



Committee: LICENSING SUB-COMMITTEE
Date: TUESDAY, 10 SEPTEMBER 2024
Venue: MORECAMBE TOWN HALL
Time: 10.00 A.M.

A G E N D A

- LICENSING ACT 2003 PREMISE LICENCE REVIEW - FLAMES, 1-3 ROSEMARY LANE, LANCASTER, LA1 1NR - DETERMINATION OF APPLICATION FOR THE REVIEW OF THE PREMISES LICENCE (Pages 2 - 148)**

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Sally Maddocks (Chair), Martin Bottoms and Margaret Pattison

(ii) Queries regarding this Agenda

Please contact Sarah Moorghen, Democratic Support - email smoorghen@lancaster.gov.uk.

(iii) Changes to Membership, or apologies

Please contact Democratic Support, telephone 582000, or alternatively email democracy@lancaster.gov.uk.

MARK DAVIES,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Monday 2nd September 2024.

LICENSING ACT SUB COMMITTEE

**LICENSING ACT 2003
PREMISE LICENCE REVIEW – FLAMES,**

1-3 ROSEMARY LANE, LANCASTER, LA1 1NR

**DETERMINATION OF APPLICATION FOR THE REVIEW OF
THE PREMISES LICENCE**

10th September 2024

Report of Licensing Enforcement Officer

PURPOSE OF REPORT

To enable members to determine an application for a review of a Premises Licence under Section 51 of the Licensing Act 2003 submitted by Home Office Immigration Enforcement. The application relates to Flames, 1-3 Rosemary Lane, Lancaster, LA1 1NR.

The report is public.

RECOMMENDATIONS

The Sub-Committee is requested to consider the application from Home Office Immigration Enforcement for the review of the premise licence, representations made by other responsible authorities, other persons and any submissions made by the premises licence holder.

In accordance with Section 52 (3) and (4) of the Licensing Act 2003, the Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- (a) to modify the conditions of the licence,
- (b) to exclude a licensable activity from the scope of the licence,
- (c) to remove the designated premises supervisor
- (d) to suspend the licence for a period not exceeding three months,
- (e) to revoke the licence
- (f) leave the premises licence intact.

The matter for decision, therefore, is which, if any, of these steps should be taken.

1.0 Introduction

- 1.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 1.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives .
- 1.3 Home Office Immigration Enforcement has submitted an application for review of a premises licence under Section 51 of the Licensing Act 2003. The application relates to Flames, 1-3 Rosemary Lane, Lancaster, LA1 1NR. A copy of the application is at **Appendix No1**. The grounds for submitting the review are based on one of the four licensing objectives, namely
- The prevention of crime and disorder
- 1.4 A copy of the premises licence for Flames is attached at **Appendix No.2**. This licence was granted to the premises on 24th November 2005 and details the following licensable activities: -
- Late Night Refreshment (Indoors)
 - Monday – Sunday 23:00 hours to 05:00 hours
- 1.5 The premises licence was transferred under Section 42 of the Licensing Act 2003 to the incumbent licence holder, Mr Rudolf Collaku, on 12th June 2019.
- 1.6 In accordance with the relevant Regulations, the parties have been given Notice of the Hearing. A copy of the Notice of Hearing is attached for Members attention at **Appendix No.3**.
- 1.7 Members are reminded that they must follow the rules of natural justice and must also consider human rights implications. In particular, in accordance with Article 6, all parties are entitled to a fair hearing.

2.0 Legal background to Review Application

- 2.1 Under Section 51 (1) of the Licensing Act 2003, a responsible authority or other person may apply to the licensing authority for the review of a licence.

The grounds for review must relate to one or more of the licensing objectives and as Members will be aware, these are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm

- 2.2 An application for review must be copied to the premises licence holder and to the responsible authorities. Once such an application is received, the licensing authority must place a notice at the premises, and there is then a period of 28 days during which representations may be made to the licensing authority.
- 2.3 A copy of the notice which was displayed at the premises during the 28-day period is attached at **Appendix No.4**. Licensing Officers have made checks throughout this period which commenced on 16th July 2024 and concluded on 12th August 2024 to ensure that the notice was still in place.
- 2.4 Members are reminded that representations can either be in support of or against an application for review of a premises licence. The representation must relate to the likely impact of the grant of the licence in relation to one or more of the four licensing objectives.
- 2.5 During the statutory 28-day consultation period a further representation was received from the Chief Officer of Lancashire Constabulary represented by PC2338 Andrew Taylor in support of the applicant. No representations were received in support of the licence holder.

3.0 **Details of application to review from Home Office (Immigration Enforcement)**

- 3.1 Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.
- 3.2 Home Office Immigration Enforcement service are satisfied that activities undertaken at Flames takeaway over recent years involving illegal workers and practices are clearly prejudicial to the prevention of immigration crime including illegal working.

The premises has been visited on five occasions between October 2022 and May 2024 by Home Office Immigration Enforcement Officers where illegal working has been a constant theme, with six illegal workers have been encountered. On the most recent visit, Enforcement Officers served a closure notice.

- 3.3 On each occasion it was established by Immigration Enforcement Officers that the incumbent premises licence holder, Mr Rudolf Collaku, was the liable party. Accordingly, civil penalties totalling £110,000 have been issued to the business on 3 separate occasions, all of which currently remain unpaid.
- Civil penalty of £15,000 issued on 24 March 2023 for employing a person with no right to work in the UK. This was objected and the decision was maintained on 18 April 2023. No payment has been made yet.
 - Civil penalty of £40,000 issued on 17 January 2024 with a payment due date of 16th February 2024 for employing two people, one in breach of their work conditions and the other with no right to work in the UK. No payment has been made yet.
 - Civil penalty of £55,000 issued on 21 June 2024 for employing a person with no right to work in the UK. No payment has been received yet, but the penalty is not due for payment until 23 July 2024. The liable party has until 22 July 2024 to object to the penalty.

- 3.4 On each occasion during enforcement visits undertaken by Immigration Officers, Mr Rudolf Collaku was the person identified by staff members as the owner and manager of Flames or admitted to as such by himself.
- 3.5 Details of visits undertaken by Immigration Enforcement Officers along with Lancashire Constabulary and other partner agencies between 26th October 2022 and 22nd May 2024 inclusive are detailed at **Appendix No.5**.
- 3.6 Home Office Immigration Enforcement consider a review of the premises licence for Flames, 1-3 Rosemary Lane, Lancaster is proportionate given the following:
- 3.7 It is considered the licence holder, Mr Rudolf Collaku, has deliberately overlooked the rules and laws in place to prevent crime and disorder.
- 3.8 Additionally, the licence holder has received three civil penalties totalling £110,000. The first civil penalty was issued on 24 March 2023 after the premises was visited three times. This financial sanction failed to modify the license holder's behaviour as further illegal workers were encountered and two additional civil penalties were issued. It must be noted that the license holder has failed to pay any of these civil penalties.
- 3.9 Home Office Immigration believe that the license holder has shown complete disregard for UK immigration laws by employing illegal workers. Whether by negligence or wilful blindness illegal workers were engaged in activity on the premises, yet it is a simple process for an employer to ascertain what documents they should check before a person can work. It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ an illegal worker where there is reason to believe this is the case.
- 3.10 Home Office Immigration Enforcement contend that under the control of Mr Rudolf Collaku, Flames has been found to be employing illegal workers on numerous occasions with the premises clearly failing to meet the crime and prevention licensing objective. They believe therefore, that full revocation of the premises licence is both justified and proportionate.
- 3.11 Furthermore, Home Office Immigration Enforcement believe the use of illegal labour in this country provides an unfair competitive edge and deprives the UK economy of tax revenue. Illegal workers are often paid below the minimum wage (itself an offence) and National Insurance payments are not paid. The main draw for illegal immigration is the ability to work outside of the law, these illegal workers can find themselves toiling in poor working conditions for long hours and little remuneration.
- 3.12 They request a firm response to this behaviour is required to ensure that the licence holder and/or its agents are not allowed to repeat the exercise and in particular, in the interests of the wider community to support responsible businesses and the jobs of both UK citizens and lawful migrants. It is also required to act as a deterrent to others who would otherwise seek to seek an unfair competitive advantage, exploit workers and deny work to the local community, evade the payment of income tax and(unlawfully) inflate their profits to the expense of others.

4.0 Representations

- 4.1 The application for review of the premise licence issued under Section 51 of the Licensing Act 2003 in respect of Flames, 1-3 Rosemary Lane Lancaster, is supported by PC Andrew Taylor of Lancashire Constabulary on behalf of Chief Officer of Police.
- 4.2 Police have provided supporting evidence of illegal workers at Flames takeaway and breaches of the conditions within their premises licence relating specifically to a lack of SIA door staff being on duty. Regular reports of delivery vehicles parked on the pavement outside Flames have been received affecting public safety on the corner of the one-way system which joins Rosemary Lane. This is detailed at **Appendix No.6.**
- 4.3 There were reports to Police of people who have been employed at the premises to work and treated poorly and classed as Modern Slavery. Although there were no successful prosecutions in these cases, on the balance of probabilities, Police believe these reported incidents have occurred.
- 4.4 PC Taylor further contends receiving reports of people having their documents seized which he believes will be to control the person and then being slapped when they asked for their documents back. These people are extremely scared and not willing to make a further complaint in fear of further repercussions.
- 4.5 Upon investigating one of the reports of Modern Slavery on 3rd April 2019, Police carried out a warrant of entry at Flames Takeaway. During the search of the premises at least £40,000 was seized from the safe. PC Taylor described the money as being rotten in the water in the safe which in his opinion was a clear sign of money laundering through Criminal Activity. Most businesses would bank their cash regularly for safety in case of a Burglary but also to show good bookkeeping for tax purposes. This was not the case at Flames takeaway.
- 4.6 It is the opinion of Police that all these problems highlighted build a picture of a venue and licence holder who runs a business with little or no regard to promoting the four licensing objections. Mr Collaku has shown time and again that no matter what warnings, penalties or enforcement is done at the premises, he choses to ignore these actions and continues to commit offences.
- 4.7 It is therefore the opinion of PC Taylor that full revocation of the premises licence for Flames is appropriate and justified.
- 5.0 Government Guidance under Section 182 of the Licensing Act 2003 in relation to a review hearing following a representation involving Crime and Disorder**
- 5.1 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 5.2 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing

authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

5.3 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

5.4 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime.
- for the sale and distribution of illegal firearms.
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected.
- for prostitution or the sale of unlawful pornography.
- by organised groups of paedophiles to groom children.
- as the base for the organisation of criminal activity, particularly by gangs.
- for the organisation of racist activity or the promotion of racist attacks.
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter.
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

5.5 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

6.0 **Statement of Licensing Policy 2023-2027**

6.1 The relevant parts of the Council's current Statement of Licensing Policy in respect of the review of a premises licence or club premises certificate are detailed in Section 4.9 (page 18) and attached for Members attention at **Appendix No.7** to this report.

Within the Statement of Licensing Policy at section 4.94 are various triggers that may give cause for review of a premises licence:

- continual complaints of noise from or in the vicinity of the premises.

- continual complaints of noise or intimidation from customers outside the premises.
- an accumulation of breaches of licensing conditions.
- poor management where the licensing objectives are undermined.
- underage sales of alcohol (persistent or otherwise); crime-related activity; anti-social behaviour.
- sales of alcohol outside of the permitted hours, etc.

Clearly, the application for review of Flames takeaway by Home Office Immigration Enforcement satisfies one or more of these triggers.

6.2 The Licensing Authority shall expect applicants for a review to gather sufficient and relevant evidence relating to the specific premises that is subject to the review. This may include a diary of events and any potential witnesses. Both Home Office Immigration and PC Andrew Taylor, Lancashire Constabulary have provided evidence to support the review of premises licence.

7.0 Options for Members to consider

1. Revoke the premises licence in full.
2. Suspend the premises licence for a period of up to 3 months.
3. Modify or include additional conditions.
4. Leave the premises licence intact.

Members should provide full and detailed reasons for their decisions.

8.0 Conclusion

8.1 Members are requested to consider the application from Home Office Immigration Enforcement for the review of the premise licence of Flames, 1-3 Rosemary Lane, Lancaster. A takeaway licensed for the provision of late-night refreshment.

Members of the Sub-Committee are asked to consider representations made by responsible authorities, other persons, information provided by the premises licence holder, their representative and any information provided during the hearing.

8.2 Representations from the applicant seeking the review suggests the premises licence holder has no regard for the prevention of crime and disorder licensing objective. The premises has been visited by Home Office Immigration Enforcement on five occasions between October 2022 and May 2024 where illegal working has been identified during each of those visits. Totalling six illegal workers, resulting in £110,000 of unpaid fines.

8.3 The review of premises licence is supported by PC Andrew Taylor of Lancashire Constabulary. The Police have provided evidence in support of the review, including evidence of illegal workers and breaches of the conditions of their premises licence. Additionally, regular reports of delivery vehicles parked on the pavement outside Flames have been received affecting public safety on the corner of the one-way system.

8.4 Members should consider the application for review of the premises licence and any steps it considers necessary for the promotion of the licensing objectives.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted as there are no financial implications.

LEGAL IMPLICATIONS

Legal implications are contained within the report, In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal to the magistrate's court within 21 days.

BACKGROUND PAPERS

None

Contact Officer: David Eglin

Telephone: 01524 582033

E-mail: deglin@lancaster.gov.uk

Ref: DWE

APPENDIX 1

Licensing Authority: Lancaster City Council
By email: licensing@lancaster.gov.uk

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Home Office Immigration Enforcement

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Flames 1-3 Rosemary Lane Lancaster	
Post town Lancashire	Post code (if known) LA1 1NR

Name of premises licence holder or club holding club premises certificate (if known) Rudolf Collaku

Number of premises licence or club premises certificate (if known) LAPLNA0035

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Home Office Immigration Enforcement Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY
Telephone number (if any)
E-mail address (optional) IE.Alcoholreviews@homeoffice.gov.uk

This application to review relates to the following licensing objective(s)

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

Grounds for review:

We have grounds to believe the license holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises.

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications. In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working.

Please provide as much information as possible to support the application (please read guidance note 3)

Please refer to accompanied review pack for detailed information.

Please tick ✓ yes

Have you made an application for review relating to the premises before?

If yes, please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises, please state what they were and when you made them

yes

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant, please state in what capacity.**

Signature K Sooriyaarachchi
.....

Date 15 July 2024
.....

Capacity Responsible Authority
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Alcohol Licensing Team
Lunar House
40 Wellesley Road

Post town

Croydon

Post Code

CR9 2BY

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) IE.Alcoholreviews@homeoffice.gov.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Contact: Licensing
 Telephone: 01524 582033
 E-mail: licensing@lancaster.gov.uk
 Website: www.lancaster.gov.uk

Premises Licence

LAPLNA0035

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION	
Flames	
1-3 Rosemary Lane, Lancaster, Lancashire, LA1 1NR.	Telephone 01524 382399

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
- provision of late night refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
I. Late night refreshment (Indoors)	Monday - Sunday	23:00	05:00

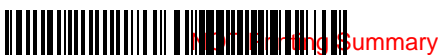
THE OPENING HOURS OF THE PREMISES			
Description	Time From	Time To	
Monday - Sunday	17:00	05:00	

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE	
Rudolf Collaku	2 West Street, Lancaster, Lancashire, LA1 4UJ.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)





Contact: Licensing
 Telephone: 01524 582033
 E-mail: licensing@lancaster.gov.uk
 Website: www.lancaster.gov.uk

Premises Licence

LAPLNA0035

ANNEXES

Embedded Conditions

Mandatory condition where Door Supervisors are provided

All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA)

Offered Conditions

1. The premises licence holder will register and use community/network radio
2. To install, maintain and operate a CCTV system, which complies with the minimum requirements expected of the Lancashire Constabulary and shall record during all hours that a licensable activity takes place on the premises
3. A minimum number of 1 member of door staff registered with the SIA will be on duty from 01.00 hours on Friday/Saturday and Saturday/Sunday mornings
4. A crime prevention survey is to be carried out by the police and their recommendations fully complied with by the premises licence holder prior to the premises opening/the variation taking effect
5. There will be no adult entertainment services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

b) The prevention of crime and disorder

A minimum number of 1 member of door staff registered with the SIA will be on duty from 1am on Friday/Saturday and Saturday/Sunday mornings.

The premises licence holder will maintain a daily record comprising of the following - start time and finish time of each door supervisor. The door supervisor will record their SIA badge number and will sign and print their name in a legible form at the beginning and end of each tour of duty. The record shall be kept securely on the premises for at least 6 months and shall be produced on request to the police or other authorised person.

A crime prevention survey is to be carried out by the police and their recommendations fully complied with by the premises licence holder prior to the premises opening/the variation taking effect.

To instal, maintain and operate a CCTV system, which complies with the minimum requirements expected of the Lancashire Constabulary and shall record during all hours that a licensable activity takes place on the premises.

The premises licence holder or a person nominated by them shall be a member of and regularly attend meetings of any pubwatch scheme for the area within which the premises are located and would include registration and use of community/network radio.



Contact: Licensing
Telephone: 01524 582033
E-mail: licensing@lancaster.gov.uk
Website: www.lancaster.gov.uk

Premises Licence

LAPLNA0035

c) Public safety

All relevant Health & Safety and fire certificates in place.
Customers are not allowed in kitchen area.

d) The prevention of public nuisance

Waste bins provided for litter.





Contact: Licensing
 Telephone: 01524 582033
 E-mail: licensing@lancaster.gov.uk
 Website: www.lancaster.gov.uk

Premises Licence Summary

LAPLNA0035

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Flames

1-3 Rosemary Lane, Lancaster, Lancashire, LA1 1NR.

Telephone 01524 382399

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
I. Late night refreshment (Indoors)	Monday - Sunday	23:00	05:00

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday - Sunday	17:00	05:00

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Rudolf Collaku

2 West Street, Lancaster, Lancashire, LA1 4UJ.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED



APPENDIX 3

LANCASTER CITY COUNCIL

**LICENSING ACT 2003 AND THE LICENSING ACT 2003 (HEARINGS)
REGULATIONS 2005**

NOTICE OF HEARING

To: The Applicant: **Home Office Immigration Enforcement**

Responsible Authority: **Lancashire Constabulary PC2338 Andrew Taylor**

The Licence Holder: **Mr Rudolf Collaku**

THE LANCASTER CITY COUNCIL, AS LICENSING AUTHORITY, HEREBY GIVES YOU NOTICE that a hearing before a Sub-Committee of the Licensing Act Committee to consider a request for a review of the licence under Section 51 of the Licensing Act 2003 in respect of premises known as **Flames, 1-3 Rosemary Lane, Lancaster, LA1 1NR** will take place on the **10th September 2024** at **Morecambe Town Hall, Marine Road East, Morecambe, LA4 5AF**, commencing at **10:00am**

AND TAKE NOTICE THAT each party as listed above is required to give to the Licensing Authority by no later than five working days before the day of the hearing a notice in writing stating whether that party intends to attend or be represented at the hearing, and whether he or she considers a hearing to be unnecessary.

AND TAKE NOTICE THAT if a party wishes any other person (other than the person he/she intends to represent him at the hearing) to appear at the hearing, the notice given by that party and referred to in the preceding paragraph must contain a request for permission for such other person to appear at the hearing, and must set out details of the name of that person and a brief description of the point or points on which that person may be able to assist in connection with the matter to be considered by the Sub-Committee.

GIVEN this day 29th of August 2024 by the Lancaster City Council as Licensing Authority.

INFORMATION TO ACCOMPANY NOTICE OF HEARING

1. Right of attendance, assistance and representation

A party may attend the hearing and may be assisted or be represented by any person, whether or not that person is legally qualified.

The hearing will generally take place in public. However, the Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking part in public. In such circumstances, a party and any person assisting or representing a party may be treated as a member of the public. The Sub-Committee will exclude the public (and the parties and their representatives) during the decision making process.

The Sub-Committee may require any person attending the hearing who in its opinion is behaving in a disruptive manner to leave the hearing, and may refuse to permit that person to return, or permit him to return only on such conditions as the Sub-Committee may specify. However, such a person may, before the end of the hearing, submit to the Sub-Committee in writing any information which he would have been entitled to give orally had he not been required to leave.

2. Representations and Supporting Information

At the hearing a party shall be entitled to:

- (a) Give further information as applicable in response to a point upon which notice has been given to that party that clarification is required. (Note – if such clarification is required from a party this will have been indicated in the Notice of Hearing).
- (b) Question any other party, but only if given permission by the Sub-Committee; and
- (c) Address the Sub-Committee

3. Failure of Parties to attend the Hearing

If a party has given notice that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

If a party who has not so indicated fails to attend or be represented at a hearing, the Sub-Committee may, where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or hold the hearing in the party's absence. If the hearing proceeds in a party's absence, the Sub-Committee will consider and give appropriate weight to the application, representation or notice given by that party in their absence.

4. Representations and Evidence

A party who wishes to rely on information or documentary evidence that has not been submitted in advance of the issue of the Notice of Hearing should ensure that such information or evidence, together with sufficient copies for all the parties, is submitted to the Licensing Manager at least **7 days before** the day of the hearing.

