

Leicester
City Council

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FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Hearing under the Licensing Act 2003

16 October 2015

Application for a new premises licence within a Cumulative Impact Zone
Efes Mangal, 26-36 Braunstone Gate, LE3 5LG

Report of the Director of Local Services and Enforcement

1. Purpose of Report

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

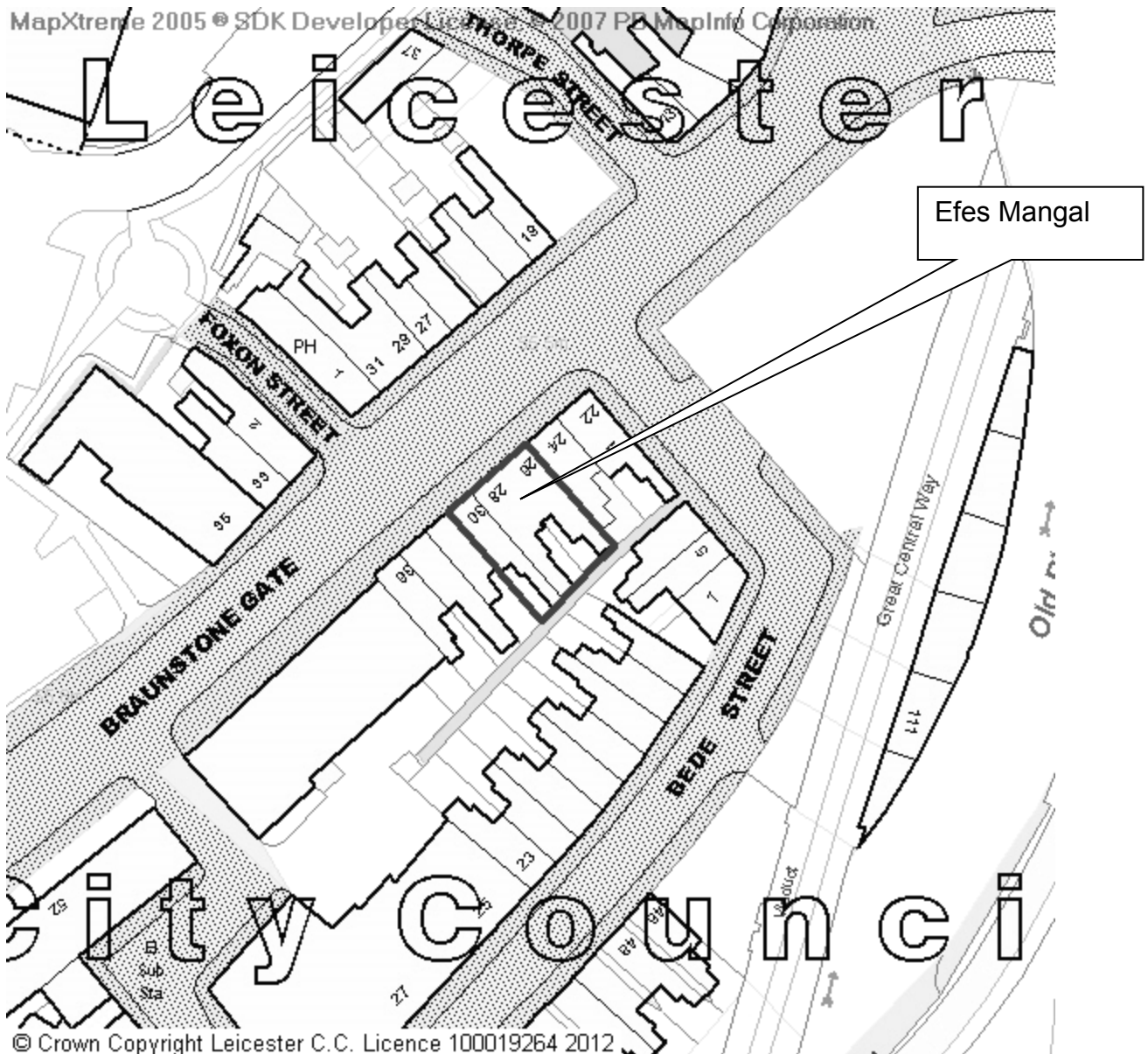
2. Determination to be made

- 2.1. Having considered the application and representation, Members must consider whether to
- Grant the licence without modification
 - Grant the licence subject to conditions
 - Exclude from the licence any of the licensable activities
 - Refuse to accept the proposed premises supervisor
 - Reject the application

3. Summary

- 3.1 This report outlines an application for a new premises licence for Efes Mangal within the Braunstone Gate area Cumulative Impact Zone and summarises the representations 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. Application

