

**MARMARA TAKEAWAY, 13 BROCK STREET, LANCASTER**

**APPLICATION FOR VARIATION OF PREMISES LICENCE**

**DECISION OF LICENSING ACT SUB-COMMITTEE**

**WEDNESDAY 20<sup>TH</sup> APRIL 2016**

The Sub-Committee comprised of Councillor Terrie Metcalfe (Chairman), Councillor Colin Hartley and Councillor Mel Guilding

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Jane Glenton.

An application for variation had been made under Section 34 of the Licensing Act 2003 by Izmir (Lancs) Ltd in respect of Marmara Takeaway, 13 Brock Street, Lancaster.

The hearing was held in light of a relevant representation received from an other person as defined under the Act.

The applicant was represented by Mr Ali Ezdi at the hearing

Matthew Gloss who had made the relevant representation was not present.

The solicitor explained the procedure to those present, and stated that the hearing would be a discussion led by the licensing authority.

David Eglin, Licensing Enforcement Officer, introduced the report stating that the purpose of the application was to extend the hours for late night refreshment on Sunday to Thursday from 2300 hours until 0400 hours the following day and on Friday and Saturday from 2300 hours until 0500 hours the following day.

Mr Ezdi presented the applicant's case and helped answer questions.

The Sub-Committee then withdrew to make its decision, and sought advice from its legal adviser as to the appropriate phraseology of the decision.

**DECISION**

The Sub-Committee carefully considered all the written information before it, the written representation from Mr Gloss in his absence and the representations and views expressed at the hearing by the applicant.

The Sub-Committee noted that the objection, in the main, from Mr Gloss related to fighting at the premises and therefore the public nuisance and crime and disorder licensing objectives. Mr Gloss was concerned that an increase in trading hours would lead to an exacerbation of problems that he perceives already exist at the premises.

He also alleges that the premises does not comply with its licence conditions in relation to SIA registered door staff.

Although there were allegations about breach of conditions regarding door-staff provision there was no evidence before the Sub-Committee to substantiate those claims and the licensing officer confirmed that there had been no issues in relation to the door staff condition at the premises that they were aware of and therefore those allegations were dismissed.

Importantly no objections had been received from any of the Responsible Authorities regarding this application. The police, who would be best suited to pass comment on issues of crime and disorder associated with a particular premises, have made no objection.

In making the decision, the Sub-Committee took into account that this was in essence, a city centre location and there were a number of other pubs and takeaways in the vicinity. The current licence allows the premises to operate as a take-away until 0300 hours in the morning. The Sub-Committee are of the opinion that an extra hour during the week and extra two hours at the weekend would have no adverse effects on any of the licensing objectives given the location of the premises.

In light of the above the Sub-Committee was of the opinion that the application was appropriate in all the circumstance and the licensing objectives were going to be upheld. The application was therefore granted in its entirety.

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal against this decision.

Importantly, the parties are reminded of the statutory right of responsible authorities and other persons to seek a review of a licence on the basis that the licensing objectives are not being met. This would be particularly relevant in the event of any ongoing complaints about crime or disorder issues.

Signed.....Dated.....

Councillor Terrie Metcalfe (Chairman)

**Any queries regarding these Minutes, please contact  
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