

PLYMOUTH CITY COUNCIL

Subject: Mr Guney NACI
1. Transfer of Premises Licence
2. Vary Licence to Specify Individual as Premises Supervisor

Committee: Licensing Sub Committee

Date: 6 August 2013

Cabinet Member: Councillor Brian Vincent

CMT Member: Director of Place

Author: Marie Price

Contact details: Tel: 01752 307981
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM TRANS

Key Decision: None

Part: I

Purpose of the report:

An application has been received from Mr Guney NACI for the transfer of the premises licence under Section 42 of the Licensing Act 2003 and to vary the licence to specify an individual as premises supervisor under Section 37 of the Licensing Act 2003 in respect of the Laira Mini Market, 35a Old Laira Road, Plymouth

Corporate Plan 2012 – 2015:

This report links to the delivery of the City and Council priorities. In particular:

1. Delivering Growth

See <http://www.plymouth.gov.uk/corporateplan.htm>

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land:

Not applicable.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Equality and Diversity:

Has an Equality Impact Assessment been undertaken? Yes/No

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and rejected:

None

Published work / information:

For more information please see the below links.

Licensing Policy http://www.plymouth.gov.uk/statement_of_licensing_policy.pdf

Licensing Act <http://www.legislation.gov.uk/ukpga/2003/17/contents>

Licensing Act Guidance

<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing/guidance-s182?view=Binary>

Background papers:

Title	Part I	Part II	Exemption Paragraph Number						
			1	2	3	4	5	6	7
Application									

Sign off:

Fin		Leg	1806 4/ag/ 19.7. 13	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? Yes / No													

1.0 INTRODUCTION

- 1.1 On the 5 July 2013 the licensing department received an application from Mr Guney NACI for the transfer of a premises licence under Section 42 of the Licensing Act 2003 and an application to vary the licence to specify an individual as premises supervisor under Section 37 of the Licensing Act 2003 in respect of the Laira Mini Market, situated at 35a Old Laira Road, Plymouth.
- 1.2 In accordance with Sections 43 and 38 respectively of the Licensing Act 2003 the applications had immediate effect so that until these applications are determined or withdrawn Guney NACI is acting as both premises licence holder and designated premises supervisor.

2.0 DEVON and CORNWALL POLICE

- 2.1 Under Sections 42(6) and 37(5) respectively of the Licensing Act 2003 where a chief officer of police is satisfied that the exceptional circumstances of the case are such that granting the applications would undermine the crime prevention objective he must give a notice stating the reasons why he is so satisfied.
- 2.2 Devon and Cornwall Police have given notice dated 17 July 2013. (Appendix I).

3.0 CONSIDERATIONS

- 3.1 The Committee is obliged to determine these applications with a view to promoting the crime prevention objective:
- 3.2 In making a decision the committee is obliged to have regard to:
- i) Guidance issued under Section 182 of the Licensing Act 2003 paragraphs 8.92 – 8.95 are relevant to the transfer of a premises licence and paragraphs 4.26 – 4.28 are relevant to vary the designated premises supervisor.
 - ii) It's own Licensing Policy.
 - iii) Notice of objection from the Police and any representations from the applicant.
- 3.3 The Committee may make one of two determinations:
- they may
- 1. Grant the applications or
 - 2. Reject the applications if having regard to the Police objection they consider it necessary for the promotion of the crime prevention objective.
- 3.4 If the committee decide to reject the applications they may only do so if they have been satisfied by the Police that the grant of the licence would be detrimental to the promotion of the crime prevention objective.

R. Carton

Manager of Public Protection Service

From: [REDACTED]
Sent: 17 July 2013 11:02
To: Licensing
Cc: McINDOE David 55474; WORTHINGTON Martin 14611
Subject: Guney Naci - Corner Shop 35a Old Laira Road Plymouth PL3 6BL NOT PROTECTIVELY MARKED

Dear Mr Clemens/Miss Price,

On the 11th July 2013 the Police received applications for the Transfer of the Premises Licence and for the variation of the Premises Licence to specify a Designated Premises Supervisor in respect of the Corner Shop 35a Old Laira Road Plymouth.

The Police object to both of the applications as it is believed that there are special circumstances and the granting of both the applications will undermine the crime prevention objective.

The Police will provide evidence which shows the applicant has been a DPS of a premises licence for a location that has had a determination against it from a review hearing.

The Police believe that the circumstances as described make it difficult to meaningfully engage in the licensing objectives and would specifically undermine the crime prevention objective and that the granting of the Transfer of the Premises Licence and the variation of the Premises Licence to specify a Designated Premises Supervisor will see an increase in crime and disorder attached to this premise.

Yours sincerely,

John Bean
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Exeter EX1 2LR
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