- 5.1 An application was received on 26th August 2015 from Mr Gokhan Erdogan for a new premises licence for Efes Mangal, 26-36 Braunstone Gate, Leicester, LE3 5LG within the Braunstone Gate area Cumulative Impact Zone. A copy of the application is attached at Appendix A.
- 5.2 The application is as follows:

Licensable activity	Proposed Hours
Recorded Music	Daily 11:00 to 01:00
Late night refreshment	Daily 23:00 to 01:00
Supply of Alcohol	Daily 10:00 to 01:00
Opening hours	Daily 00:00 to 24:00

6. Steps to Promote the Licensing Objectives

- 6.1 The steps the applicant proposes to take to demonstrate that the premises will not add to the existing cumulative impact and promote the licensing objectives are set out in the operating schedule (see section M of Appendix A).
- 6.2 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

7. Regulated Entertainment

- 7.1 The Live Music Act 2012 and the Legislative Reform (Entertainment Licensing) Order 2014 amended the Licensing Act 2003 in relation to the provision of regulated entertainment. Certain entertainment does not require a licence subject to audience limits, between 08.00 and 23.00 hours each day.
- 7.2 The above exemptions may affect the application under consideration because conditions may not be imposed at this stage to control live or recorded music that is unregulated. However, if problems do occur as a result of that entertainment then conditions may be imposed to control such music in the future after a formal review.

8. Representations

- 8.1 A relevant representation was received on 15th September 2015 from Leicestershire Police. The representation relates to the prevention of crime and disorder, the prevention of public nuisance and public safety. The Police are concerned that the application in its present form would undermine the above licensing objectives and impose a more significant impact on the cumulative impact area. A copy of the representation is attached at Appendix B1.
- 8.2 A relevant representation was received on 22nd September 2015 from Leicester City Council's Noise Team. The representation relates to the prevention of public nuisance. The Noise team are concerned that if the application is granted, residents in Bede Street are likely to be disturbed by noise coming from the smoking area at the rear of the restaurant. These concerns have been discussed with the applicant and the parties have reached an agreement regarding conditions to be added to the licence, if granted. A copy of the representation and agreement is attached at Appendix B2.

9. Conditions

- 9.1 The conditions that are consistent with the operating schedule, the representations and the agreement are attached at Appendix C.

10. Cumulative Impact

- 10.1 In February 2011 Leicester City Council introduced a special policy on cumulative impact in the Braunstone Gate area, which refers specifically to on and off licences. This creates a

rebuttable presumption that an application for a new premises licence will be refused, unless the applicants can show that their premises are unlikely to add to the problems of saturation..

11. Statutory Guidance

- 11.1 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 parts of the guidance that are particularly relevant in this case are as follows:

Section	Heading
1.2 – 1.5	Licensing objectives and aims
1.15	General principles
1.16	Each application on its own merits
2.1 – 2.5	Crime & disorder
2.6 – 2.13	Public safety
2.14 – 2.20	Public nuisance
3.11 – 3.18	Late night refreshment
8.33 – 8.41	Steps to promote the licensing objectives
9.12	Representations from the Police
9.30 – 9.40	Hearings
9.41 – 9.43	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.3	Conditions - general
10.8 – 10.9	Imposed conditions
10.27 – 10.68	Mandatory conditions in relation to the supply of alcohol
13.30 – 13.35	Effect of special policies
13.36 – 13.39	Limitations on special policies relating to cumulative impact
13.40 – 13.41	Other mechanisms for controlling cumulative impact
13.44 – 13.45	Licensing hours
15.1 – 15.69	Regulated entertainment

12. Statement of Licensing Policy

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

Section	Heading
2	Fundamental Principles
3	Cumulative Impact
4	Policy on Cumulative Impact
5	Licensing Hours
7	Prevention of Crime and Disorder
8	Public Safety
9	Prevention of Public Nuisance
13	Standardised conditions
17	Live Music, Dancing, Theatre, Circuses and Street Arts

13. Points for Clarification

13.1 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 representations are valid, and if not why not?
2. In the light of the representations made, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

By the party making the representation

1. Whether they have any additional information to support the representation they have made?
2. Whether there are any additional steps that could be taken which would be equally effective in the promotion of the licensing objectives?

14. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	Yes	The premises is within a cumulative impact area
Sustainable and Environmental	No	
Crime and Disorder	Yes	9.1 – police representation is partly based on concerns about crime and disorder
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

15. Background Papers – Local Government Act 1972

None.

16. 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 consult with the responsible authorities as set out in the 2003 Act.

17. Report Author

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APPENDIX	CONTENT
A	Application
B	Representations
C	Conditions consistent with application, representations and agreement