Parties are reminded that documentary or other information submitted on the day of the hearing may only be taken into account with the consent of all the other parties.

A party who wishes to produce audio/visual evidence should make such evidence available as soon as practical, and should give a minimum of two clear working days notice to the Licensing Manager to facilitate arrangements for the appropriate equipment to be available at the hearing.

5. Procedure

A summary of the procedure that will normally be followed at the hearing is enclosed.

It should be noted that this is a general procedure intended to cover matters that will normally be applicable at all hearings.

However, depending on the circumstances of each individual case, it is recognised that other issues may need to be considered as preliminary points at the hearing. These may include (but are not limited to):

- Whether to proceed in the absence of a party
- Whether to admit new documents/information submitted at the hearing
- Whether it is in the public interest to exclude members of the public from the hearing or any part of the hearing (other than the decision making process)
- Whether any party wished to withdraw representations previously submitted

6. Special Needs

Any person who intends to attend a hearing and who has special needs, for example in connection with access, language, hearing or vision, should inform the Licensing Manager as soon as practical prior to the day of the hearing, so that appropriate provision or arrangements may be made.

PROCEDURE TO BE FOLLOWED AT HEARINGS TO WHICH THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 APPLY

1. The Chairman will introduce the Members and the Legal Adviser and Democratic Support Officer.
2. The Chairman will ask the parties to introduce themselves and any persons with them.
3. The Chairman will confirm that there is no reason why any of the three sub-committee Members should not participate in this matter.
4. The Chairman will confirm that this is a discussion led by the authority that any questions should generally be put through the Chairman, and that cross-examination will only be permitted if the Sub-Committee considers that it is necessary.

5. The Chairman will ask the parties if they have any requests to cross-examine, and such requests will be considered by the Sub-Committee.
6. The Sub-Committee will consider any requests from the parties for permission for another person to appear at the hearing.
7. The Chairman will explain to the parties that the procedure to be followed will be the published one (unless the circumstances of the case require the normal procedures to be varied) – that is,
 - that the Licensing Manager (or his representative) will introduce the details of the application, the reason for the hearing, and the documentation,
 - that each party making representations will address the sub-committee in turn and will call other persons where permission has been given
 - that the applicant/licence holder will present his case and will call other persons where permission has been given
 - that Members may ask questions of all parties and persons
 - that questions from the parties must be directed through the Chairman unless cross-examination has been permitted under 4 above
 - that all parties will have the opportunity to make a closing statement, with the applicant/licence holder having the final word
 - that the Sub-Committee will withdraw to make its decision and formulate the reasons for the decision in private, and will ask its Legal Adviser and the Democratic Support Officer to join it in order to assist in documenting the decision and the reasons, or to provide clarification on any point. The decision will be announced in public and confirmed in writing. (In certain circumstances, the decision may not be made on the same day as the hearing). In the event that the Legal Adviser has been asked for clarification on any point then the point raised and the advice given will be declared to all parties.
8. The Chairman will indicate the maximum period of time each party will be allowed in which to present their case, and will seek comments from the parties before the Sub-Committee makes its final indication on this point.
9. The hearing will then proceed following the procedure in 7 above. The Chairman will arrange for reasonable comfort breaks throughout the hearing.

NOTICE OF AN APPLICATION FOR A REVIEW OF PREMISES LICENCE FOR:

Premises: Flames, 1-3 Rosemary Lane, Lancaster,
Lancashire, LA1 1NR

TAKE NOTICE THAT Home Office Immigration Enforcement has applied to Lancaster City Council (The Licensing Authority), for a **Review of the Premises Licence under Section 51 of the Licensing Act 2003** in respect of the above premises.

The grounds of the application for review as stated by Home Office Immigration Enforcement are offences under the Licensing Act 2003.

The review relates to the following licensing objective:

Prevention of Crime and Disorder

Any interested parties or responsible authorities may make representations on this application to the Licensing Authority, and any such representations should be submitted in writing by the **12th August 2024** to:

The Licensing Manager, Morecambe Town Hall, Morecambe, LA4 5AF or by email to licensing@lancaster.gov.uk.

The full application may be viewed at Town Hall Dalton Square Lancaster or Morecambe Town Hall Marine Road East Morecambe between 10.00 – 12.00 and 14.00 and 16.00 Monday – Friday.

IT IS AN OFFENCE, to knowingly or recklessly make a false statement in connection with an application, and the maximum fine for which a person is liable on summary conviction for the offence is £5000.

Dated this 15th day of July 2024

Jennifer Curtis, Licensing Manager, Morecambe Town Hall, Morecambe
LA4 5AF



Home Office

Premises Licence Review

Flames
1-3 Rosemary Lane
Lancaster
Lancashire
LA1 1NR

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Case Summary

The premises has been visited on five occasions between October 2022 and May 2024. Illegal working has been constant theme, there have been six illegal workers have been encountered.

On the most recent visit, a closure order was served.

Civil Penalties:

Civil penalty of £15,000 issued on 24 March 2023 for employing a person with no right to work in the UK. This was objected and the decision was maintained on 18 April 2023. No payment has been made yet.

Civil penalty of £40,000 issued on 17 January 2024 with a payment due date of 16/02/24 for employing two people, one in breach of their work conditions and the other with no right to work in the UK. No payment has been made yet.

Civil penalty of £55,000 issued on 21 June 2024 for employing a person with no right to work in the UK. No payment has been received yet but the penalty is not due for payment until 23 July 2024. The liable party has until 22 July 2024 to object to the penalty.

In each case the liable party is Rudolf Collaku. Civil penalties totalling £110,000 have been issued to the business which all still remain unpaid.

Licensed Premises History

The premises license has been held by Rudolf Collaku and has been held since 29 January 2020. License number LAPLNA0035.

The company registration number for FLAMES LANCASTER LTD is 09059461. However, this company which was incorporated on 28 May 2014, dissolved on 03 November 2015.

The company was also registered under another name, FLAMES (NW) LIMITED, registration number 12976264. Companies House show that it was incorporated on 27 October 2020 and dissolved on 29 March 2022.

There are no active companies on Companies House registered to the address and the director of the above two companies was Mr Rudolf Collaku.

Mr. Collaku has been the person described as the owner/manager either by the staff-members or admittedly confirmed by himself during each Enforcement Visit conducted.

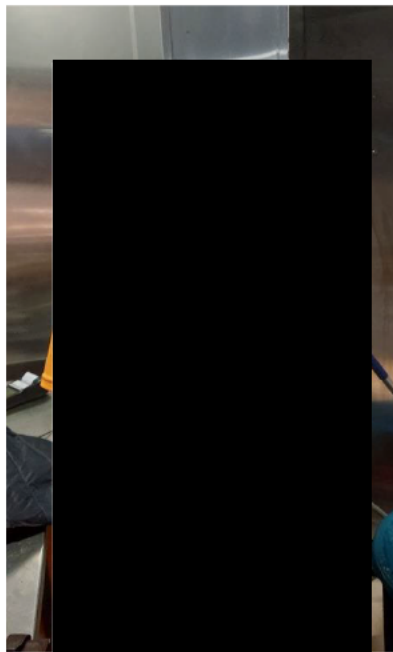
Enforcement Visit: 26 October 2022

Immigration Enforcement visited the premises on 26 October 2022 along with Lancashire Police, licensing and other partner agencies.

██████████

Officers encountered ██████████ in the kitchen when he attempted to abscond by the rear door.

██████████ admitted that he worked at the premises and his duties were to make pizzas and clean. He confirmed that he did not provide any documents or had any right to work checks conducted in order to work at the premises. Home Office records showed that ██████████ entered the UK illegally by boat in September 2021 and had an outstanding claim with no right to work in the UK at the time of the enforcement visit.



██████████ encountered in the kitchen wearing a 'Just Eat' t-shirt.

Rudolf Collaku - Employer

Rudolf Collaku was interviewed by immigration officers as he identified himself as the manager. Collaku confirmed that ██████████ started working at the premises on 25 October 2022 and claimed that he had requested ██████████ for identification documents multiple times but was not provided with them. Collaku also stated that he was planning to pay Collaku in cash at the end of the week.

Enforcement Visit: 15 December 2022

Immigration officers visited the premises on 15 December 2022 and encountered [REDACTED] sitting in the rear of the kitchen and he moved out of sight upon arrival of officers.

Enforcement Visit: 12 January 2023

Entry was gained to the premises at 19:11. Upon entering, immigration officers encountered the following individuals,

[REDACTED]

Immigration officers encountered [REDACTED] behind the counter in a staff only area. [REDACTED] has been encountered at the premises during previous enforcement visits to the premises and had already been advised to not be in a staff only area. [REDACTED] entered the UK illegally and had an outstanding claim at the time of the enforcement visit. However, his bail conditions do not permit him the right to work in the UK.

[REDACTED] maintained that he was not working at the premises and would occasionally help as the premises was run by his cousin. [REDACTED] claimed that he was at the premises to have food and had already placed the order, however, officers noted that his food wasn't ready even by the time officers left the premises.

This was the third instance [REDACTED] had been encountered by immigration officers and the police at the premises. It is considered that [REDACTED] is working at the premises as he was found in a staff only area along with his belongings and his claim of 'coming for food' was an attempt to deceive officers.

[REDACTED]

[REDACTED] was encountered by immigration officers whilst behind the counter entered in a staff only area. Home Office checks show that [REDACTED] entered the UK illegally and had an outstanding claim at the time of the enforcement visit. His bail conditions did not permit him the right to work in the UK.

[REDACTED] claimed that he had only worked at the premises for one day and his duties were cutting pizzas and salad preparation. [REDACTED] stated that he was unsure of the amount he would be paid in return for his work and confirmed that no documents were checked despite him informing he did not hold the right to work.

██████████ - Employer Interview

██████████ identified himself as the manager of the premises, subsequently an illegal working interview as an employer was conducted.

██████████ stated to immigration officers that ██████████ had helped at the premises for approximately one week. He claimed that ██████████ was not paid money and was only provided with food in return for his work. When questioned ██████████ stated that ██████████ had worked at the premises for a couple of days, and he was also only receiving food in return for his work.

It is considered that ██████████ attempted to deceive officers about the duration of employment of at the premises as it was the third instance since 2022 that ██████████ was encountered at the premises.

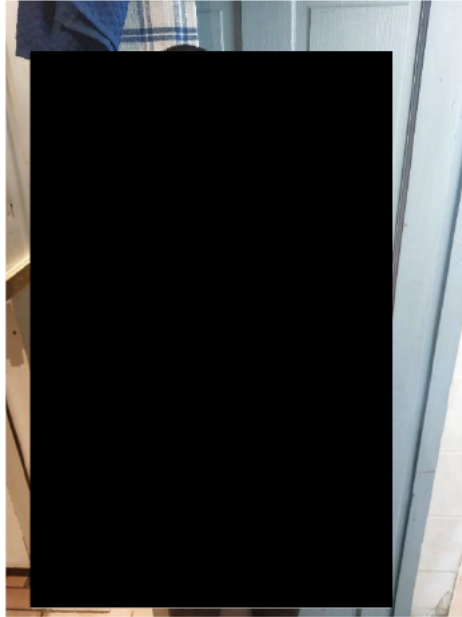
Enforcement Visit: 23 November 2023

Entry was gained to the premises at 16:55. Upon entering, immigration officers encountered the following individuals:

██████████

██████████ was encountered by immigration officers in a staff only area. Officers noticed that he attempted to walk away he was stopped and interviewed. ██████████ admitted to working at the premises and stated his role was to fold pizza boxes and have been working for the past two days. He stated that the boss (Rudolf Collaku) employed him, and he had not provided any right to work documentation prior to commencing work. ██████████ stated that he received food in return for his work and the boss agreed to pay him once ██████████ showed him his passport.

Home Office checks show that ██████████ was granted tier 2 leave to remain as a care worker from 23 February 2023 to 18 February 2028, but his work was restricted to his sponsor "Support Haven Ltd" trading as "Kare plus Ipswich" only. ██████████ had no permission to work in a takeaway/restaurant and was only permitted to work as care worker for his listed sponsor. Therefore, it is considered that ██████████ was working in breach of his visa conditions.



██████████ encountered at the premises wearing a 'Just Eat' t-shirt.

██████████

██████████ was encountered by immigration officers in the kitchen. ██████████ appeared to be nervous and attempted to move away from officers. Upon questioning ██████████ stated that he had worked at the premises for the past 3 days and his role was to make pizzas. ██████████ stated that the owner 'Rudy' employed him but did not conduct any right to work checks prior to commencing work. ██████████ stated that he receives food in return for his work and is expecting to receive £70 per day from the following week onwards.

Home Office records show that ██████████ was granted student visa from 11 September 2022 to 25 January 2024 with work restricted to 20 hours per week term time. ██████████ student visa was curtailed on 26 September 2023 as he failed to enrol at his university. Therefore, ██████████ is an overstayer with no right to work in the UK.

As such, out of the three members of staff that were present, two were identified as working illegally. A Civil Penalty Referral Notice was issued to the business on the basis that they were believed to be employing illegal workers and, following an investigation, the Home Office's Civil Penalty Compliance Team issued a civil penalty of £40,000 to 'Flames (inclusive of Rudolf COLLAKU)' on 17 January 2024, as of 23 May 2024 no payment has been made towards this civil penalty.

Rudolf Collaku - Employer Interview

Rudolf Collaku identified himself as the owner/manager for the premises. An illegal working interview as an employer was conducted with Collaku.

Collaku stated that [REDACTED] had been working at the premises for 3 months. [REDACTED] duties were to make pizzas and cleaning at night. When questioned in relation to [REDACTED], Collaku stated that [REDACTED] had been working at the premises for approximately 3 months and his role was to make pizzas. Collaku claimed that [REDACTED] and [REDACTED] only worked 18 – 20 hours per week as they were on student visas and were paid £11 per hour. Collaku confirmed that he employed both workers but held no employee records and could not recall conducting right to work checks on them.

It is considered that Collaku employed the workers without conducting the relevant right to work checks. If these were conducted it would've clearly showed that both employees were not eligible to work at the premises.

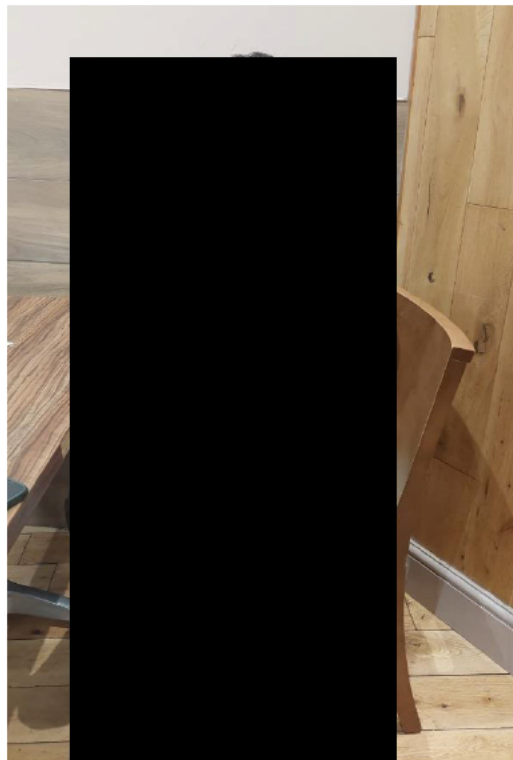
Enforcement Visit: 22 May 2024

Entry was gained to the premises at 18:53 under Section 179 of the Licensing Act 2003. The following individual was encountered:

████████████████████

██████████ was encountered in the kitchen area of the premises whilst preparing pizza and dressed in 'Flames' uniform. Home Office records show that ██████████ submitted multiple applications under the EU Settlement Scheme which were all either refused or rejected. ██████████ last entered the UK on 10 October 2023 and was allowed entry as a visitor for a period of six months. The most recent application was submitted on 14 May 2024. A Certificate of Application (CoA) was not granted for this application and therefore ██████████ did not hold the right to work in the UK at the time of the enforcement visit.

██████████ admitted to officers that he came to the UK solely for working. During the illegal working interview ██████████ stated that he had been working at the premises for two weeks, this would mean that on approximately 08 May 2024, ██████████ had no outstanding applications to remain in the UK at that time. ██████████ stated his job is to make pizzas, he works approximately 38 hours per week and is paid £300 in cash.

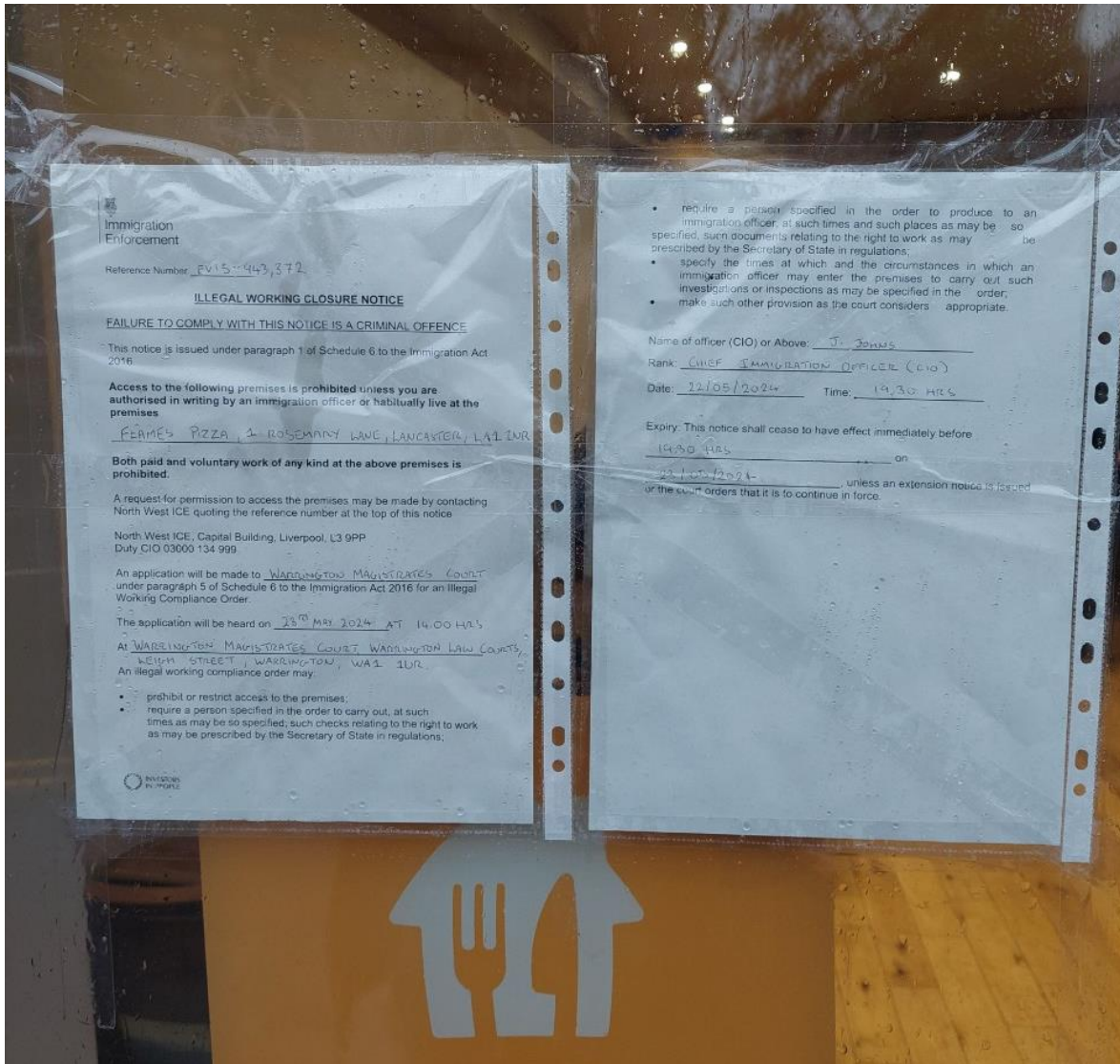


██████████ encountered in 'Flames' uniform.

██████████ stated that his cousin ██████████ who also works at the premises brought him to work at premises. ██████████ claims that he has never seen a manager or the owner for the business. He also confirmed that no right to work checks were conducted and he did not provide any documents to the employer prior to commencing work.

A referral has been made to the Civil Penalty Compliance Team in relation to the illegal working.

A closure order was authorised for 24 hours and the relevant paperwork was served and displayed at the premises. An illegal working compliance order was approved and signed by Warrington Magistrates Court, valid until 23 May 2025.



Reasons for Review

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 06 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

Section 182 guidance at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered.

A total of six of illegal workers have been encountered working at the premises during the period from October 2022 to May 2024. The most recent visit led to a closure order being issued.

It is considered the license holder, Rudolf Collaku has deliberately overlooked the rules and laws in place to prevent crime and disorder.

In addition, the license holder has received three civil penalties totalling £110,000. The first civil penalty was issued on 24 March 2023 after the premises was visited three times. This financial sanction failed to modify the license holder's behaviour as further illegal workers were encountered and two additional civil penalties were issued. It must be noted that the license holder has failed to pay any of these civil penalties.

