

**LICENSING SUB-
COMMITTEE**

1.00 P.M.

18TH NOVEMBER 2025

3 LICENSING ACT 2003 - PREMISES LICENCE GRANT - THE SULTAN, LOWELL HOUSE, CATON ROAD, LANCASTER - DETERMINATION OF APPLICATION FOLLOWING RELEVANT REPRESENTATIONS

The Sub-Committee comprised of Councillors Martin Bottoms (Chair), Louise Belcher and John Hanson.

The Legal Adviser was Daniel Spencer, Solicitor.

The Democratic Support Officer was Sarah Moorghen.

The Chair explained the procedure to those present and stated that the hearing would be a discussion led by the licensing authority, and any questions would be put through the Chair.

The Sub-Committee was requested to determine an application for a Premises Licence under Section 17 of the Licensing Act 2003, submitted by The Sultan of Lancaster Express Ltd, 9 Villas Court, Lancaster, LA1 1TR following the receipt of relevant representations. The application was for a late-night refreshment licence. During the 28 day consultation there were no objections from any of the Responsible Authorities; however, there was one objection from an Other Person, as defined in the Licensing Act 2003, namely a Mr Horton, with his objection relating to the prevention of public nuisance licensing objective.

The concerns of Mr Horton relate predominantly to public nuisance where it is perceived that the noise from the kitchen extraction fan will impact the local resident into the early hours of the morning. Furthermore, he believes that they will be impacted by further noise nuisance with vehicles coming and going, vehicle doors shutting and people talking, as well as noise from use of the outside bins. Mr Horton believes that should members decide to grant this licence then there would be a strong likelihood of an increase to noise nuisance in the area.

The Licensing Manager, Jennifer Curtis, introduced the report and answered questions.

Mr Ridwan Munshi, Sultan of Lancaster Express Director, was in attendance alongside Mr Nawaz Munshi, manager of Sultan of Lancaster Express. They stated that they have been operating businesses for 18 years. They currently also operate the Sultan Experience at the University, so they are well aware of how to operate a premises next to residential premises. They know how to minimise noise and how to work with security to reduce noise from the premises. They stated that they are able to install silent fans, which minimises noise. They will instruct drivers to open and close doors silently, and they could park on the main road. They have their own drivers so they can control what they do, as opposed to external drivers. They will also train staff to keep noise to a minimum. They intend to maintain a log of any incidents and complaints. They are willing to work with local residents and have regular meeting to discuss any issues that may arise.

Mr Horton was also in attendance as an objector to the application. He read through his written objection and stated he was very concerned about the noise from the premises and in particular the noise of fans and from parking outside his address. If vehicles parked around the corner that would assist. He would welcome any measures that would reduce the noise. If the application is granted, he is concerned that the noise will continue until the early hours of the morning. He can hear the extractor fan from within his address even with windows closed. He is concerned that his sleep will be interrupted, and it will become intolerable, and it will have a detrimental effect on his health. Mr Horton had previously provided photographs of the location and videos demonstrating the noise of the fans. Mr Horton confirmed that he hadn't previously raised issues of noise with the applicant. Mr Horton also stated if the bins are located nearer the road this would be helpful. He also stated that he welcomed the promise to work together and to reduce the noise, but he was still concerned how noisy it would still be.

The applicant stated that they have already moved the bins away from Mr Hortons address, to nearer the road. They have made enquires with the company who installed the fans with a view of reducing the noise and installing sound suppression. They apologised for the noise stating that they were unaware of it as an issue, but now it has been raised they will work with Mr Horton as neighbours, and they are willing to cooperate. If they knew earlier, they would have acted earlier. They accept that Mr Horton should be able to live comfortably at his own home.

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

DECISION

The Sub-Committee has carefully considered all the written information before it, and all the representations and views expressed at the hearing.

The Sub-Committee has noted that the application relates to a new premises licence for The Sultan, Lowell House, Caton Road, Lancaster. The application being for a late-night refreshment licence.

The Sub-Committee considered the details within the report, the representations from the parties present and the Council's own Statement of Licensing Policy, together with the Home Office s.182 guidance.

The Sub-Committee has noted the representations made by Mr Horton related to the prevention of public nuisance licensing objective, and in particular noise nuisance emanating from the premises. Although this is a new application, the premises have been trading for some time during the day and evening, up to 11pm. During this time period Mr Horton states that there has been significant noise nuisance coming from the extractor fan from the premises, together with noise from vehicles, doors opening and shutting, people talking and items being put in the large bins outside the premises and Mr Hortons home address. Mr Horton had provided video evidence to the Sub Committee in advance of the hearing, which shows the proximity of his property to the premises and provides examples of the level of noise of the extractor fan, both inside and outside of his property.

The options available to the Sub Committee where to:-

- grant the application as applied for.

- modify any offered conditions within the application.
- include additional conditions.
- reject the whole application.

The Sub-Committee considered the application, the operating schedule, and the representation received from an “Other Person” under the Licensing Act 2003. The representation raised credible concerns regarding public nuisance, specifically:

- Noise from the kitchen extraction fan operating into the early hours.
- Disturbance caused by vehicles arriving and departing, car doors slamming, and patrons talking late at night.
- Noise from rubbish being placed in the outside bins.

The Sub-Committee found these concerns to be credible and relevant to the licensing objective of preventing public nuisance.

The Sub-Committee was persuaded however by the applicant’s assurance that they will engage with Mr Horton and any other persons to reduce the noise and that they intend to take the following measures:

- Install a noise reducer on the extractor fans.
- Move all bins away from Mr Hortons address.
- Instruct delivery drivers to park at the side of the premises.
- Train all staff regarding keeping noise to a minimum.
- To keep an incident log on site.

It is therefore the decision of the Sub-Committee to grant the application, as applied for. The Sub Committee do wish to remind the applicant that should noise levels be excessive than their licence could be reviewed by this Sub Committee, who would have the discretion to impose further conditions or even revoke their licence. Furthermore, excessive noise could be investigated outside the licensing regime as a statutory nuisance.

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal against this decision within 21 days from receiving this written decision.

(The meeting ended at 1.50 p.m.)

**Any queries regarding these Minutes, please contact
Sarah Moorghen, Democratic Support - email smoorghen@lancaster.gov.uk**