publication’

Appendices to the report are marked ‘Not for Publication’, because they contain exempt information as defined in Paragraph 1, 2 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972 as follows:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Public Interest Test

In respect of all the above categories, information is only exempt information if so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

15. Report Author

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APPENDIX	CONTENT
A	Existing licence
B	Application
C	Representation