The license holder has shown complete disregard for UK immigration laws by employing illegal workers.

Whether by negligence or wilful blindness illegal workers were engaged in activity on the premises, yet it is a simple process for an employer to ascertain what documents they should check before a person can work. It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ an illegal worker where there is reason to believe this is the case.

Immigration Enforcement submits that for commercial reasons those engaged in the management of the premises employed illegal workers and a warning or other activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded to review.

Outcome Sought

The objective of the Licensing Act 2003 (the Act) is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.

There are four licensing objectives which underpin the Act, and which need to be taken into account and promoted throughout the licensing process.

The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm.

Flames, under the control of Mr. Rudolf Collaku has been found employing illegal workers as outlined above. This premises has clearly failed to meet the prevention of crime and disorder objective.

The use of illegal labour provides an unfair competitive edge and deprives the UK economy of tax revenue. Illegal workers are often paid below the minimum wage (itself an offence) and National Insurance payments are not paid. The main draw for illegal immigration is the ability to work outside of the law, these illegal workers can find themselves toiling in poor working conditions for long hours and little remuneration. A firm response to this behaviour is required to ensure that the licence holder and/or its agents are not allowed to repeat the exercise and in particular, in the interests of the wider community to support responsible businesses and the jobs of both UK citizens and lawful migrants. It is also required to act as a deterrent to others who would otherwise seek to seek an unfair competitive advantage, exploit workers and deny work to the local community, evade the payment of income tax and(unlawfully) inflate their profits to the expense of others.

Immigration Enforcement asks that the premises licence is revoked. Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from engaging in criminal activity by employing illegal workers and facilitating disqualified immigrants to work illegally.

This submission and appended documents provide the licensing subcommittee with background arguments and information pertinent to that contention. These provide the sub-committee with a sound and defensible rationale as to why it should revoke the licence.

Appendix A – Supporting Evidence

Illegal Working-Employee [REDACTED]

Illegal Working-Employer Rudolf COLLAKU [REDACTED]

Encounter [REDACTED]

Illegal Working-Employee [REDACTED]

Illegal Working-Employee [REDACTED]

Illegal Working-Employer [REDACTED]

Illegal Working-Employee [REDACTED]

Illegal Working-Employee [REDACTED]

Illegal Working-Employer Rudolf Collaku [REDACTED]

Illegal Working-Employee [REDACTED]

Documents Served [REDACTED]

Illegal Working - Employee					
Details					
Type of work	Visit				
Visit reference	██████████				
Created by	██████████				
ProntoID	██████████ - AFG Afghanistan				
Subject CIDPID/CEPR	██████████				
Subject name	██████████████████				
Subject DOB	██████████				
Subject nationality	AFG Afghanistan				
Subject gender	Male				
Time	20:50				
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Easting	347764				
Northing	461869				
Creation date	26-10-2022 20:50:51				
Language of Interview					
What language is the interview carried out in?	English				
Interpreter used?	No				
Obligation					
How long have you been working here?	Two days				
What is your job role/ what are your duties?	Make pizzas and help cleaning				
What days/ hours do you work each week?	I start at 4pm until 3am. I think I can work 20hrs after 1 year				
Control					
Who gave you this job (name and role in business)?	I don't know				
Who tells you what days/ hours to work?	The boss. He said I am on trial				
Who tells you what tasks/ duties to do each day?	The boss. I don't know his name				


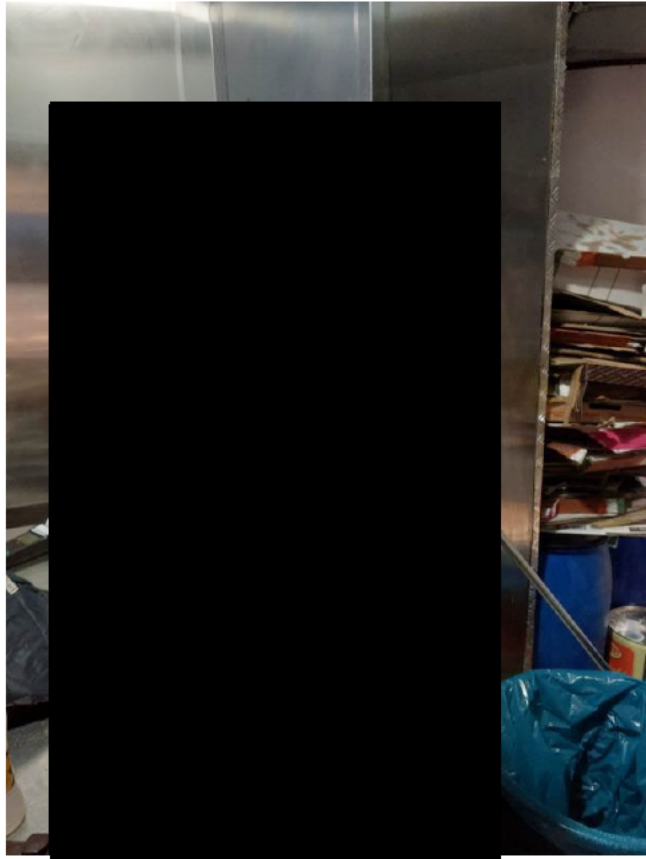
Remuneration	
How are you paid (money, accommodation, food)?	I don't know yet as not been paid
Who pays you?	The boss but we haven't agreed a fee yet as I'm training
Do you pay income tax or have a National Insurance number?	No
Pre-employment Checks	
Did you show documents before being offered the job? If so, what?	Nothing
Does your employer know you're not allowed to work in the UK?	I don't know I said I will go to immigration and get papers
Additional Questions	
do you know you are not allowed to work in the UK	Yes but I can 20 hours after 1 year
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature [REDACTED] [REDACTED])	 26-10-2022 20:58:34
Observations	
Observations	In kitchen at time of entry. Tried to leave the rear. Wearing orange just eat t-shirt like all other workers in the kitchen
Do you suspect this person of illegal working?	Yes

Photo 1



Caption

[REDACTED]

Illegal Working - Employer

Details

Type of work	Visit				
Visit reference	██████████				
Created by	██████████				
ProntoID	Rudolf Collaku - ██████████ - ALB Albania				
Subject CIDPID/CEPR	Unknown				
Employer	Rudolf Collaku				
Subject DOB	██████████				
Subject nationality	ALB Albania				
Subject gender	Male				
Time	21:01				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>347848</td> </tr> <tr> <td>Northing</td> <td>461823</td> </tr> </table>	Easting	347848	Northing	461823
Easting	347848				
Northing	461823				
Creation date	26-10-2022 21:01:22				

Language of Interview

What language is the interview carried out in?	English
Interpreter used?	No

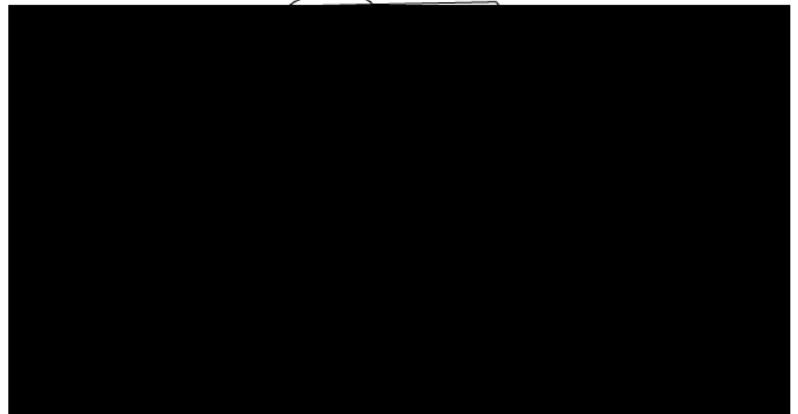
Employer Details

What is your role at Flames?	I am the manager
How long had ██████████ worked at Flames?	Since yesterday 25/10
Have you asked for ██████████ for any ID?	Yes I have asked him for ID multiple times but hasn't provided any
How did ██████████ get the job?	He came into the shop on Monday 24/10 and asked for a job. He told me that he was allowed to work.
How many hours does ██████████ work a day?	From 16:30 until 03:30 yesterday and today
How were you going to pay ██████████ for the work he has done?	In cash at the end of the week £10 an hour
How many days was ██████████ due to work?	3/4 days a week agreed.
Who tells ██████████ what to do every day?	I do, he comes to the shop every day at 4pm and I give him duties.

Declaration by Employer

I confirm that I have understood all the questions and that the details are true and correct.

Signed by Rudolf Collaku



26-10-2022 21:08:34

Observations

Observations

Encounter	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntolD	[REDACTED] - ALB Albania
Time	18:45
Created at geolocation	No geolocation available
Creation date	15-12-2022 18:46:34
Chosen Identity	
Identity source/type	Biographic
Name	[REDACTED]
DOB	[REDACTED]
Gender	Male
Nationality	ALB Albania
Languages	
Languages spoken	English
Interpreter used?	No
Encounter	
Encountering officer	[REDACTED]
Is this encounter related to a Small Boats event?	No
Is this person the subject of the visit?	No
Do you suspect an immigration offence?	Yes
Why do you suspect the person of an immigration offence?	Sat in rear of takeaway and moved out of sight upon our arrival
Declared immigration status	Illegal entrant
How and when did the subject last enter the UK?	6 months ago via small boat
CIDPID/CEPR	[REDACTED]
Are there any vulnerabilities/trafficking/safeguarding issues?	No
Is the subject considered a 'rough sleeper'?	No

Where in the premises was the subject located?	Kitchen
Are you taking enforcement action?	No
References (Person ID, HO Ref, Port Ref, BRP)	
Biographic search results	Systems checked Person Check Result of checks Does the person have an open absconder status on Atlas Person Alerts? Status returned by system checks
Identity Documentation	
Document 1	Document type Name in document (if different from above) Document reference Document expiry date Country of issue (if different from nationality above) Suspected fraudulent Notes Photos
Notes	
No notes entered.	

Illegal Working - Employee

Details

Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntoID	[REDACTED] - ALB Albania				
Subject CIDPID/CEPR	[REDACTED]				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	ALB Albania				
Subject gender	Male				
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Northing	461874				
Creation date	12-01-2023 19:36:00				

Language of Interview

What language is the interview carried out in?	Albanian
Interpreter used?	Yes
Details of interpreter	See encounter
Does the individual understand the interpreter?	Yes

Obligation

Are you working here?	No I am not working the owner of this fast food is my cousin he is Albanian he said I can come here and help myself
Do you help out?	It depends of course I am help him sometimes
the last time immigration here you were advised not to be on the staff side, why did you not listen to this?	Immigration told me I can be here just not in the kitchen area
What were you helping out with other day when the police officers observed you moving boxes?	It was some boxes from the shop or its contents
Why are you here now?	Today I just came to eat I was hungry
Had you ordered your food?	No I just order but there was some other orders before me
Have you got a receipt?	No because it belongs to my cousin

What did you order?	I ordered a pizza as soon as I came here
We have been here for 30 minutes and there still isn't a pizza being cooked would you like to change your answer?	I really don't know why the pizza is not ready I usually do like this
Why is your coat taken off behind the counter?	How am I going to go the toilet with a jacket on
How long have you been helping out here for?	When I arrived in the UK I was sent to a camp, so this cousin that owns this premises took me up and there was a guarantee when I was released that I live with him so whenever we come here, I do help him sometimes only during the day
How often would you say you help out a week?	I can't say sir how many times per week just sometimes I get bored and go out on the way here, its not a day in particular
Control	
Is it your cousin who tells you to help out here?	My cousin has his own employees it's not that he asks me to help him
Remuneration	
How are you paid (money, accommodation, food)?	Well even if I help my cousin out I don't get any help as I live with him, it's a tradition. Whenever I wake up at the same time time he goes to work sometimes in join him and have a coffee
Pre-employment Checks	
No details provided.	
Additional Questions	
you have been observed working here 4 times now, do you have anything to say to this?	I probably came even more here but its my cousin who owns this place. We stay here for 30 min drink a bit and go home
Are you aware you don't have permission to work in the UK?	I am well aware

Photographs

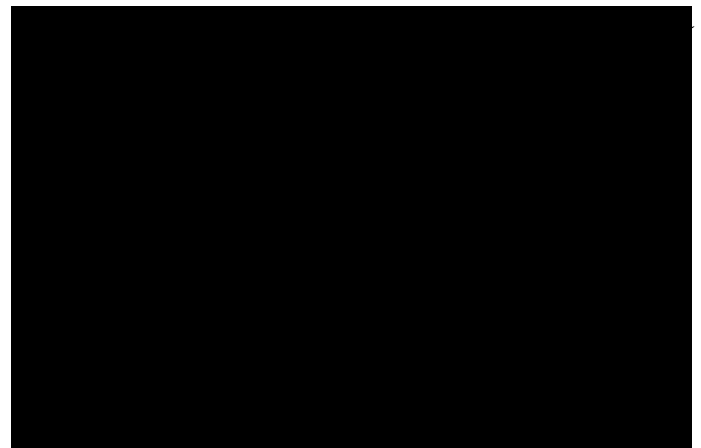
individuals coat



Declaration

I confirm that I have understood all the questions and that the details are true and correct.

Interviewee signature ([REDACTED])



12-01-2023 19:56:39

Observations

Observations

Individual has been observed behind counter in staff only area on 4 occasions. Twice by immigration and once by police officer [REDACTED] and once by other police officers.
He was again in staff area tonight with his coat behind staff counter.

	He claimed to be coming for food which still wasn't cooked by the time officers left. He admitted to helping out. He lives with his cousin the owner
Do you suspect this person of illegal working?	Yes

Illegal Working - Employee

Details

Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntoID	[REDACTED] - IRQ Iraq				
Subject CIDPID/CEPR	[REDACTED]				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	IRQ Iraq				
Subject gender	Male				
Time	20:31				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>347786</td> </tr> <tr> <td>Northing</td> <td>461872</td> </tr> </table>	Easting	347786	Northing	461872
Easting	347786				
Northing	461872				
Creation date	12-01-2023 20:31:39				

Language of Interview

What language is the interview carried out in?	Kurdish
Interpreter used?	Yes
Details of interpreter	See encounter
Does the individual understand the interpreter?	Yes

Obligation

How long have you been working here?	1 day
What is your job role/ what are your duties?	Cutting the pizza
What time did you start today?	3pm
What time were you expecting to stay until?	3am
During that time, were you expecting to be cutting pizzas for the whole shift?	Cutting tomatoes and cucumbers and salad as well and cleaning
Have you ever been here before today?	No

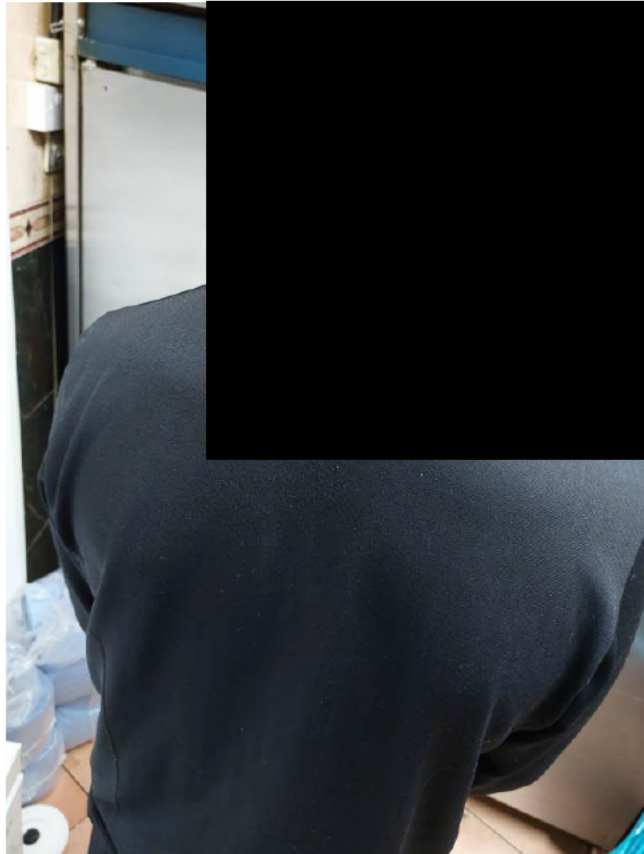
Control	
Who told you you could have this job?	Owner of the shop
What is that persons name?	Rudy
Have you ever met Rudy or only spoken to him on the phone?	The pizza chef spoke with the owner and the owner accepted it.
Were these conversations today?	Yes today
Who is the manager here tonight?	The other pizza chef is the manager
Do you know his name?	█
Is he here right now?	Yes - pointed to █
Remuneration	
How much money were you expecting to receive for your shift?	Rudy will pay me and I don't know how much.
Are you just expecting to receive money, or do you get accommodation or receiving food whilst on shift?	Just money
Pre-employment Checks	
Before you got this job, did the chef or Rudy ask to see any ID documents?	No
Did they ask if you have permission to work in the UK?	The chef asked if I had a permit to be allowed to work and I said no
Additional Questions	
Are you happy to sign my phone to confirm the answers you have provided are true and correct, or would you like me to read them back to you?	I want to read my answers
Can you read in English?	No Arabic
I will read the question and answer to the interpreter.	*read answers back*
Are you now happy to sign my phone to confirm the answers you have provided are true and correct?	Yes

Photographs

1



2



3



top he took off



Declaration

I confirm that I have understood all the questions and that the details are true and correct.

Interviewee signature ([REDACTED]
[REDACTED])



12-01-2023 20:50:51

Observations

Observations

Upon entry he was behind the counter wearing a just eat top which he took off before he was arrested.

Do you suspect this person of illegal working?

Yes

Illegal Working - Employer

Details


Type of work	Visit				
Visit reference	██████████				
Created by	██████████				
ProntoID	██████████ - BGR Bulgaria				
Subject CIDPID/CEPR	Unknown				
Employer	██████████				
Subject DOB	██████████				
Subject nationality	BGR Bulgaria				
Subject gender	Male				
Time	20:30				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>347786</td> </tr> <tr> <td>Northing</td> <td>461874</td> </tr> </table>	Easting	347786	Northing	461874
Easting	347786				
Northing	461874				
Creation date	12-01-2023 20:29:54				

Language of Interview

What language is the interview carried out in?	Turkish
Interpreter used?	Yes
Details of interpreter	██████████
Does the individual understand the interpreter?	Yes

Employer Details

Who is the manager?	Me
Who is the owner?	Rudolph is in hospital
Who is in charge of employment?	Rudolph Klaku
How long have you worked here?	5 years
How long has ██████ worked here?	Not too long a little bit
what does he do when he's here?	When we are busy he helps me
When you are busy here he helps out yes?	Just for a few hours he only helps out here he's not working
How long has ██████ been helping here?	Maybe one week
Does he help out most days?	Only Friday and Saturday

Does he receive any payment or cash do this?	We are not giving him any money for a few hours he helps us and I give him some food
████ helps out for a few hours and you give him some food is that right?	Yes
Were you aware that the two individuals cannot work?	No
What food does █████ usually get after he helps out?	Whatever they want to eat I give them
How long has █████ been working here?	A few days 1 or 2 days
Does he receive any payment or food?	Only for a few hours or 2 days so of course we give him food or when we go to barbers
How does █████ know when he needs to come in?	I WhatsApp him to come to help out
Is that the same for █████?	Yes
Declaration by Employer	
I confirm that I have understood all the questions and that the details are true and correct.	
Signed by █████	 12-01-2023 20:55:04
Observations	
Observations	

Illegal Working - Employee

Details

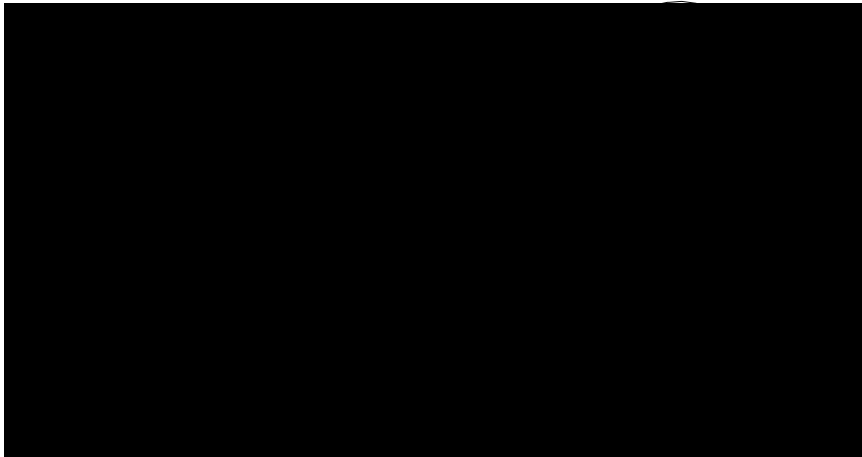
Type of work	Visit				
Visit reference	██████████				
Created by	██████████				
ProntoID	████████████████████ - India				
Subject CIDPID/CEPR	██████████				
Subject name	██████████████████				
Subject DOB	██████████				
Subject nationality	India				
Subject gender	Male				
Time	17:20				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>347788</td> </tr> <tr> <td>Northing</td> <td>461872</td> </tr> </table>	Easting	347788	Northing	461872
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Northing	461872				
Creation date	23-11-2023 17:20:00				

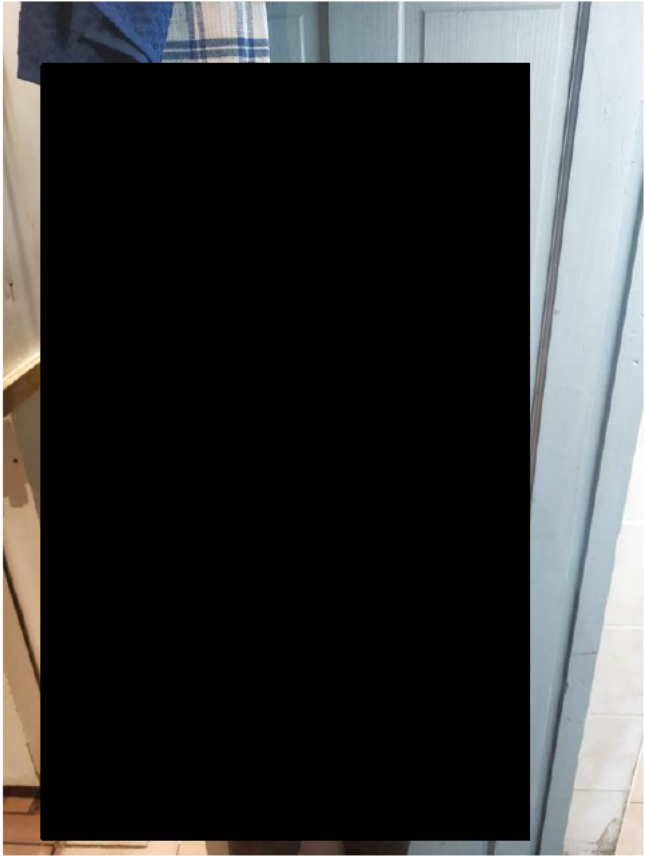
Language of Interview

What language is the interview carried out in?	English
Interpreter used?	No

Obligation


What are you doing here today?	I came here to work
What is your role here?	Folding pizzas boxes
How long have you been doing that?	2 days
When did you start your shift?	Yesterday it was 4 o'clock until 2am. Today it was 4 o'clock again but I don't know what time I finished.
Who said you could work here?	The boss (Confirmed to be Rudolf Collaku - subject pointed)
Did Rudolf ask you for any permission to work in the UK?	No he said bring it in tomorrow
Have you showed him today?	No
How much did you get paid for your work yesterday?	He said he would pay me once I showed my passport
Have you received anything else for your work?	Yea I got a free pizza
How did you know about the job here?	My friend ██████████ who I am staying with in Morecambe (address unknown) told me about it.

