

Committee: Licensing Sub Committee	Date: 23 September 2014	Classification: Unrestricted	Report No. LSC 32/145	Agenda Item No.
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Report of: David Tolley Head of Consumer and Business Relations Originating Officer: Andrew Heron Licensing Officer	Title: Licensing Act 2003 Application for a transfer of a Premises Licence Holder for Bethnal Green Food Centre, 438 Bethnal Green Road, London, E2 0DJ Ward affected: St Peters
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1.0 Summary

Name of applicant	Mr. Etem Sahin
Name of premises:	Bethnal Green Food Centre
Address of premises:	438 Bethnal Green Road London E2 0DJ
Application	Transfer of Premises Licence
Notification:	Metropolitan Police

2.0 Recommendations

- 2.1 That the Licensing Committee considers the application and then adjudicates accordingly.

LOCAL GOVERNMENT 2000 (Section 97)

LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT
Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew Heron
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3.0 **Background**

3.1 The application is for a transfer of premises licence holder for Bethnal Green Food Centre, 438 Bethnal Green Road, London, E2 0DJ see **Appendix 1** for the application.

3.2 The current licence permits the sale of alcohol, see **Appendix 2**.

3.3 The applicant is: **Mr Etem Sahin – 57 Celandine Drive, London, E8 3XF**.

3.4 It is common, as in the present case, for the licence holder, in this case Mr Sahin to ask for the transfer to take immediate effect. Because of the Police objection, this interim arrangement will only last until the Licensing Sub-Committee has heard the matter.

3.5 The procedure for changing the Premises Licence Holder can be summarised as follows:

- The proposed licence holder applies for a transfer to the Licensing Authority. The applicant must provide consent from the previous licence holder to transfer. This transfer can have immediate interim effect
- The application must be served on the Police
- Where the Police believe that granting the variation would undermine the crime prevention objective of the Act they can object
- Where an objection is received in time a hearing must be held and the matter determined.

4.0 **Metropolitan Police**

4.1 Only the Metropolitan Police were consulted and only they can be involved in the process of scrutinising changes in a premises licence holder.

4.2 The Metropolitan Police have made a notification of objection to this application. Please see **Appendix 3**.

5.0 **Licensing Sub Committee**

5.1 The Licensing Sub Committee must have regard to the Police notice and either:

- Refuse the transfer if it considers it necessary, in the exceptional circumstances of the case, for the promotion of the objective of the prevention of crime and disorder; or
- Grant the application in any other case.

5.2 Members must only consider matters that relate to the crime prevention objective.

6.0 Licensing Officer Comments

- 6.1 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to the transfers of premises licence holder, and the relevant part is contained in **Appendix 4**. It is available on the Government's website, www.culture.gov.uk
- 6.2 The DCMS guidance states that "police should only object where there are "exceptional circumstances". 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). It follows that Members have to have regard to that phrase. They are also advised to give comprehensive reasons for their decision.

7.0 Legal Comments

- 7.1 The Council's legal officer will give advice at the hearing.

8.0 Finance Comments

- 8.1 There are no financial implications in this report.

8.2 Appendices

Appendix 1	Copy of the application for transfer
Appendix 2	Copy of the Premises Licence.
Appendix 3	Police objection (Restricted)
Appendix 4	Guidance issued under Section 182 by the Department for Sport, Culture and Media Affairs