

Appendix 3

Brief History relating to Licensing of Ephesus Takeaway 11a Church Street Tamworth

A premises licence was first issued in respect of Ephesus 11A Church Street on 24 November 2005 to permit the provision of late night refreshment at the premises. The premises licence holder at this time was Mr Adem Atar. On the 3 June 2013 the premises licence was transferred to Mr Ali Kulhas.

Following an incident which occurred in connection with the premises on 20th June 2013, Staffordshire Police submitted an application to review the premises licence for Ephesus Takeaway to Tamworth Borough Council. Mr Ali Kulhas was the premises licence holder at the time of the incident on the 20th June 2013 and also when police licensing checks identified failures to comply with premises licence conditions.

A review application was received by the licensing authority on 14 October 2013. The matter was considered at a Licensing Sub Committee hearing on 28 November 2013. The decision of the Licensing Sub Committee was to revoke the premises licence. When this decision was made on the 28 November 2013, the premises licence holder (with interim effect) was Mr Mehmet Darioglu.

Mr Mehmet Darioglu had submitted an application to transfer the premises licence in respect of Ephesus Takeaway to himself on 9 October 2013. Between October 2013 and April 2014, Mr Darioglu submitted a number of applications to transfer the premises licence to himself. Following objection notices made by the police in respect of the applications, three applications were refused by a Licensing Sub Committee and two applications were withdrawn by Mr Darioglu prior to the dates when the applications were due to be considered at Licensing Sub Committee hearings.

Mr Darioglu submitted two appeals to Central and South West Staffordshire Magistrates Court Stafford. The first on 17 December 2013 in respect of the Licensing Sub Committee decision to revoke the premises licence and the second on the 13 January 2014 in respect of a decision made by a Licensing Sub Committee on 7 January 2014 to refuse an application to transfer the premises licence to him.

Both appeals were initially before Stafford Magistrates Court on 29 January 2014 when the Court listed the matter for a two day appeal hearing to be heard on the 13 and 14 May 2014.

However due to the appellant's legal team /agent failing to comply with Court Directions regarding the service of documents in respect of the two appeals the Magistrates decided to hold a hearing on the morning of 13 May 2014 to determine whether the appeals should be dismissed because of the above failures or whether the appeals should be allowed to proceed and for the another date to be fixed for the appeals to be heard by the Magistrates.

A hearing was held on the 13 May 2014 at the Central and South West Staffordshire Magistrates Court Stafford. Unfortunately neither Mr Darioglu or his agent attended the Court on that day. The Magistrates decided to proceed in the appellant's absence and in view of the failures to comply with Court directions, after careful consideration, the Magistrates decided to dismiss both appeals and awarded costs against Mr Darioglu of £5675. 60.

As a result of the decisions the premises licence issued under the Licensing Act 2003 for Ephesus Takeaway 11a Church Street Tamworth was revoked with immediate effect.