Is there are written contractual agreement between yourself and this business?	No
Who told you to come into work today and what time to start?	The boss Rudolf
Who gave you the JustEat t-shirt you are wearing?	It was in the cloakroom, my top was dirty so I wore I went and wore it
Control	
No details provided.	
Remuneration	
No details provided.	
Pre-employment Checks	
No details provided.	
Additional Questions	
No details provided.	
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature ([REDACTED])	 23-11-2023 17:43:48
Observations	
Observations	Male was in the staff area upon arrival and walked away from me immediately, subsequently arrested and admitted he has worked here on 2 occasions. Male is also wearing a JustEat t-shirt
Do you suspect this person of illegal working?	Yes

<p>Photo 1</p>	 <p>Caption IW Evidence</p>
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Management Checks Complete	
Date management checks complete	13-03-2024 10:35:05
Reviewer(s)	[REDACTED]

Illegal Working - Employee	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntoID	[REDACTED] - India
Subject CIDPID/CEPR	[REDACTED]
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	India
Subject gender	Male
Time	17:44
Created at geolocation	Easting 347788 Northing 461860
Creation date	23-11-2023 17:44:21
Language of Interview	
What language is the interview carried out in?	Tamil
Interpreter used?	Yes
Details of interpreter	See encounter
Does the individual understand the interpreter?	Yes
Obligation	
How long have you been working at this business?	For the past 3 days
What is your job role/ what are your duties?	Make pizza
What time did you arrive today?	4pm
What time do you intend to leave tonight?	4:30am or 05:30am if busy
Have you been working the same hours every day?	Different timings. Whatever time they tell me. Been here the past 3 days, 04:00am or 03:30am.
Control	
Who gave you this job (name and role in business)?	The owner Rudy

Who tells you what days/ hours to work?	The owner Rudi the one who tells me I will be coming here. I've only been coming for the past 3 days.
Who tells you what tasks/ duties to do each day?	The owner Rudy.
Remuneration	
How are you paid (money, accommodation, food)?	I just joined. I came here because I don't have any food. That's why I came here. From next week I will get a salary.
How much do you expect to get paid?	£70 a day
Do you free food here?	Yes because I am working here so I get free food. It is not hourly paid, just a day £70. I said he can only pay me £70 and if I do better it will be £80 per day.
Pre-employment Checks	
Did Rudy check your permission to work before you started this job?	He hasn't checked. I asked him because I haven't got any food. He said he hasn't got any food and he said he will start to give me £70
Did Rudy check your passport?	No
Are you aware you are not allowed to work in the UK?	Yes I do
Additional Questions	
I am going to ask you to sign my phone to confirm the answers you have provided are true and correct. Would you like to read the answers back, or I can read them to you, or are you willing to sign?	Okay
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature ([REDACTED])	

23-11-2023 17:57:15

Observations

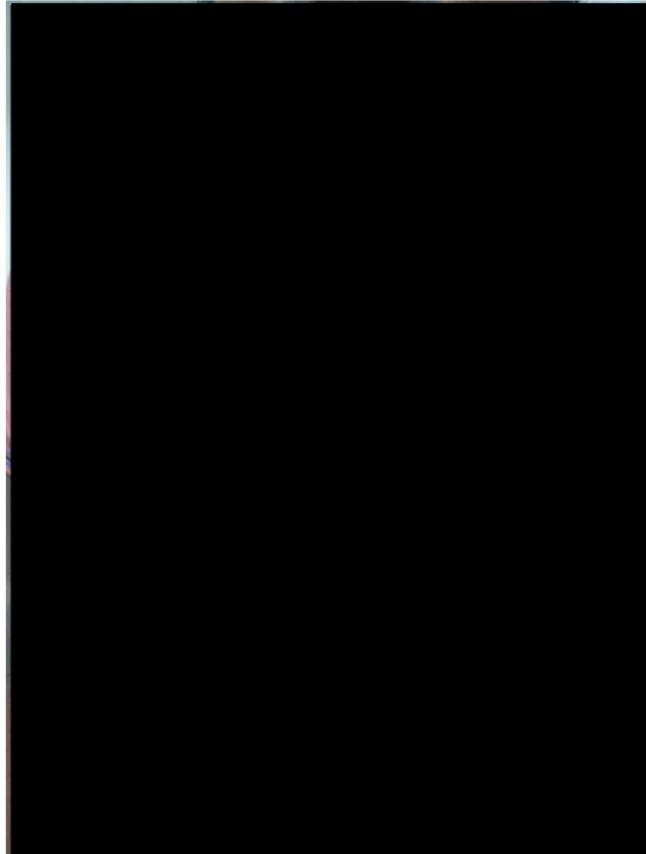
Observations

Male was in the kitchen when we entered. He looked nervous and tried to move away from officers. There is only a staff entrance to the kitchen. It is a separate door therefore no customers would have access.

Do you suspect this person of illegal working?

Yes

Photo 1



Caption

food stains

Photo 2



Caption

shoes

Illegal Working - Employer	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntoID	Other
Subject CIDPID/CEPR	Unknown
Employer	Rudolf Collaku
Time	17:32
Created at geolocation	No geolocation available
Creation date	23-11-2023 17:31:45
Language of Interview	
What language is the interview carried out in?	English
Interpreter used?	No
Employer Details	
What is the name of the business?	Flames, no other details
If the business is owned by a company what is the name of the company?	No
What are the Companies House and VAT numbers of the business?	States not on Companies House or reg'd for VAT
What is your position here?	Manager
Who is or who are the owner/s	I'm the owner/manager
Declaration by Employer	
I confirm that I have understood all the questions and that the details are true and correct.	
Subject has refused to provide a signature.	
Employer read the contents of the interview themselves	Yes
Contents read back to the employer in the language used during the interview	Yes
Employee - [REDACTED]	
Known to employer as	[REDACTED]

Obligation	
How long has the employee been working at this business?	About 3 months
What is their job role/ duties?	He makes pizzas and cleans at the end of the night
What days/ hours do they work each week?	18 to 20 hours per week
Is there a reason why he works that amount of hours?	He's on a student visa
Are their days/ hours the same every week?	His hours/days vary
Control	
Who gave the employee this job?	I did
Who tells them what days and hours to work?	I do
Who tells them what tasks or duties to perform each day?	I do
Where are the employee records?	No, no copies of anything here
If [REDACTED] cannot work, do you find a replacement for him?	Yes
Remuneration	
What is the employee given in return for their tasks and duties?	He gets paid, £11p/h
Who pays this employee?	I do
How is this employee paid – cash, bank transfer?	Cash
Does HMRC know that this employee works at your business?	Yes, they do
Pre-employment Checks	
Did you check the right to work or immigration status before you offered the employee the job?	Yes, he told me he is a student
Did the employee share a digital code with you to enable you to check their right to work in the UK?	No, I don't remember that
Did you ask to see any documents from the employee to demonstrate their right to work in the UK?	I think I did, I don't remember

What documents did you ask to see and what were you shown before offering employment?	I think so, I can't remember
Employee - [REDACTED]	
Known to employer as	[REDACTED]
Obligation	
How long has the employee been working at this business?	A few months, 2 or 3
What is their job role/ duties?	Makes pizzas
What days/ hours do they work each week?	Same as the other guy, 18-20
Is there a reason why he works those hours?	He's on a student visa as well
Are their days/ hours the same every week?	His hours vary
Control	
Who gave the employee this job?	I did
Who tells them what days and hours to work?	I do
Who tells them what tasks or duties to perform each day?	I do
Where are the employee records?	No, none
Remuneration	
What is the employee given in return for their tasks and duties?	He gets paid
If the payment includes money, how much is paid?	Same as the other one, £11, some food but no accommodation, same for the other one too
Who pays this employee?	I do
How is this employee paid – cash, bank transfer?	By cash
Does HMRC know that this employee works at your business?	Yes
Does HMRC know that this employee works at your business?	Yes
Pre-employment Checks	
Did you check the right to work or immigration status before you offered the employee the job?	Yes, I think I did

Did the employee share a digital code with you to enable you to check their right to work in the UK?	No
Did you ask to see any documents from the employee to demonstrate their right to work in the UK?	I think i saw his ID
What kind of ID was it?	Just an ID card, I don't recall
Were you shown any originals?	I don't know, I can't tell
Observations	
Observations	

Illegal Working - Employee

Details

Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntoID	[REDACTED] - Bulgaria				
Subject CIDPID/CEPR	Unknown				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	Bulgaria				
Subject gender	Male				
Time	19:38				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>347788</td> </tr> <tr> <td>Northing</td> <td>461874</td> </tr> </table>	Easting	347788	Northing	461874
Easting	347788				
Northing	461874				
Creation date	22-05-2024 19:38:44				

Language of Interview

What language is the interview carried out in?	Bulgarian
Interpreter used?	Yes
Details of interpreter	See encounter
Does the individual understand the interpreter?	Yes

Obligation

How long have you been working at this business?	2 weeks
What is your job role/ what are your duties?	I prepare food and help out with other things
What days/ hours do you work each week?	I work 37-38 hours per week
Do you work the same hours/ days every week?	I work different hours
What is your job role/ what are your duties?	I only make pizzas here
do you complete any other tasks? do you serve any cusotmers	No. I don't serve customers because I don't speak english

how much are you paid per hour?	I do not get paid per hour. I get £300. I work 2-3 days. I do not work Mondays or Tuesdays
what days do you work each week?	I don't work here all the Time. I worked one week and didn't work the next.
what time do you start your shift a d what time do you end?	Start at 4pm and work until 9 or 10pm. So times I work 4 hours sometimes 3 hours.
Control	
Who gave you this job (name and role in business)?	My cousin brought me here. My cousin is called [REDACTED]. He is here now (points to other worker encountered)
Who tells you what days/ hours to work?	My cousin. He tell me everything
Who tells you what tasks/ duties to do each day?	My cousin [REDACTED]
Who is the manager here?	I don't know. Never seen manager here. I Work 5 hours per day and leave.
You said you were paid by [REDACTED] paid you before.	No there is no [REDACTED]
What is your home address?	I live in Lancaster. I only came here two weeks ago. I live in number 14.
Does your cousin know?	I don't know. I only know it is number 40
Is it number 40 Slaidburn Drive LA1 4 QX?	Yes that is correct. I have stayed there for the last two weeks.
Remuneration	
How are you paid (money, accommodation, food)?	Paid cash in hand. My cousin gives the mmoney to me
If money, how much and how do you receive it?	Once per week or when I need it
Who pays you?	[REDACTED] my cousin.
Do you pay income tax or have a National Insurance number?	No
who lives with you at the address you are currently living at.	Just my cousin Who else lives there? My cousin his wife and his daughter
who do you believe to be the owner or manager of this business	I don't know I have never seen them. I just work 5 hours and leave
your cousin must have mentioned the owners name or details.	No never
Pre-employment Checks	
Did the employer check your right to work or immigration status before they offered you the job?	No

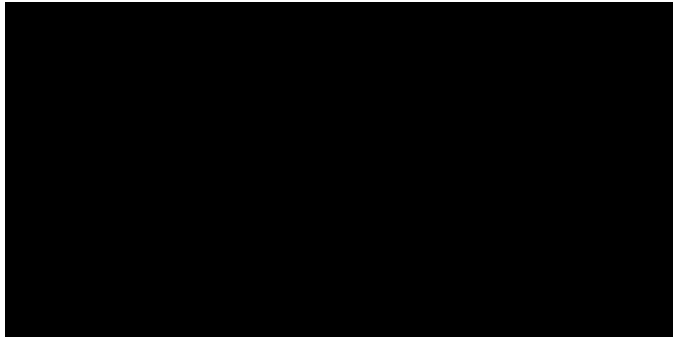
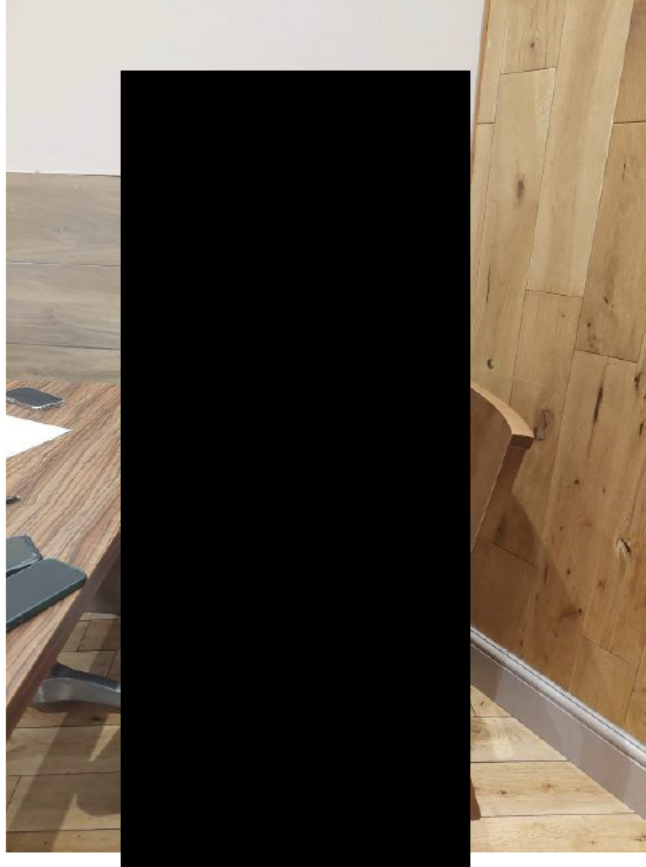
Did you show documents or share a code with the employer to prove your right to work before being offered the job? If so, what did you show and were they originals?	No I didn't show anything
Does your employer know you're not allowed to work in the UK?	I don't know..I have even seen any employer.
Additional Questions	
I am going to ask you to sign my phone to show the answers are a true reflection of our conversation. would you like me to read questions and answers back	Yes I am.happy to sign
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature ([REDACTED])	 22-05-2024 20:10:30
Observations	
Observations	Male was encountered in kitchen area of 'Flames'. He was wearing a 'Flames' t-shirt and was preparing a pizza when we arrived. His Flames t-shirt was dirty and stained with food, particularly flour from making pizza dough. He has openly admitted to working here for cash in hand for the last couple.of weeks (please see q&a). He also stated that he came to the UK simply to work (please see q&a)
Do you suspect this person of illegal working?	Yes

Photo 1



Caption

photo of subject wearing Flames t-shirt stained with food

Exhibit Ref

[REDACTED]

Documents Served

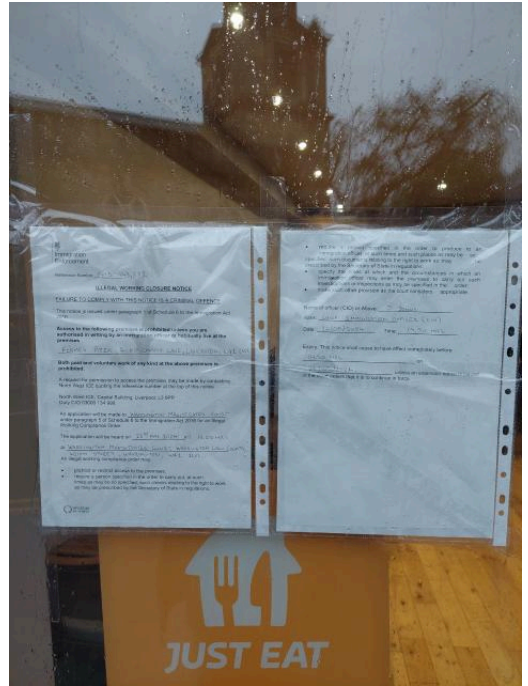
Details

Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Address	Flames , 1 -2 Rosemary Ln, Lancaster, LA1 1NR (Visit Address)
ProntoID	[REDACTED] - Bulgaria
Subject CIDPID/CEPR	Unknown
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	Bulgaria
Subject gender	Male
Created at geolocation	Easting 347786 Northing 461873
Creation date	22-05-2024 20:02:27

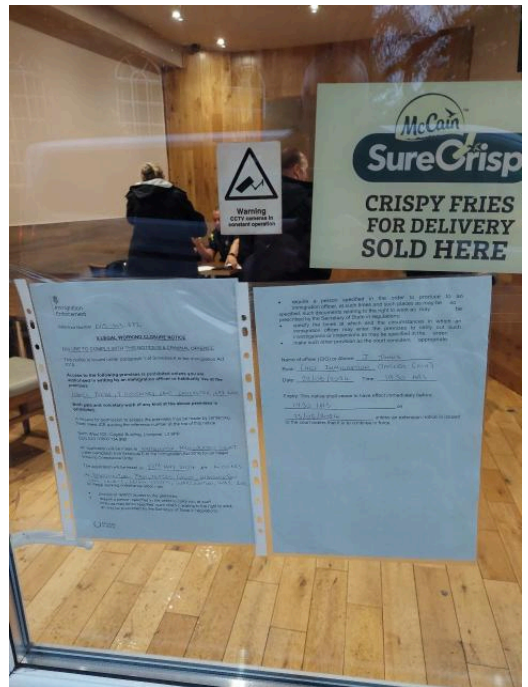
Documents Served

Document Served	Document category CPRN
	Document served IW Closure Notice
	Document served to Other
	Specify Employee
	Language spoken Turkish
	Interpreter used? Yes
	Interpreter details [REDACTED]
	Does the individual understand the interpreter? Yes
	What date/time was the document served? 22-05-2024 19:30:00
	Document issued by [REDACTED]

Photos



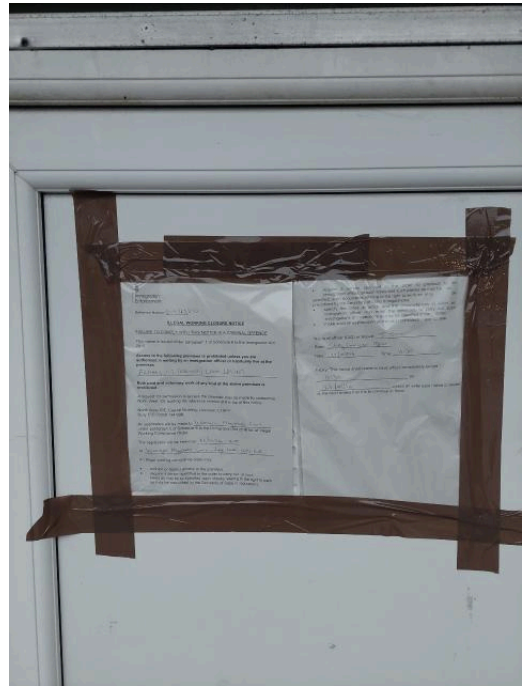
Closure Notice Exterior Window Dining Area.



Closure Notice interior door Dining Area.



Closure Notice Window Interior Dining area.



Closure Notice Door exterior kitchen area.

Comments

Closure Notice fully explained to employee [REDACTED] who stated that he understands the Closure Notice and subsequent requirements via Turkish interpreter [REDACTED].

Management Checks Complete

Date management checks complete 27-05-2024 16:22:40

Reviewer(s) [REDACTED]



Lancashire Constabulary
West Division
Review File
PC 2338 Andrew Taylor
Police Licensing

Name: Flames

**Address: 1-3 Rosemary Lane, Lancaster,
LA1 1NR**

Licensing Authority: Lancaster City Council

Licence Number: LAPLNA0035

1. Summary

Flames Takeaway is a Fast-Food outlet located on the one-way system in Lancaster City Centre. It is one of 20 takeaway food outlets in a small area in the City Centre (Refer to map/pictures LC01).

The premises has a Late-Night Refreshment Licence which allows the premises to provide hot food and drink to the public between the hours of 2300-0500 hours Monday to Sunday.

The premises layout is all on one floor. There is a front entrance into the customer area to order food. There is a small counter and kitchen. In the back is one small office and a separate storeroom.

Rudolf COLLAKU is the current premises licence holder.

COLLAKU has one adult caution for assault on 6th April 2006 contrary to S39 of the Criminal Justice Act 1988.

COLLAKU has one conviction for seven offences of contravene/fail to comply with EU provision concerning food safety and hygiene on 30th November 2017 contrary to Food and Safety Hygiene (England) Regulations 2013 reg.19(1). He was fined 6 x counts of £536 and 1 x fine of £858 and ordered to pay victim surcharge of £85.

2. History

You will hear evidence relating to COLLAKU and Flames and illegal workers working at Flames from Immigration. Police support this review brought by Immigration Officers. Police Licencing will provide supporting evidence of issues raised and dealt with by Police. This is in date order ranging from reports to Police of Modern Slavery, Premises Licence Breaches and Public Nuisance with the problem parking of delivery vehicles.

14th October 2005

The licence for this premises was issued on 14th October 2005 called the Italian Job and licence holder Mehmet ARAP.

8th June 2006

On 8th June 2006 the licence was transferred from ARAP to Okkes OZMICCO and the name changed from Italian Job to Flames.

18th May 2014

At 0145 hours on 18th May 2014 the then Police Licensing Sergeant David FORSHAW carried out a Licensing visit at Flames Takeaway. At this time there was only one x SIA door staff on duty at the premises. At this time the door staff conditions were **A minimum of 2 members of door staff registered with the SIA will be on duty from 1am on Friday/Saturday and Saturday/Sunday morning.**

20th May 2014

Warning letter sent to the licence holder highlighting the breach of the premises licence door staff conditions as stated above.

28th May 2014

On 28th May 2014 Police received an application via Lancaster City Council to vary the licence conditions from two door staff to one the condition reading **A minimum of 1 member of door staff registered with the SIA will be on duty from 1am on Friday/Saturday and Saturday/Sunday morning.** There was no objection from the Police at this time.

26th March 2019

Log LC-20190326-1344 refers (log locked to protect witnesses).

Statement from DS Rachel CROSSLEY in supporting evidence LC08.

On 26th March 2019 a Bulgarian female contacted Police stating she had travelled to Lancashire from her home country and was paid for a sham marriage to a male called [REDACTED] who was the cousin of Rudolf COLLAKU. COLLAKU has then given the female a job at Flames where she has been subjected to labour exploitation. She states she has been working at Flames for 5 months as a cook and a cleaner. She states COLLAKU has retained her passport to prevent her returning to Bulgaria.

As a result of this report on 3rd April 2019 a Warrant was executed at the premises under the Modern Slavery Act (copy of PC TAYLOR's statement in supporting evidence LC09 and copy log LC10). This followed intelligence (above) that the premises was linked to the premises employing illegal immigrants at the premises and other linked premises. PC Andrew TAYLOR took part in this warrant and assisted with the search. During the warrant over £40,000 was seized from the safe by officers. Of note, the safe was crammed with this money over-flowing

with cash and flooded with water. At least half of the cash was soaking and some of this was rotten. Other items seized included paperwork, mobile phone devices and laptops. A full investigation was carried out by CID but unfortunately, the witnesses declined to cooperate due to fear of repercussions.

1st June 2019

At 0122 hours on 1st June 2019 PC Andrew TAYLOR carried out a Licensing visit at Flames Takeaway. At this time, he spoke to Rudolf COLLAKU. During the visit checks were carried out and the CCTV system was not working. The licence states **To install, maintain and operate a CCTV system, which complies with the minimum requirements expected of the Lancashire Constabulary and shall record during all hours that a licensable activity takes place on the premises.** In this case the provision of late-night refreshment. This breach was pointed out to COLLAKU who made no reply after caution.

12th June 2019

On 12th June 2019 Police received an application via LCC to transfer the Licence from Okkes OZMICCO into the name of Rudolf COLLAKU. No objection from Police.

25th September 2020

Visit carried out at Flames during COVID restrictions by PC Andrew TAYLOR and Steve SYLVESTER from LCC. There they spoke to Rudolf COLLAKU. Information received from Police colleagues that the venue was not closing at 2200 hours as per COVID guidance (during COVID when venues were allowed to open to trade at this time, they had to close at 2200 hours daily). There were no posters displayed with QR code. COLLAKU only put his mask on when he saw Officers enter premises. COLLAKU warned during the visit that he had to close by 2200 hours.

4th March 2021

Letter drop carried out by Police at Flames regarding complaints from members of the public that Flames' delivery vehicles parked fully on the pavement outside the Takeaway causing an obstruction. Delivered by

hand by PC 8277 Mason (copy of wording of letter in supporting evidence LC03).

18th November 2021

On the 18th November 2022 a further complaint was received from a member of the public to Police complaining of delivery vehicles still parking fully on the pavement outside Flames Takeaway. This complaint was taken on by the local Neighbourhood Policing Team for the Town Centre in Lancaster (copies of emails in supporting evidence LC07).

26th May 2022

(Redacted) Photo received by Police of problem parking taken by complainant on 26th May 2022 (copy of PC Shaun FOSTER's statement relating to problem parking LC11).



Photo of site with the pavement clear.



View of street from the premises.



15th June 2022

On 15th June 2022 Police received a report of Modern slavery from a Bulgarian male. Log LC-20220615-0418 refers (copy of log in supporting evidence LC05). The male had attended Lancaster Police Station front desk. The male spoke very little English but was asking for help. He said he had been working at Flames that they had been abusive and hit him and that they have his documents, and he is scared and overwhelmed. The male had his suitcase with him and had run off or been thrown out. An interpreter was arranged, and the male was spoken to through the interpreter. He stated he had been in the country since 24th May and was invited to work at the shop. His documents were taken from him. He was told they would sort out a work visa and they had not. He asked for his documents back and he was slapped. He has been making pizzas and was paid £200 in total but was promised more than this. He has been living at an unknown address with other Bulgarians who also work there. He has run away from the business.

CID investigated this matter and attended Flames and the address where the male had been living. It was established that the male alleged being slapped by Rudolf COLLAKU following a verbal argument. This was crimed but the male did not want to make a complaint and just wanted to go home to Bulgaria. No further action at this time-information shared through partner agencies.

30th June 2022

At 1pm on 30th June 2022 Rudolf COLLAKU attended Lancaster Police. There he was interviewed by PC Andrew TAYLOR and PCSO Andrew BLAYDEN-BYRNE. At this time COLLAKU was spoken to in relation to the problem parking of takeaway vehicles outside Flames Takeaway. COLLAKU was served with a Community Protection Warning (CPW) he made no reply after caution.

(Copy of CPW in section 6 Supporting Evidence LC02)

COLLAKU was also spoken to regarding information that the premises was still operating without door staff in breach of the licence and a warning given to ensure the licence is adhered to.

26th October 2022

At 2030 hours on 26th October 2022 a multi-agency visit was carried out at Flames Takeaway as part of a joint Operation. This operation was run over three evenings 26th, 27th and 28th October 2022. A total of 21 Takeaways were visited by partner agencies over the three evenings.

Details of the Flames visit are as follows:

Persons on site:

Owner Rudolf COLLAKU [REDACTED] ALBANIA

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Outcome:

- Council Licensing - Owner paid outstanding fees, Owner could not operate CCTV system-Officer to revisit.
- Immigration-one male working on premises not allowed to work in the UK-Immigration to prosecute owner.
- Environmental Health-some cross contamination dealt with.
- Fire - Premises issued with a non-formal FSM (Fire Safety Matters) letter to address the management and maintenance of the premises.

19th February 2024

At 20:56 hours on Monday 19th February 2024 PC Shaun FOSTER the Town Centre Community Beat Manager attended Flames Takeaway. There he saw a takeaway vehicle parked fully on the pavement outside the takeaway. At this time the Officer issued a Fixed Penalty Ticket to the driver for vehicle obstruction.

22nd May 2024

On Wednesday 22nd May 2024 Police and Immigration attended Flames Takeaway. This is as per Immigration evidence.

25th May 2024

At 0150 hours on 25th May 2024 PC Leanne MOON attended Flames Takeaway to carry out checks. There she spoke to Rudolf COLLAKU. At this

time there were no door staff on duty as per the door staff condition on the Premises Licence **A minimum of 1 member of door staff registered with the SIA will be on duty from 1am on Friday/Saturday and Saturday/Sunday morning**. The breach of licence was pointed out to COLLAKU by PC MOON who stated he had arranged for one door staff, but they had not turned up. COLLAKU was advised by the Officer to close to foot customers until door staff arrived for public safety. The premises was closed in her presence.

28th June 2024

At 21:01 hours on Friday 28th June 2024 PC Shaun FOSTER the Town Centre Community Beat Manager attended Flames Takeaway. There he saw a takeaway vehicle parked fully on the pavement outside the takeaway. At this time the Officer issued a Fixed Penalty Ticket to the driver for vehicle obstruction.

At 23:05 hours on the same day PC Shaun FOSTER again attended Flames Takeaway. There he saw another takeaway vehicle parked fully on the pavement outside the takeaway. At this time the Officer issued a Fixed Penalty Ticket to the driver for vehicle obstruction.

2nd July 2024

At 23:25 hours on Tuesday 2nd July 2024 PC Shaun FOSTER the Town Centre Community Beat Manager attended Flames Takeaway. There he saw a takeaway vehicle parked fully on the pavement outside the takeaway. At this time the Officer issued a Fixed Penalty Ticket to the driver for vehicle obstruction.

3. Reason for review

In support of evidence provided by Immigration relating to Illegal workers at Flames Takeaway, Police have provided supporting evidence. This evidence as stated relates to breaches of the premises licence and in particular the door staff conditions with door staff not always on duty at the premises.

There were reports to Police of people who have been employed at the premises to work and treated poorly and classed as Modern Slavery. Although there were no further prosecutions in these cases on the

balance of probabilities these reported incidents have occurred. These people report having their documents taken off them, this will be to control the person. There were reports of being slapped when they asked for their documents back. These people extremely scared and not willing to make a further complaint in fear of further repercussions. You have heard how on investigating one of the reports of Modern Slavery on 3rd April 2019 Police carried out a warrant at Flames Takeaway. During the search of the premises, you have heard how at least £40,000 was seized from the safe. PC TAYLOR describing the money being rotten in the water in the safe-this is in the Officer's opinion a sign of money laundering through Criminal Activity. Most businesses would bank their cash regularly for safety in case of a Burglary but also to show good bookkeeping for tax purposes.

There has also been issues at Flames with the delivery vehicles parking fully on the pavement outside the Takeaway. You have heard how there are various complaints from the public and lots of enforcement by Police including warnings, CPW issued on COLLAKU, fixed penalty tickets issued yet still these problems continue.

There has also been as stated CCTV not working-breach licence and breaches of COVID Guidance-trading past 10pm.

All these problems highlighted build a picture of a venue and licence holder who runs a business with little or no regard to promoting the 4 licensing objections.

Prevention of Crime-employing Illegal workers and reports of Modern Slavery albeit with no convictions to date but on the balance of probabilities these reports will be true.

Public Safety/Public nuisance-the parking of delivery outside the premises fully on the pavement putting the public at risk leading to various complaints.

Mr COLLAKU has shown again and again that no matter what warnings, penalties or enforcement is done at the premises he chooses to ignore these actions and continues to commit offences.

4. Conditions, Legislation, Statutory Guidance & Policy

Premises Licence conditions

Licensing Act 2003 - Premises Licence Register as at 12:25 on 12 June 2019

Page 2 of 3

- 1 The premises licence holder will register and use community/network radio
- 2 To install, maintain and operate a CCTV system, which complies with the minimum requirements expected of the Lancashire Constabulary and shall record during all hours that a licensable activity takes place on the premises
- 3 A minimum number of 1 member of door staff registered with the SIA will be on duty from 01.00 hours on Friday/Saturday and Saturday/Sunday mornings
- 4 A crime prevention survey is to be carried out by the police and their recommendations fully complied with by the premises licence holder prior to the premises opening/the variation taking effect
5. There will be no adult entertainment services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

b) The prevention of crime and disorder

A minimum number of 1 member of door staff registered with the SIA will be on duty from 1am on Friday/Saturday and Saturday/Sunday mornings.

The premises licence holder will maintain a daily record comprising of the following - start time and finish time of each door supervisor. The door supervisor will record their SIA badge number and will sign and print their name in a legible form at the beginning and end of each tour of duty. The record shall be kept securely on the premises for at least 6 months and shall be produced on request to the police or other authorised person.

A crime prevention survey is to be carried out by the police and their recommendations fully complied with by the premises licence holder prior to the premises opening/the variation taking effect.

To instal, maintain and operate a CCTV system, which complies with the minimum requirements expected of the Lancashire Constabulary and shall record during all hours that a licensable activity takes place on the premises.

The premises licence holder or a person nominated by them shall be a member of and regularly attend meetings of any pubwatch scheme for the area within which the premises are located and would include registration and use of community/network radio.

c) Public safety

All relevant Health & Safety and fire certificates in place.
Customers are not allowed in kitchen area.

d) The prevention of public nuisance

Waste bins provided for litter.

Chapter 11 of the Section 182 statutory guidance outlines powers of a Licensing Authority on the determination of a review. Paragraph **11.18** outlines Responsible Authorities stepped approach in addressing concerns with a Licensed Premises.

3.8.6 of The Lancaster City Council Statement of Licensing Policy 2023-2027 outlines that:

The Licensing Authority recognises that most Licence Holders seek to comply with the law and any enforcement action will normally follow a graduated approach and in the first instance will include education and support. Where licence holders such as COLLAKU continue to flout the law or act irresponsibly then action will be taken.

Below is an example of the stepped approach as published in a Home Office factsheet compiled with the Institute of Licensing titled 'A Stepped Approach to Achieving Compliance.'

A Stepped Approach to Achieving Compliance



In this case, the Premises have completely failed to self-regulate. The Premises have disregarded dialogue and warnings from Responsible Authorities leading to continued criminal activity. The Stepped Approach has completely failed on this occasion due to poor management and lack of responsibility; it clearly shows that a review of the Licence is not only necessary but proportionate in addressing the concerns at the premises.

5. Outcome Sought

11.19 of the Section 182 Statutory Guidance outlines the actions which the Licensing Authority can take following a review, these are:

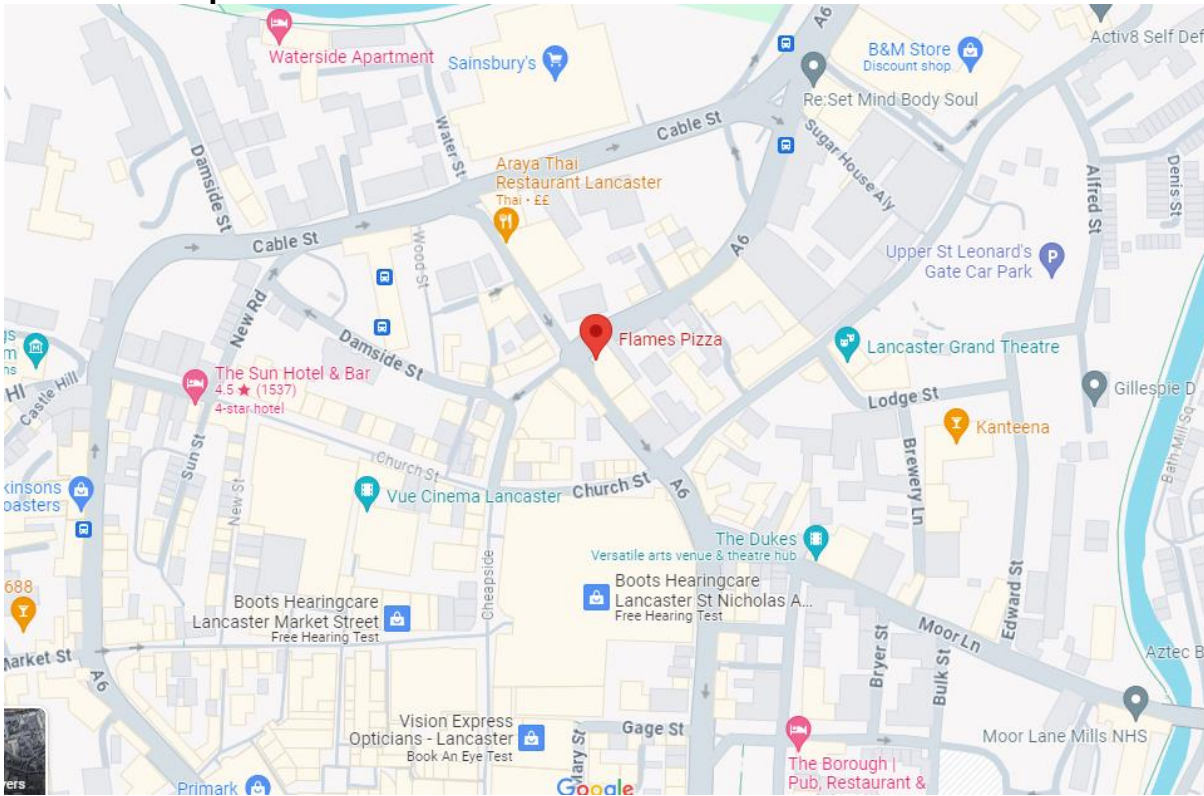
- Do nothing – we believe this is not appropriate given problems highlighted in this hearing.
- Modify conditions – we believe this is not appropriate, conditions have already been breached and continued to be ignored when highlighted by Responsible Authorities. Mr COLLAKU has shown his disregard for the Conditions on the Licence.
- Suspend the Licence-up to 3 months. This could have an impact but once open again for Late Night Refreshment it is believed the owner will commit the offences outlined having previously ignored Responsible Authorities.
- Revocation – we believe that this is appropriate & proportionate in this case as the premises has continued to be run undermining the Licensing Objectives of prevention of crime and disorder-illegal immigrants, public safety and public nuisance with illegal parking of delivery vehicles.

6. Supporting Evidence

- LC01 – Map & Street view of Premises.
- LC02 – Copy of CPW.
- LC03 – Copy of warning letter re problem parking.
- LC04 – Copy of log LC-20190601-0097
- LC05 – Copy of log LC-20220615-0418
- LC06 – Copy of log LC-20240522-0776
- LC07 – Copy of email complaints re parking.
- LC08 – Statement of DC Rachel CROSSLEY
- LC09 – Statement of PC Andrew TAYLOR
- LC10 – Copy of log LC-20190402-0862
- LC11 – Statement of PC Shaun FOSTER

LC01 – Map & Street view of Premises.

Lancaster Map1



Lancaster Map2



Flames Takeaway Pic1



Flames Takeaway Pic2



LC02 – Copy of CPW

**Lancashire
Constabulary**

police and communities together

WARNING LETTER**Community Protection Warning**

Date: 30th June 2022

Dear Mr Collaku

Lancashire Constabulary

Lancaster and Morecambe Police

NHPT

Lancaster Police

Lancaster

01524 596985

**WARNING THAT FURTHER ACTION MAY BE ISSUED AGAINST YOU –
SECTION 43 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

We believe your conduct is unreasonable and is having a detrimental effect on the quality of life of those in the locality.

This conduct consists of:

Vehicle obstruction of the pavement on a public highway causing annoyance, alarm and distress for pedestrians and users of the public highways.

This is a formal warning that if you do not take the following action/s within the time scales below a Community Protection Notice (CPN), or Criminal Behaviour Order (CBO) pursuant to Section 43 Anti-social Behaviour Crime and Policing Act 2014 may be issued against you.

Prohibition/Requirement/Action	Timescale for compliance /completion (if required)
You must ensure that you or your business; Flames 1 Rosemary Lane LA1 1NR Lancaster, do not engage in any behaviour that causes annoyance, harassment, alarm or distress to any resident, visitor or worker on Rosemary Lane, Lancaster or the surrounding area.	UPON RECEIPT OF THIS NOTICE AND TO BE REVIEWED AFTER 6 MONTHS

<p>You must ensure that you park any work or personal vehicles only in areas and spaces designed for that purpose and not to park in areas where vehicles are not allowed to park.</p>	<p>UPON RECEIPT OF THIS NOTICE AND TO BE REVIEWED AFTER 6 MONTHS</p>
<p>You must ensure that no vehicle that is operating for Flames, only park in area's or spaces designed for that purpose. This includes but not exclusively; Staff employed by Flames, Delivery drivers e.g. Just Eats, Lancaster Eats etc. If they park in inappropriate manner, they must be refused service.</p>	

You are required to do this **immediately**

This notice offers you the opportunity to avoid the issue of a Community Protection Notice.

** Note that 'Conduct' includes a failure to act -*

** 'Conduct' on, or affecting, premises that a person owns, leases, occupies, controls, operates, or maintains, is treated as conduct of that person.*

A Community Protection Notice will be issued unless your conduct ceases to have the detrimental effect referred to above. Non-compliance with a Community Protection Notice carries criminal sanctions and can lead to a criminal record.

Failure to take all reasonable steps or failure without reasonable excuse to comply with a Community Protection Notice can lead to seizure and forfeiture of items, default works and recovery of costs and / or a fine of up to £2,500 in relation to an individual or up to £20,000 in the case of a body. Non-compliance may also result in the issue of a fixed penalty notice in the sum of £100.

Signed –
Lancaster Local Police.

LC03 – Copy of warning letter re problem parking.

Premises [FLAMES](#)

Reference LETTER DROP

Date and Time 04/03/2021 14:00

Description

TO WHOM IT MAY CONCERN,

I AM WRITING ON BEHALF ON LANCASHIRE CONSTABULARY TO MAKE YOU AWARE OF A RECURRING ISSUE WITHIN LANCASTER CITY CENTRE. LANCASTER POLICE ARE RECEIVING AN INCREASING NUMBER OF COMPLAINTS ABOUT PARKING OBSTRUCTIONS AND DANGEROUS PARKING BY DELIVERY DRIVERS LINKED TO YOUR BUSINESS. THIS RANGES FROM DOUBLE PARKING, PARKING ON DOUBLE YELLOW LINES, PARKING IN TAXI RANKS AND PARKING ON PAVEMENTS.

THIS NEEDS TO STOP AND LANCASTER POLICE WILL BE TAKING POSITIVE ACTION IN RELATION TO THIS ISSUE. THIS LETTER IS THE FIRST STAGE OF POLICING ACTION AND HAS BEEN SENT TO ALLOW YOU TO ADVISE AND EDUCATE YOUR DRIVERS AND POLITELY ASK THEM ON BEHALF OF LANCASTER POLICE TO PARK CONSIDERATELY.

WE ARE AWARE THAT PARKING IS HARD TO COME BY IN THE CITY CENTRE AND THAT SEVERAL BUSINESSES ARE CLUSTERED TOGETHER WHO REQUIRE PARKING. WE WILL ALLOW TIME FOR IMPROVEMENTS TO BE MADE HOWEVER, IF DELIVERY DRIVERS CONTINUE TO PARK IN A DANGEROUS AND OBSTRUCTIVE MANNER THEY RISK BEING ISSUED WITH TRAFFIC OFFENCE REPORTS WHICH COME WITH A FINE. WE WILL BE WORKING CLOSELY WITH THE COUNCIL AND THEIR PARKING ENFORCEMENT TEAMS AND PARKING WILL BE CLOSELY MONITORED.

I HOPE THAT WE CAN WORK TOGETHER TO RESOLVE THE ISSUE.

REGARDS,

PC 8277 MASON
TEAM 1 IMMEDIATE RESPONSE
LANCASTER POLICE

LC04 – Copy of log LC-20190601-0097

LC-20190601-0097

Date:

01/06/2019 01:16:00

Informant:

2338 TAYLOR ANDREW

Informant Contact Numbers:

[REDACTED]

Informant Address:

PO BOX 77,,HUTTON PRESTON PR45SB

Incident Location Code:

WB13

Incident Address:

FLAMES 1 ROSEMARY LANE LANCASTER LA11NR

Class:

Licensing

Type:

LICENSING

Details:

2338 - SOME BREACHES OF LICENCE - WILL UPDATE FULLY - (2338): CCTV IS NOT WORKING, THIS IS A CONIDTION ON LIC - THIS IS A BREACH (2338): ONGOING INVESTIGATION SO THIS WILL BE ADDED (2338): DOOR STAFF WERE ON DUTY No. of Arrests 0 F.A. 0=N 1=Y 0 No. of R

Officer Dealing:

2338

LC05 – Copy of log LC-20220615-0418

LC-20220615-0418 Date: 15/06/2022 10:57:00

Informant: [REDACTED] Informant Contact Numbers: NO

Informant Address: NO FIXED ABODE, UNKNOWN UNKNOWN .

Incident Address: FLAMES 1 ROSEMARY LANE LANCASTER LA11NR

Type: ASSAULT

Details: BULGARIAN MALE AT THE FRONT DESK ASKING FOR HELP - HE HAS VERY LITTLE ENGLISH. FROM WHAT I CAN MAKE OUT - HE HAS BEEN WORKING AT FLAMES - THEY HAVE BEEN ABUSIVE AND HIT HIM, THEY HAVE HIS DOCUMENTS AND HE IS SCARED AND OVERWHELMED. HE IS HERE WITH A SUITCASE AND HAS EITHER RUN AWAY OR BEEN THROWN OUT HE IS FRIGHTENED AND NEEDS ASSISTANCE - ALSO AN INTERPETATOR. ITS POSSIBLE BUT HARD TO ASCERTAIN DUE TO LANGUAGE BARRIER HE HAS BEEN SLAPPED AND IS FRIGHTENED POSSIBILITY OF FURTHER HARM IF HE RETURNS NEED LANGUAGE LINE VULNERABLE AS CANNOT EXPRESS HIMSELF AND HAS BEEN AT RISK IN HIS PLACE OF EMPLOY FROM INTERPRETOR - MALE HAS BEEN IN THE COUNTRY SINCE THE 24TH MAY - HE WAS INVITED OVER TO WORK AT THE SHOP. HIS DOCUMENTS HAVE BEEN TAKEN FROM HIM - THEY TOLD HIM THAT THEY WOULD SORT OUT A WORK VISA BUT THEY HAVE NOT HE ASKED FOR THE DOCS BACK AND HE WAS SLAPPED. HE HAS BEEN MAKING PIZZAS AND PAID £200 IN TOTAL - HE WAS PROMISED MORE THAN THIS. HE HAS BEEN LIVING AT AN ADDRESS (UNKNOWN) WITH OTHER BULGARIANS - THEY ARE ALL WORKING THERE AS WELL. HE HAS RUN AWAY FROM THE BUSINESS. HE CANNOT GO BACK THERE AS HE IS FRIGHTENED AND FEARS FURTHER VIOLENCE From DC 3157 - I spoke with the informant at length via language line. I have attended Flames and also [REDACTED] where I have eventually caught up with [REDACTED]. The informant has been living in the UK for approximately 4 years on and off and is a good friend of [REDACTED]. His MH has declined in recent months due to illness and he has made the decision to go back to Bulgaria. On the 24th May he has been looking for his passport, but it is lost. He has then accused [REDACTED] and other staff at Flames of hiding it. He has then been involved in a verbal altercation where Rudi has slapped him across the face causing no injury. (The informant does not want to make a complaint) As he has not known what to do in relation to returning home he has come to the police station for help and advice. The informant has £400 in cash and has been provided with details in Manchester for his embassy to arrange passage back home. He has now caught a taxi to Lancaster Train Station from the Police Station. He is safe and well and there are no issues to report.

LC06 – Copy of log LC-20240522-0776

LC-20240522-0776 Date: 22/05/2024 13:53:00

Informant: DS CULSHAW

Informant Contact Numbers: 015 [REDACTED] 4

Informant Address: LANCASTER POLICE STATION, THURNHAM STREET
LANCASTER LA11YB

Incident Location Code: WB13

Incident Address: FLAMES 1 ROSEMARY LANE LANCASTER LA11NR

Class: Pre-planned event

Details: log created for the purpose of Op Sandstorm which is taking place tonight between the Explotation team at Lancaster and immigration a number of premises in the morecambe and lancaster area will be visited and should a van be required for transport then officers will shout up for assistnace on this log HAVE EMAILED DS CULSHAW ASKING FOR CONFIRMATION OF THE TIME THIS WILL BE STARTING SO WE CAN MAE EITHER THE LATE OR NIGHT TURN SGTS AWARE AS APPROPRIATE I HAVE EMAILED DS CULSHAW ASKING FOR CONFIRMATION OF THE TIME THIS WILL BE STARTING SO WE CAN MAKE EITHER THE LATE OR NIGHT TURN SGTS AWARE AS APPROPRIATE op is running from 1500 to approx 2100hrs wb21e aware will make lates aware Discussed on afternoon R&T Please can this log be kept open and drive by's be completed for the next 24 hours of Flames Takeaway 1 Rosemary Lane Lancaster. This take away has been closed tonight for 24 hours by Immigration Enforcement for illegal working. Should the premises be found to be operating in the next 24 hours please can officers contact the following number [REDACTED] to report then this is a criminal matter. WB49 3382: DRIVEN PAST FLAMES - NO LIGHTS ON PASSED OVER PR FOR LANCASTER PATROLS - NO ACKS PCOS 7373 (TOWN CENTRE NHP) AWARE WB41E - JUST PASSED BY BOTH DOORS ARE OPEN WITH 1 PERSON BEHIND THE COUNTER. UNSURE IF OPERATING 5080 - ILL GO AND TAKE A LOOK I HAVE ATTENDED. THE TAKEAWAY IS OPERATING. RUDULPH WHO I UNDERSTAND IS THE OWNER WAS THERE. HE SAID THEY WERE ALLOWED TO OPERATE AGAIN FROM 1430 HOURS TODAY. I WILL RING IMMIGRATION AND CONFIRM THIS SPEAKING TO SGT 423. SHE BELIEVES FLAMES WILL HAVE BEEN TO COURT TODAY ABOUT THE MATTER AND MAY HAVE BEEN ALLOWED TO REOPEN WITH CONDITIONS. DS SUGGESTED I DOUBLE CHECK THIS WITH IMMIGRATION WHO I AM CURRENTLY ON HOLD WITH. IMMIGRATION HAVE CONFIRMED IT MAY HAVE BEEN RESOLVED AT COURT TODAY AND HE WAS ALLOWED TO RE OPEN. THEY HAVE ASKED I EMAIL THEM WITH THE DETAILS AND IF NEEDS BE THEY CAN ESCALATE IT AT A LATER DATE. I SEE NO REASON FOR THE LOG TO REMAIN OPEN.

LC07 – Copy of email complaints re parking.

Begin forwarded message:

From: [REDACTED]
Date: 14 June 2022 at 17:24:54 BST
To: [REDACTED]
Subject: RE: Pavement parking

[REDACTED]

I do understand your frustration. My role is Detective Sergeant so obviously I have passed the issue to the NHP team for their consideration and response. I have spoken with PCSO Jo MOSS and also emailed Sgt Rebecca MITCHELL and I will advise that they make direct contact with you.

Regards

[REDACTED]



Sergeant 6966 Adie Knowles
CID - Vulnerability and Investigation
Lancaster Police Station
Team 3
t: internal [REDACTED]
m: 0 [REDACTED]

From: [REDACTED]
Sent: 14 June 2022 12:49
To: [REDACTED]

Subject: Re: Pavement parking

Hi Adie, Just thought I would chase up an update on the long standing issue with regards the dangerous parking on rosemary lane in Lancaster. As I'm sure you are fully aware this has been going on for many years now and despite many emails to you and your colleagues including the previous Chief constable there doesn't seem to be any change with regards this as many vehicles are still parking and putting anyone who uses the footpath in danger. As you know I have provided plenty of evidence to support my concerns but disappointingly your response quite often simply states you will look into this and pass it onto some else but equally other officers have responded with something similar. Hopefully you will understand its things like this in what appears to be a lack of response that causes much frustration to the general public who take the time to report issues to the police. Before I consider a FOI request or discuss this on your social media account can I ask if anyone has been issued with a TOR? Or simply what action has been taken since the issue was raised with Lancashire police over two years ago and what ongoing action is planned. I have copied others into this email who I feel should be either as they have delt with it in the past or who may help to finally get something done. I shall look forward to your response.

Regards

On 26 May 2022, at 21:34, Knowles, Adie [REDACTED] > wrote:

I have sent the pics to the NHP team.
I will speak with the Sgt in charge of them when I see them next
Cheers
Adie

From: [REDACTED]
Sent: 26 May 2022 20:27
To: Knowles, Adie [REDACTED] >
Subject: Re: Pavement parking



Two more as I passed this evening totally blocking the footpath!!

t: internal [REDACTED]
m [REDACTED]

From: [REDACTED]
Sent: 23 May 2022 21:35
To: Knowles, Adie [REDACTED] >
Subject: Re: Pavement parking

Hi Adie having just seen your post regarding being on beyond radio again it was a prompt for me to ask for any update on the parking issue i have been complaining about for over 2 years now as nothing seems to be done given the issue of dangerous parking continues. Can i ask if any action has been taken at all regarding the issues i have raised with lancaster police?

On 3 May 2022, at 07:59, Knowles, Adie <[REDACTED]> wrote:

I have sent the picture through to the NHP Team at Lancaster for them to follow up.
I will find out what steps they are going to take.

Regards
Adie

<image001.png> **Sergeant 6966 Adie Knowles**
CID - Vulnerability and Investigation
Lancaster Police Station
Team 3
t: internal [REDACTED]
m: [REDACTED]

From: [REDACTED]
Sent: 30 April 2022 18:44
To: Knowles, Adie <[REDACTED]>
Subject: Re: Pavement parking

Adie any update on this ongoing issue, can I ask if any action has been taken yet to finally put a stop to this. Still lots of offenses being committed especially by the two cars in the picture taken this evening.
<image002.jpg>

On Apr 18, 2022, at 15:57, Knowles, Adie <[REDACTED]> wrote:

[REDACTED]
Thanks for the email and I have passed the below to SGT Rebecca MITCHELL to allocate and do the necessary with.
Regards
Adie

<image001.png> **Sergeant 6966 Adie Knowles**
CID - Vulnerability and Investigation
Lancaster Police Station
Team 3
t: internal [REDACTED]
[REDACTED]

From: [REDACTED] >
Sent: 14 April 2022 19:43
To: Knowles, Adie <[REDACTED]>
Subject: Re: Pavement parking

Hi Adie, nothing has changed at all in the city centre in fact I think it's got worse as people now know they can park anywhere without being reported. This was tea time today!!
<image003.jpg>

On 20 Nov 2021, at 12:00, Knowles, Adie <[REDACTED]> wrote:

[REDACTED]
Sorry for the delay in getting back to you. We have had a few busy days in CID !
Yes of course I remember the issue being raised by yourself, especially regarding FLAMES.

I will bring this to the attention of the Neighbourhood supervision and let them know this is still a concern and let them sort a plan.

I can't speak about other areas responses to such an issue, but from my perspective all parking issues are not the same based on regularity, danger caused etc but in the case that you are reporting, this appears to be a consistent issue, probably committed by the same vehicles in a busy town centre. Therefore plan of action is required.

As mentioned, I will bring into the attention of the appropriate supervision.

Take care

Adie

<image001.png> **Sergeant 6966 Adie Knowles**
CID - Vulnerability and Investigation
Lancaster Police Station
Op Barchetta
t: internal [REDACTED]
[REDACTED]

<image004.png>

<image005.png>

<image006.png>

From: [REDACTED] >

Sent: 18 November 2021 18:06

To: Knowles, Adie <[REDACTED]>

Subject: Pavement parking

Hi Adie sorry I missed you on the radio the other day so thought I would email you instead. You may recall I contacted you some time ago as well as the chief constable as my concerns were being ignored for some unknown reason. You did in fact pass my concerns onto the local PCSO who I realise have limited powers to take any action. The issue I raised was local take away drivers parking all over the town on double yellow lines and also on pavements preventing peoples using them resulting in walking on the roads and putting them self at risk especially on north road outside the flames takeaway. I also asked if these vehicles had the correct insurance for business use. The issue did seem to improve ever so slightly but now it seem worst then ever and I noticed other divisions in Lancashire are taken action so why can lancaster division not do the same??

I will look forward to your reply.

[REDACTED]

<image007.png>

LC08 – Statement of DC Rachel CROSSLEY

Page 1 of 2 RESTRICTED (when complete) MG11 2010/11 RESTRICTED (when complete) WITNESS STATEMENT Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of: Rachel Crossley URN Age (if under 18): N/A Occupation: PC

I am Police Constable 3577 Rachel CROSSLEY of the Lancashire Constabulary stationed at Morecambe police station. This statement is my account of my interaction with a female who is suspected of being a victim of human trafficking/modern slavery. On 26th March 2019 around 23:45 I attended the Surgery Office at Morecambe police station where PC 607 Irvine was sitting with a female who I believe to be called [REDACTED] aged [REDACTED] years. I showed the female a list of languages from applied languages and she indicated [REDACTED] as being her preferred language. I therefore contacted language line requesting a [REDACTED] interpreter however, the interpreter identified that the female appeared to be speaking [REDACTED] and transferred me to an appropriately trained interpreter. Through the interpreter I completed the forced labour worker question set and NRM referral. [REDACTED] disclosed that she had been in the UK approximately 5 months, she did not know how she had arrived. She stated she had been working as a cook/cleaner at FLAMES and that the boss, Rudi, had retained her passport to prevent her returning to Bulgaria. She stated she wanted to return to Bulgaria and had come here to work to send money back to her children. She stated her working hours were around 3pm-4 or 5am. She had not worked for the last 3 or 4 days as she hadn't been well. She had taken this opportunity to escape as she is in fear of Rudi but she would not elaborate on what these fears are. When asked if her job was arranged prior to coming to the UK she initially stated she came here to have a marriage and a baby but then stated she came here to work to provide money for her children in Bulgaria. Many of the answers given by [REDACTED] were quite confusing. PC 124 Simpkins and PC 8615 Manley brought some blankets for [REDACTED] as she had stated she was cold. PC Manley re-contacted language line to explain to [REDACTED] that we needed to take her fingerprints and photograph. Whilst speaking with the interpreter [REDACTED] further disclosed that whilst she didn't know her DOB she was born in [REDACTED] and is aged [REDACTED] years. She also disclosed that she doesn't know where she has been living but there are 4 men that also live there and work in a car wash. She gave 3 names of [REDACTED], [REDACTED] and [REDACTED]. The interpreter expressed that [REDACTED] didn't make a lot of sense and seemed as though [REDACTED] either wasn't her first language or she was suffering some form of impairment.

Page 2 of 2 RESTRICTED (when complete) MG11 2010/11 RESTRICTED (when complete) Around 3am I spoke with Salvation Army who had recalled to assess [REDACTED] via their interpreter. By this time she was extremely tired. They were unable to complete their assessment due to her seemingly not understanding she was in a conversation with them (this was their assessment of her) and they were therefore unable to offer any accommodation. PC Simpkins and PC Manley therefore transported [REDACTED] to RLI as a place of safety and to have a medical assessment conducted before giving her a period of rest. I had no further involvement. This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature of witness: Date: 27/03/2019 04:30

LC09 – Statement of PC Andrew TAYLOR

This statement is in relation to a warrant in relation to Labour Exploitation which I took part in at Flames Takeaway at Lancaster.

The people I shall mention are my Licensing colleague Heather Crawshaw and colleagues from CID DS 887 Steven JENKINSON, DC 2121 Corrine CLEASBY and DC 96 Jo CLEMENT.

The premises I shall talk about is Flames Takeaway, North Road at Lancaster. This premises is situated on the one way system in Lancaster. At the front of the premises are 2 white glass panelled doors. The left one affords access to the public area for service and the right door affords access to the rear food preparation area. Flames is a fast food outlet trading from 1700 to 0500 hours daily with a late refreshment licence from 2300 to 0500 hours daily.

At 1100 hours on Wednesday 3rd April 2019 I attended Flames in company with Heather Crawshaw and colleagues from CID DS 887 Steven JENKINSON, DC 2121 Corrine CLEASBY and DC 96 Jo CLEMENT. DS JENKINSON was in possession of a Warrant for this location. At the scene we awaited further instruction before entering. At 1130 hours the same day myself and DC CLEMENT entered the premises using the key for the right hand door via a key for the door. As I entered I switched on my Body Worn Camera. We carried a search of the premises and there were no persons present. I then informed my colleagues and they entered behind us.

I then took part in a search of the premises and seized the following items:

At 1140 hours I seized a pink Iphone 6S which I will exhibit as AT/2338/030419/01. I placed this item into an evidence bag reference number DO2202365 which I sealed.

At 1145 hours I seized 2 x sealed letters which I will exhibit as AT/2338/030419/02. I placed this item into an evidence bag reference number DO2202364 which I sealed.

At 1152 hours I seized a pink Ipad Air which I will exhibit as AT/2338/030419/03 I placed this item into an evidence bag reference number DO2202366 which I sealed.

During the search DS JENKINSON gained entry to the safe where I saw that it was crammed full of brown paper bags containing cash in the form of 20s, 10s and 5 pound notes and a large amount of loose change. I switched on my Body Worn Camera and filmed the cash in situ.

I then witnessed DS JENKINSON remove the cash from the safe and place this into a number of evidence bags. These bags were sealed at the scene.

Following the search I returned with my colleagues to Lancaster Police Station where the property I seized was booked into ERP by DC CLEASBY reference number BA/10411/19.

I docked my Body Camera for downloading of the footage.

LC10 – Copy of log LC-20190402-0862

LC-20190402-0862 Date: 02/04/2019 15:31:00

Informant: DC 3131 WILKS WILKS

Informant Contact Numbers [REDACTED]

Informant Address: LANCASTER POLICE STATION, THURNHAM STREET
LANCASTER LA11YB

Incident Location Code: WB01

Incident Address: LANCASHIRE CONSTABULARY THURNHAM STREET
LANCASTER LA11YB

Class: Miss From Home

Details: LOG LC-20190326-0134 (LOCKED) RELATES TO A MODERN SLAVERY INVESTIGATION. A FEMALE NOW IDENTIFIED AS [REDACTED]

[REDACTED] HAS BEEN PLACED AT THE [REDACTED] UNTIL ARRANGEMENTS CAN BE MADE TO RETURN HER TO BULGARIA. WE HAVE ESTABLISHED FROM A [REDACTED]

[REDACTED] THAT A LADY MATCHING THIS DESCRIPTION HAS APPROACHED THEM SAYING SHE WAS LOST AND NEEDED TO GET TO LANCASTER. THEY GAVE HER A LIFT TO PRESTON BUS STATION AROUND 13:00HRS AND BOUGHT HER A BUS TICKET TO LANCASTER BUS STATION. RESEARCH OF BUSES SHOWS A NUMBER 40 LEAVING PRESTON AT 13:05 ARRIVING 14:20, A NUMBER 41 LEAVING PRESTON 13:35 ARRIVING 14:59 AND A NUMBER 40 LEAVING PRESTON AT 14:05 ARRIVING 15:20. LEASE CAN THE FOLLOWING DESCRIPTION BE PASSED OUT TO OFFICERS. PC 3532 SALLISS IS [REDACTED]

[REDACTED] THIS FEMALE DOES NOT SPEAK ANY ENGLISH AND REQUIRES A [REDACTED] TRANSLATOR. SHE ALSO CANNOT READ OR WRITE. OI INFORMATION VIA PNC FOR THE FEMALE - DV - VULNERABLE [REDACTED] - IS POTENTION VICTIM OF HUMAN TRAFFICKING LINKED TO HER HUSBAND IN HIS ASSOCIATES.

[REDACTED] RELATES. CCTV AT PRESTON BUS STATION SHOWS THE FEMALE GET THE 13:05 BUS WHICH IF SHE REMAINED ON IT WOULD GET INTO LANCASTER AT 14:20HRS. SHE HAS ALSO ACQUIRED A BLACK SHINY JACKET. FEMALE LOCATED DETAILS ON CONNECT OPERATION NOW MOVING TO ARREST STAGE WITH WARRANTS TO BE CONDUCTED THIS AM AT [REDACTED]

[REDACTED] FLAMES LANCASTER AND ARREST ENQUIRES AT SEVERAL OTHER STAFF MEMBERS WILL BE ATTENDING First [REDACTED]

[REDACTED] COLLAKU RUDOLPH [REDACTED] MALE ALBANIA 2338 - WE HAVE SEIZED LOTS OF ITEMS FROM FLAMES - CAN A PATROL ASSIST 2338 - FLAMES IS SECURE - MAKING IN TO DO S/MENTS.

LC11 – Statement of PC Shaun FOSTER

Statement of: Shaun Foster

Age (if under 18): N/A Occupation: Constable

I am PC 5080 Shaun FOSTER of LANCASHIRE CONSTABULARY currently based at LANCASTER Police Station. This is my statement in relation to an ongoing issue I have with the premises; FLAMES TAKEAWAY on NORTH ROAD, LANCASTER. I will mention the following people in my statement; myself and Rudolf COLLAKU – owner of FLAMES TAKEAWAY.

From my understanding FLAMES TAKEAWAY, is a late night takeaway venue which allows customers to attend in person to order food and drinks to be consumed inside and off the premise. The takeaway also has a delivery service. The location of FLAMES TAKEAWAY is on NORTH ROAD. NORTH ROAD is a one way, two lane road. It forms part of the main one way system for motor vehicles around the inner pedestrianised part of the City Centre. FLAMES is located on the inside of a sharp left hand corner on NORTH ROAD which also includes a junction with CHAPEL STREET and where NORTH ROAD turns into ROSEMARY LANE, and the remaining section of NORTH ROAD is a minor road and a junction opposite FLAMES TAKEAWAY. There is a large pavement outside FLAMES which is approximately 5 metres wide.

This pavement allows a good splay visibility from the building line around the tight corner for both motor vehicles and pedestrians. The road is a restricted road whereby it's speed limit is thirty miles per hour. It is a busy location and junction for motor vehicles but also from pedestrians as it one of the main routes into the inner City Centre from council car parks and residential areas. At this corner and junction there is no pedestrian crossing and pedestrians are required to walk further along ROSEMARY LANE by approximately 80 metres to a Toucan traffic light crossing, most however do not and cross the road at the corner through the traffic. This causes obvious risk to pedestrians, the risk is further apparent during the night time economy when a large number of generally intoxicated students cross this point on NORTH ROAD moving between the city centre night time venues and a large student night club THE SUGAR HOUSE further down NORTH ROAD. I am aware of instances where vehicles have collided with pedestrians at this corner and have witnessed many near misses between intoxicated pedestrians and motor vehicles when I am duty in the area. I consider this junction a very risky location due to the aforementioned reasons. I believe this is made worse by FLAMES TAKEAWAY. The takeaway has numerous delivery drivers who all drive cars and this includes the owner COLLAKU. They regularly park their cars whilst they are

collecting orders or waiting for orders on the pavement outside flames. They either park half on the pavement or wholly on the pavement. Both of these types of parking cause issues with visibility at the corner for pedestrians and motorists. It also causes issues with pedestrians being forced onto the road due to them having to walk around these parked cars.

I have been a police constable since 5th NOVEMBER 2018. I have spend my whole career as a front line constable for the LANCASTER area. I have been aware since I began of the issues of parking outside FLAMES TAKEAWAY. This has been from members of the public complaining to me directly or from me witnessing it myself, that the risk pedestrians were taking crossing at the corner made worse by parked cars from the drivers at FLAMES TAKEAWAY. At any opportunity I could, but especially when I have been on foot patrol working the night time economy I have warned the drivers to not park their vehicles at the location and gone into the takeaway to advise them. I have either given drivers words of advice and told them of more suitable places to park nearby or issued them with fines for obstructing the highway. It is difficult to provide dates and how often I did this however I would be on foot on the night time economy every 3 or 4 weeks and I would always attend this area to monitor the parking by the drivers of FLAMES TAKEAWAY.

Neither seemed to have any long term success in deterring their parking habits.

In my current role I am now a Community Beat Manager within the Lancaster Neighbourhood Policing Team. My ward is LANCASTER City Centre which includes NORTH ROAD. I am the public face of Lancashire Constabulary for the city centre and members of the public contact me directly with their concerns for the area. One of main concerns I am contacted about is vehicles parking on the corner of NORTH ROAD outside FLAMES TAKEAWAY which I can understand.

On 7TH FEBRUARY 2024, I attended FLAMES TAKEAWAY and spoke to staff. I informed them that all vehicles needed to parked in an alternative location to the pavement outside the premise on NORTH ROAD. I warned them that any vehicles parked from this point will have enforcement action taken on them. For the next couple of days when monitoring FLAMES TAKEAWAY they appeared to be heeding to my warning.

However after a few days vehicles started again to park in the location. I have now been issuing fines for obstruction of the highway to any vehicles parking in this area since then. I had also requested other local police constables to engage in enforcement action if they witness any obstructions. I have issued the following fines;

20:56 hours on 19TH FEBRUARY 2024.

21:01 hours on 28TH JUNE 2024.

23:05 hours on 28th JUNE 2024.

23:25 hours on 2ND JULY 2024.

I cannot unfortunately provide any information on fines issued by other police constables.

The majority of the time the parking is at night when the TAKEAWAY is operating. The vehicles belong to the delivery drivers, they are not customers coming to pick up / make an order.

I am now considering contacting Lancashire County Council to see if there is any physical measures that can be implemented to prevent vehicles parking in this area, such as bollards, as the current parking restrictions and ad hoc enforcement by myself is not working and I believe due to the parking it is only a matter of time that someone is seriously injured.

I am willing to support any action against FLAMES TAKEAWAY which would resolve/minimise the issues they are causing to the City Centre and the risks they are putting on those who live and visit the area through their constant inconsiderate and unnecessary obstruction of the highway.

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature of witness: Date: 21/07/2024 18:18

2010/11

Statement of Licensing Policy 2023-2027



Author: Licensing Manager

Document Name: Statement of Licensing Policy 2023 - 2027

Approved by Full Council: 24th April 2024

Date due for review: January 2028

Responsible for review: Licensing Manager



The Lancaster district is one of 12 local authority areas in Lancashire and is the most northerly within the County. The district shares its borders with both Cumbria and Yorkshire. Lancaster City Council covers the historic University City of Lancaster, the coastal resort of Morecambe, the town of Carnforth as well as the surrounding rural areas.

The premises within the district that are required to be licensed are many and varied, catering for diverse tastes and consumer demands. Several open-air events and festivals take place annually in the district further enhancing the offer of cultural activities.

The Licensing Authority recognises that the entertainment, hospitality and leisure industry within its authority area is a major contributor to the local economy. It attracts tourists and visitors, makes for vibrant towns and communities, and is a major employer.

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1 Introduction

1.1 Background

1.1.1 Lancaster City Council (the Council) is the Licensing Authority under the Licensing Act 2003 (the 2003 Act). It is empowered to administer the following in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late-night refreshment within the district:

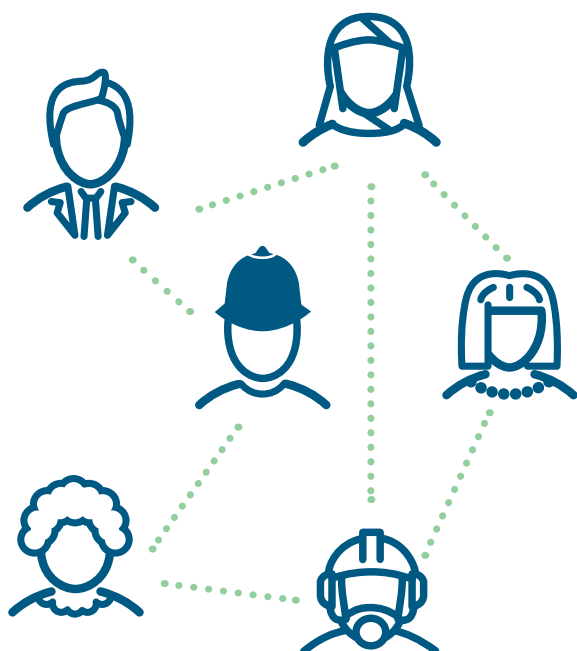
- premises licences including provisional statements, full and minor variations, transfers, interim authorities, and reviews
- club premises certificates
- temporary event notices
- personal licences

1.1.2 The Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its Licensing Policy before the Authority can carry out any licensing or regulatory functions under the terms of the Licensing Act 2003. This Policy must be kept under review and the Licensing Authority may make any revisions to it, as it considers appropriate. In any event the Licensing Authority is required to review their Statement of Licensing Policy every 5 years, the previous policy ran from 2016 - 2021.

1.1.3 This Licensing Policy sets out the issues that the Licensing Authority will consider when determining licences throughout the district and encompasses experience gained in the implementation and regulation of the Licensing Act 2003.

1.1.4 In determining this Policy the Licensing Authority has had regard to the Guidance issued under Section 182 of the Licensing Act 2003. In determining applications under the 2003 Act the Licensing Authority shall consider:

- the promotion of the four licensing objectives
- representations and evidence presented by all parties, together with any relevant supporting documentation
- the latest guidance issued by the government
- the licensing authority's own Statement of Licensing Policy



1.2 Aim

1.2.1 The 2003 Act requires the Licensing Authority to carry out its various licensing functions to promote the four licensing objectives.

1.2.2 The aim of this Licensing Policy is to set out how the Licensing Authority seeks to promote the four licensing objectives, which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

1.2.3 These four objectives will be the paramount considerations when determining a course of action in relation to the Licensing Authority's licensing functions. Each objective will be given equal importance.

1.3 Purpose

1.3.1 The main purpose of this Policy is to provide clarity to applicants, other persons and Responsible Authorities on how the Licensing Authority will determine applications to supply alcohol, provide regulated entertainment and operate late night refreshment. As the 'vicinity' test has now been removed, the Licensing Authority will consider all representations from any person however, the Licensing Authority shall apportion the weight of the representation between those persons immediately affected by the premises and its operation and those persons who may have a lack of knowledge of the area or of personal experience.

1.3.2 Where revisions are made to the Guidance there may be a period when this Policy is inconsistent with the Guidance. In these circumstances the Licensing Authority shall have regard, and give appropriate weight, to the revised Guidance in conjunction with this Licensing Policy.

1.4 Consultation

1.4.1 Before determining its policy for any five-year period, the Licensing Authority will consult the following:

- the Chief Officer of Police
- the Fire and Rescue Authority
- the Director of Public Health
- persons/bodies representative of local holders of premises licences
- persons/bodies representative of local holders of club premises certificates
- persons/bodies representative of local holders of personal licences
- persons/bodies representative of businesses and residents in the district

The Licensing Authority may consult beyond the statutory requirements, and seek comments from additional bodies, groups or individuals as appropriate.

1.5 Fundamental Principles

1.5.1 This Policy sets out the Licensing Authority's general approach to the making of licensing decisions and is consistent with the provisions of the 2003 Act. Nothing in the Policy will undermine the right of any individual to apply for authorisations and to have any such application considered on its individual merits. Similarly, nothing in the Policy will override the right of any person to make representations on an application or to seek a review of a Licence or Certificate in accordance with the provisions of the 2003 Act.

1.5.2 This Policy recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The applicant must give due consideration to disabled persons under this Act for access and egress so that they are not at a substantial disadvantage.

1.5.3 The introduction of the Policing & Crime Act 2009 extends Police closure powers. The Licensing Authority further acknowledges and supports that this legislation has been introduced against the background of increasing alcohol-related anti-social behaviour and subsequent hospital admissions that has led to criticism due to the increased cost to local residents. This Act signifies a shift back from deregulation towards offering greater support for communities being adversely affected.

1.5.4 The Licensing Authority may recommend actions over and above the requirements of a licence/certificate and applicants are asked to give these recommendations serious consideration, as adoption of best practice may be considered in the investigation of complaints if they arise in connection with the premises in the future.

1.5.5 The Licensing Authority may only impose conditions on a premises licence if they are consistent with the operating schedule or after receiving relevant representations and only if a Licensing Committee or Licensing Sub-Committee determines the matter. Any conditions attached to the licence must relate to the promotion of the Licensing Objectives.

1.5.6 The Licensing Authority acknowledges that the Government believes that in some circumstances flexible hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided.

1.5.7 Where licensed premises are surrounded by housing, unrestricted extensions of hours could extend the time of disturbance to later in the night; therefore, the Licensing Authority acknowledges that tighter control may be justified in residential areas always however having regard to the individual merits of any application.



1.5.8 In general terms the Licensing Authority will closely scrutinise applications for premises licences showing a late terminal hour so as to be satisfied that they will have no adverse impact on the Licensing Objectives.

1.5.9 Once people are beyond the control of the individual, club or business holding the relevant authorisation, licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour. Licensing law will always be part of a holistic approach to the management of the evening and night-time economy in the district.

1.5.10 The Licensing Authority expects every licence holder or event organiser to minimise the impact of their activities on the surrounding area and any anti-social behaviour created by their customers in and within the vicinity of their premises by taking appropriate measures and actions consistent with that responsibility. Whether or not incidents can be regarded as being in the vicinity of the licensed premises is recognised as a question of fact and will depend on the specific circumstances in each case. In cases of dispute, the question will ultimately be decided by the courts, where an appeal is heard by them. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

1.5.11 The type of entertainment offered on licensed premises and the closing hour of premises permitted to provide alcohol to the public often have a direct link to crime and disorder, public nuisance and public safety issues. For example, there is generally more likelihood of crime and disorder and public safety problems occurring in a music and dance venue permitted to sell alcohol and open until 3am than there is in a well-managed public house located in a quiet back street that provides limited regulated entertainment and closes at 11pm.

2.0 General Principles

2.1 Legislation

2.1.1 In undertaking its licensing function under the Act, the Licensing Authority is also bound by other legislation, including:

- Section 17 of the Crime and Disorder Act 1988;
- Human Rights Act 1998, with regard being given to Article 6, Article 8 and Article 1 of the first Protocol
- Equalities Act 2010
- Policing & Crime Act 2009
- Business and Planning Act 2020

2.1.2 In all applications relating to premises, applicants should specify methods by which they will promote the four Licensing Objectives in their operating schedules.

2.2 Revisions to Policy

2.2.1 The Policy shall be subject to periodic reviews and further consultation as and when required. The Licensing Authority may revise this Policy following changes to, for example:

- Local circumstances;
- The Licensing Act, associated regulations or statutory guidance;
- Other national legislation; or
- The policies and practices of a Responsible Authority

2.3 Areas of Concern

2.3.1 Specific areas of concern include:

- Sales of alcohol to under 18s, directly and by-proxy
- Noise nuisance caused by regulated entertainment
- Nuisance caused by hot-food take-aways, particularly parking of delivery vehicles
- Dispersal of patrons from licensed premises
- Drink and needle spiking
- Sexual harassment and violence towards women and girls
- Detailed door security operating procedures and risk assessments

2.3.2 Applicants for a premises licence are advised to include in their Operating Schedule, (where applicable) specifically how they will approach the areas of concern highlighted. Including how they will prevent the sale of alcohol to minors, what measures are implemented by the premises to minimise any reports of noise nuisance caused by regulated entertainment, to manage the threat of spiking in their premises, policies on how reports of violence or sexual harassment of women will be handled by the premises, How the premises will disperse customers, minimising the impact on local residents and parking provision for delivery-drivers operating for late night refreshment venues.

2.3.3 Experience indicates that a last time of entry condition assists in the promotion of the licensing objectives. It is therefore expected that applicants for late licensed premises will detail in their operating schedules that there will be no new entry or re-entry to the premises after 1am.

2.4 Children

2.4.1 The 2003 Act requires applicants for premises licences and club premises certificates to copy details of their applications to a body which:

- a) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
- b) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters.

2.4.2 The Licensing Authority's policy is that the Responsible Authority in relation to the protection of children from harm is Lancashire County Council, Children's Safeguarding team.

2.4.3 The Licensing Authority will expect licensees of premises giving film exhibitions to include, in their operating schedules, arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification (BBFC), or in specific cases where such certificates have not been granted, the Licensing Authority.



2.4.4 The Licensing Authority does not intend to adopt its own system of film classification but reserves the right to impose different age restrictions on admittance to film exhibitions from those imposed by BBFC classifications.

2.4.5 If the Licensing Authority attaches an age-restriction to any film that differs from the BBFC classification or attaches one to an unclassified film, the information about the Licensing Authority's classification will be published at the venue.

2.4.6 The Licensing Authority shall not seek to limit the access of children to any licensed premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the Licensee but the Licensing Authority shall expect that the licensee shall give full consideration of access by children at all times and ensure that there is a policy in place to promote this licensing objective.

2.4.7 However, the following are examples of issues that are likely to raise concern: -

- Where entertainment or services of an adult or sexual nature are common thereby likely to undermine the licensing objectives;
- Where relevant premises are known to allow unaccompanied children;
- Where the applicant has described in the Operating Schedule that 'no adult or similar entertainment shall take place on the premises' but intends to hold an event liable to compromise the protection of children from harm licensing objective;
- Where there has been early indication and subsequent evidence of poor management of the premises leading to undermining of the licensing objectives;
- Where the premises have a known association with drug taking or dealing;
- Where the current staff have received convictions or cautions for serving alcohol to minors or where the premises has a reputation for underage drinking or failures in test purchasing;
- Where there is a strong element of gambling on the premises;
- Where there is likely to be underage events with the intention of selling or exposing alcohol for sale or where the intention is to permit adults to this event;
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

2.4.8 Examples of entertainment likely to cause concern are entertainment or services of an adult or sexual nature including topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or entertainment involving strong or offensive language.

2.4.9 This Licensing Authority strongly advises that where music and alcohol sales are the main reasons for the event taking place, that persons under 18 years are not admitted unless the organisers have extremely robust procedures for ensuring those under 18 years do not have access to any alcohol – this includes sales, proxy sales, and bringing it onto the event.

2.4.10 Where there are events solely provided for young people, for example an Under 18's disco in a nightclub or similar relevant premises, the Licensing Authority strongly advises that adequate and sufficient measures are put in place so that young people cannot gain access to alcohol or energy drinks and further that no alcohol is served to any supervising adults at such events. The management of the premises should also ensure that measures are taken to prevent alcohol being brought onto those premises.

2.4.11 In particular, the Licensing Authority will consider what conditions are offered in the Operating Schedule. The applicant in completing the Operating Schedule is required to describe the steps they intend to take to promote this Licensing Objective and highlight any adult entertainment or services, etc. that may give rise to concern in respect of children. However, where the applicant does not state the steps they intend to take to promote this Objective but does state that 'no adult or similar entertainment shall take place on the premise', the Licensing Authority shall consider this restriction to be a condition on the Licence/certificate from the publication of this Policy.

2.5 Licensing Hours

2.4.1 With regard to licensing hours the Licensing Authority will consider each application on its individual merits.

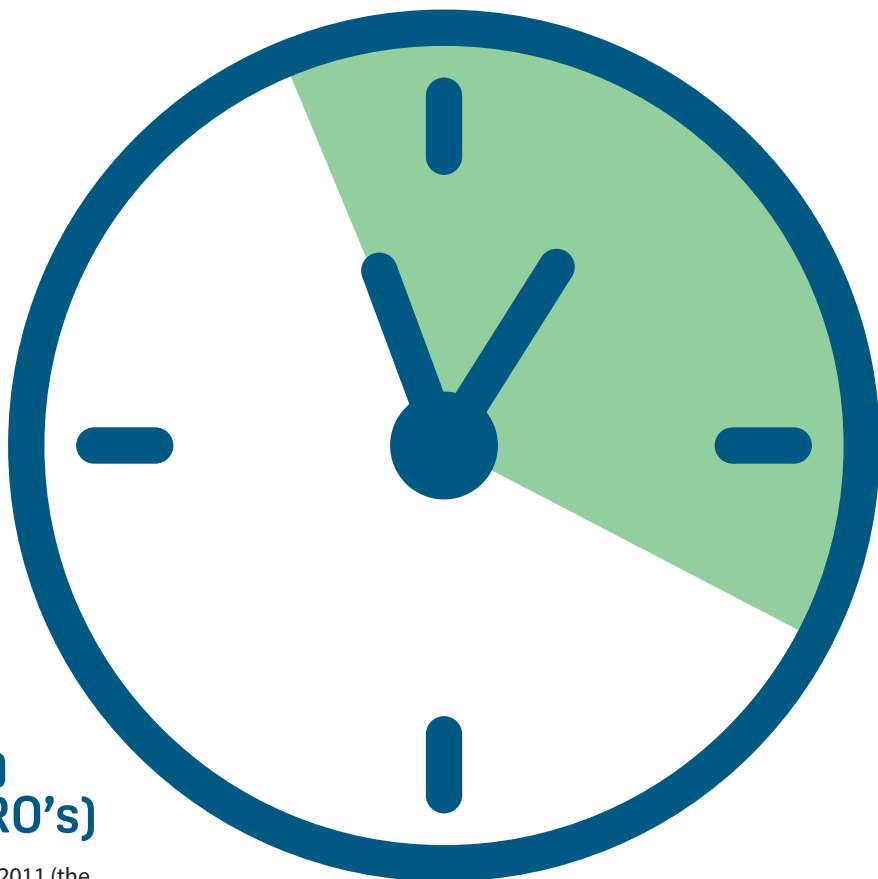
2.5.2 Applications for premises licences with a terminal hour later than 12 midnight where the sale or supply of alcohol for consumption on the premises is the main activity or where the sale or supply of alcohol is accompanied by musical entertainment, will be subject to close scrutiny by the Responsible Authorities to ensure that there will be no adverse impact on the Licensing Objectives. Specifically, the applicant should ensure that the operating schedule for such premises demonstrates how the Licensing Objectives will be met. This is a general policy and does not automatically mean that all applications will result in licences being granted until midnight or that no applications will be granted with a closing hour after midnight.

2.5.3 In considering these issues the Licensing Authority will give careful consideration to the nature of the venue proposed. For example, the Council is keen to promote establishments at which the service and consumption of alcohol is not the primary activity. These may include restaurants, theatres, cinemas, comedy clubs, galleries, museums, and similar venues. The Licensing Authority's experience is that such venues are liable to give rise to fewer public concerns in relation to later closing hours.

2.5.4 The Licensing Authority will pay special regard to the proximity of residential properties to the proposed premises. Consideration will be given to the imposition of stricter noise control conditions, if representations are received in areas with a concentration of residential properties.

2.5.5 The Licensing Authority will expect premises to be cleared of patrons within a reasonable time of the terminal hour set for licensable activities.

2.5.6 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are good reasons for restricting those hours. An example would be where the Police make representations that the premises are a focus of disorder and disturbance.



2.6 Late Night Levies (LNL) and Early Morning Restriction Orders (EMRO's)

2.6.1 The Police Reform and Social Responsibility Act 2011 (the PRSRA) has introduced the power for the Licensing Authority to charge a late-night levy to all premises within the Lancaster City Council District. The late night levy is a discretionary power allowing Councils to collect an annual fee from all licensed premises in the district that are authorised to sell alcohol between the hours of midnight and 6am as a means of raising a contribution towards the costs of policing the night time economy. The decision to introduce, vary or cease the levy will be made by Full Council in conjunction with the Police and Crime Commissioner and Lancashire Constabulary. However, any decision in relation to the administration and design of the levy will be delegated to the Licensing Committee.

2.6.2 The Licensing Authority recognises that this levy would cover the whole of the district and not just those premises that are causing problems or those premises within any cumulative impact area. Therefore, serious consideration would be given to the introduction of the levy in light of this. Furthermore, the Licensing Authority would give serious consideration as to whether or not the levy is a viable proposal.

EARLY MORNING RESTRICTION ORDERS (EMRO)

2.6.3 An EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

2.6.4 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.

2.6.5 The licensing authority will review the need for an EMRO at least every five years in line with the review of this policy to see if circumstances have changed and any are needed. In addition to the review each five years the licensing authority may consider an EMRO at any time if circumstances changed and evidence supported this course of action. No area of the District is covered by an EMRO at present.

2.6.6 As an EMRO is a powerful tool and a very stringent approach in tackling issues, the Licensing Authority will first consider whether other measures may address the problems and achieve the same goal. These could include: -

- Taking a robust multi-agency approach to tackling problem premises;
- Prior to reviewing a licence/certificate, meeting with the DPS and licence/certificate holder to ensure a Premises Improvement Plan.
- Using other mechanisms to control the cumulative impact, e.g. planning controls;
- Using other mechanisms to control noise and anti-social behaviour;
- Police powers to closure premises;
- Providing powers to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- Provision of CCTV;
- Provision of night marshals and street pastors;
- Introduction of a late-night levy.

The above is not an exhaustive list of possible measures.

2.7 Late Night Refreshment

2.7.1 The Licensing Authority will expect applicants for licences in respect of late-night refreshment premises to detail in their operating schedules how they intend to promote the licensing objectives and in particular how they intend to address queue management, litter, noise and delivery vehicle disturbance.

2.7.2 Where appropriate, and, in line with the Public Nuisance and Public Safety Licensing Objectives, the Licensing Authority may recommend that applicants display their company name on containers and packaging; this will enable the Licensing Authority to identify any premises causing concern.

2.7.3 The Licensing Authority expects that any premises providing late night refreshment will have a responsible policy for regularly clearing litter from outside their premises and for 25 metres along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. Such Policy could also include the display of notices advising customers to use the

bins provided. In addition, where there is evidence that grease and food, etc. has emanated from the premises, the Licensing Authority recommends that the highway in the vicinity of the premises is swilled or scrubbed so as not to attract seagulls, pigeons and vermin. The Licensing Authority recommends that all such inspections and action taken be recorded in the Premises Log Book.

2.7.4 Where an applicant wishes to sell alcohol either on or off the premises in such an establishment or provide an alcohol delivery service, the Licensing Authority recommends that the Operating Schedule sets out specific measures to ensure the prevention of Crime and Disorder and Public Nuisance in the vicinity of the premises. Existing premises that seek to provide an alcohol delivery service are expected to notify the Licensing Authority that they are operating such a service setting out specific measures they intend to take to promote the licensing objectives.

2.7.5 The Authority has considered the relaxation of controls suggested through the Deregulation Act 2015 and has decided that it would not be appropriate to do so. There is no evidence base to suggest that such action would be beneficial to local residents.



3.0 Licensing Approach

3.1 Partnership Working

3.1.1 The Council recognises that Licensing functions under the 2003 Act are not the only means of promoting the principles behind the Licensing Objectives. Delivery includes working with Planning, Environmental Health, the Police, the Fire Authority, the Crime Reduction Partnerships, Town Councils, Pubwatch, local businesses and residents, Lancashire County Council, transport operators and those involved with child protection.

3.1.2 The Council recognises that co-operation across services within the Council and with our external partners remains the best means of promoting the Licensing Objectives.

3.1.3 The Licensing Authority seeks to encourage and support the night-time economy by providing a vibrant and safe town centre experience. It shall work closely with the Responsible Authorities to promote the Licensing Objectives, including the licensed trade, local people and businesses. The Licensing Authority will continue to work closely as part of these groups to promote the common objectives and shall recognise its duty under Section 17 of The Crime and Disorder Act 1998 when carrying out its functions under the 2003 Act. In addition, the Licensing Authority will seek to support strategies where they are allied to the Licensing Objectives such as the National Alcohol Harm Reduction Strategy and any other relevant strategies and policies.

3.1.4 The Licensing Authority recognises that the private sector, local residents and community groups in particular have a vital role to play in promoting the licensing objectives. The Licensing Authority shall work closely with other enforcement agencies in the management of the nighttime economy, particularly relating to the tackling of underage sales and proxy sales of alcohol and drunkenness or disorder on or in the immediate vicinity of the licensed premises.

3.2 Cumulative Impact Policy

3.2.1 A cumulative impact policy creates a rebuttable presumption that applications within a particular area of the District for new premises licences or club premises certificates or material variations thereto will normally be refused if relevant representations are received about the cumulative impact on the four licensing objectives.

3.2.2 The Licensing Authority will review the need for a special policy on cumulative impact at least every five years in line with the review of this policy to see if circumstances have changed and one is needed.

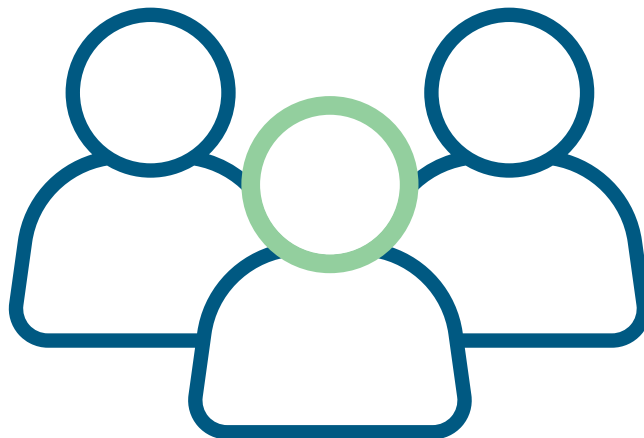
3.2.3 In addition to the review each five years the Licensing Authority may consider a special policy on cumulative impact at any time if circumstances changed and evidence supported this course of action.

3.2.4 No area of the District is currently covered by a special policy on cumulative impact.

3.3. Local Strategies and Policies

3.3.1 Where appropriate, the Committee will take into account local strategies and policies. These will include: -

- Community Alcohol Partnership (CAP)
- Community Safety Partnership (CSP)



3.4 Integrating Strategies

3.4.1 There are many stakeholders involved in the leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case the Council will aim, as far as possible, to coordinate them.

3.4.2 Where appropriate, the Licensing Authority will also have regard to:

- local crime prevention strategies;
- needs of the local tourist economy;
- employment situation in the area and the need for new investment and employment where appropriate;
- needs of the local community
- the duty on Public Authorities to eliminate unlawful discrimination;
- the policy on cumulative impact.

3.5 Avoiding Duplication

3.5.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory regimes such as health and safety at work, fire safety, building control and planning. Conditions will not be imposed if the matters concerned are already provided for sufficiently in other legislation. However, other legislation may not always cover the unique circumstances that arise in connection with licensable activities and in such cases tailored conditions may be necessary but only if relevant representations are received.

3.5.2 The Licensing Authority recognises that in accordance with Section 43 of the Regulatory Reform (Fire Safety) Order 2005, any conditions imposed by the Licensing Authority that relate to any requirements on prohibitions that are or could be imposed by that Order, shall have no effect. The Licensing Authority shall therefore not seek to impose fire safety conditions where the Order applies.

3.5.3 In much the same way, the Indecent Displays Act 1981 prohibits the public display of indecent matter and the Licensing Authority shall therefore not seek to impose conditions concerning such displays inside or outside the premises. The existing laws governing indecency and obscenity are adequate to control adult entertainment of this nature. However, the Licensing Authority shall, if it considers necessary in certain premises, consider attaching conditions following a hearing addressing the exclusion of minors.

3.5.4 Non-compliance with other statutory requirements may be considered in reaching a decision about whether or not to grant or vary a licence but only if relevant representations are received.

3.5.5 The Licensing Authority recognises that the existence of planning permission, building regulation approval or pavement licences must be properly separated from licensing applications to avoid duplication and inefficiency. Similarly, the existence of a Premises Licence shall not prejudice the consideration of any planning, building regulation approval or pavement licence applications. However, the Licensing Authority shall expect applicants to have obtained the appropriate consents or licences prior to operation.

3.5.6 Where premises have not obtained such consents or licences, they will be liable to enforcement action under the appropriate legislation. There may be circumstances when as a condition of planning permission a terminal hour is set for the use of commercial premises. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time to ensure that they are not in breach. Premises operating in breach of their Planning Permission or their premises licence/certificate may be liable to enforcement action by the Planning Authority or the Licensing Authority as appropriate.

3.6 Representations

3.6.1 Under the 2003 Act both Responsible Authorities and 'other persons' may make representations on licence/certificate applications and review existing premises licences/certificates.

3.6.2 Other persons are defined as any individual, body or business that may be affected by the operation of a licensed premise regardless of their geographical location. Although the other person may be in any geographical location, any representation they make must be relevant to one or more of the licensing objectives. In addition, the other person is encouraged to provide evidence supporting their representation or review. This may be for example by way of recording dates where noise nuisance or anti-social behaviour occurs. Any representation however must be specific to the premises in question and not to the area in general. The representation should also detail how the granting of the application is likely to affect the person making it.

3.6.3 The Licensing Authority will however consider the geographical location of the other person who has made the representation in their consideration of their evidence.

3.6.4 In addition all representations must be relevant relating to the likely effect of the grant of the licence/certificate on the promotion of at least one of the licensing objectives. The Licensing Authority will determine whether a representation from an individual, body or business is relevant, frivolous, repetitive or vexatious. If appropriate, the benefit of the doubt will be given to the person or body making that representation.

3.7 Conditions

3.7.1 Where conditions are imposed at a licensing hearing, they shall be appropriate and proportionate and shall be tailored to the size, style, characteristics and activities that take place at the premises concerned. However, the Licensing Authority accepts that Responsible Authorities may suggest conditions following negotiation with the applicant when completing their Operating Schedules.

3.7.2 In addition conditions imposed by a Licensing Authority shall be precise and enforceable, clear in what they intend to achieve, should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation, shall not replicate offences set out in the 2003 Act or other legislation, shall be justifiable and capable of being met and shall not seek to manage the behaviour of customers once they are beyond the direct management of the licence/certificate holder and their staff.

3.7.3 The Licensing Authority recommends that conditions volunteered in the Operating Schedule should be:

- Targeted on the deterrence and prevention of crime and disorder
- Appropriate for the promotion of the licensing objectives;
- Proportionate and enforceable;
- Consistent and not conflicting;
- Relevant, clear and concise;
- Not duplicating other legislation; and
- Expressed in plain language capable of being understood by those expected to comply with them.

3.7.4 The Licensing Authority when preparing the licences/certificates will replicate the wording from an applicant's Operating Schedule, it is therefore recommended that applicants seek suggested condition wording from this policy by way of model conditions (amended as appropriate) or from the relevant responsible authorities.

3.8 Enforcement

3.8.1 The Licensing Authority has adopted a Licensing Enforcement Policy, available on the Council's web site.

3.8.2 Enforcement action will be:

- Targeted toward those premises presenting the highest risk;
- Proportional to the nature and seriousness of the risk those premises present;
- Consistent, so that the Licensing Authority takes similar approaches in similar situations;
- Transparent, so those who are subject to enforcement action know what to expect; and
- Accountable, so that the Licensing Authority and its officers take responsibility for their actions.

3.8.3 The Council intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the 2003 Act and any licence conditions. It will also monitor the District for unlicensed activities that may or may not require authorisation.

3.8.4 The Licensing Authority has established protocols with Lancashire Police Authority, Lancashire County Council Trading Standards and Lancashire Fire and Rescue Service on enforcement issues to ensure an efficient deployment of Police and Council Officers. Where official warnings are given prior to any decision to prosecute for an offence, the Licensing Authority shall ensure that these enforcement authorities are informed of these warnings and the result of any action taken.

3.8.5 In order to ensure compliance with the law and licensing conditions, the Licensing Authority will also carry out whenever possible unscheduled 'non routine' evening inspections with Lancashire Constabulary. After each visit, the Designated Premises Supervisor and Premises Licence Holder shall be notified of any concerns and be given an opportunity to rectify any issues.



3.8.6 The Licensing Authority recognises that most Licence Holders seek to comply with the law and any enforcement action will normally follow a graduated approach and in the first instance will include education and support. Where licence holders continue to flout the law or act irresponsibly action will be taken.

3.8.7 The Licensing Authority may seek to meet with the licence or certificate holder and/or DPS working closely with them and relevant Responsible Authorities in implementing a Premise Improvement Plan where appropriate.

3.8.8 Where the premise does not comply with an agreed Improvement Plan and continues to breach the licensing laws and/or licence conditions, the Responsible Authority or Licensing Authority can consider further sanctions, either by way of a review, formal caution or prosecution. In any event, the Licensing Authority will have regard to the Regulators' Compliance Code and the Council's Licensing Enforcement Policy.

3.8.9 Where one-off events are taking place, the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are being promoted. Inspections shall be carried out in accordance with the principles of risk assessment and targeting problem premises.

3.8.10 In addition, the Licensing Authority will conduct checks to ensure that official notices for new applications, varied applications, reviews and minor variations are accurate and clearly displayed. Notices for reviews shall be displayed at or near the site of the premises, and where there are concerns these shall be regularly checked and recorded.

3.8.11 Any decision to instigate legal proceedings will take account of principles set out in the Licensing Enforcement Policy.

3.9 Complaints Against Licensed Premises

3.9.1 Complainants are advised, whenever possible, in the first instance to raise their complaint directly with the licensee in order to resolve the matter. The Licensing Authority, however, recognises that it is not always possible or practical for complaints to be raised directly. In such circumstances, complaints in the first instance should be addressed to the most appropriate body. For example, crime and disorder related issues should be raised with the Police.

3.9.2 All noise-related complaints are investigated by the Council's Environmental Protection Service and complaints regarding unlicensed activities and operating outside the permitted hours are investigated by the Licensing Team. There will be collaboration between the two teams to assist in reaching effective and appropriate outcomes for noise related matters.

3.9.3 On receipt of a complaint, the Authority shall investigate the circumstances, discussing the complaint with the Designated Premises Supervisor of the licensed premises, the Premises Licence Holder, any Relevant Responsible Authority and the complainant. Where it is a valid complaint, the Licensing Authority shall endeavour to seek a resolution through informal means prior to taking any legal action.

3.9.4 The Licensing Manager is responsible for considering complaints in the context of this Policy and will determine whether or not it is a relevant complaint. They will authorise suitably qualified officers to discharge enforcement duties as appropriate to their seniority, professional qualifications and/or experience in order to resolve any complaint.

3.9.5 Where there is a serious complaint, the Licensing Manager shall ensure that it is investigated, and enforcement action taken where necessary. The Licensing Authority shall act in accordance with the its own Licensing Enforcement Policy available on the Council's web site.

3.9.6 The Licensing Authority recognises that this Policy and the promotion of the Licensing Objectives relies on partnership between all the parties. Therefore, where there are any concerns identified at the premises, or there is need for improvement, the Licensing Authority shall work closely with the parties at an early stage to address these concerns.



3.10 Live Music, Dancing and Theatre

3.10.1 The Council recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of the community and in particular for children and young people.

3.10.2 When considering applications for such events and the imposition of any conditions if representations are received on licences or certificates, the Licensing Authority will carefully balance the need to promote the licensing objectives against these wider cultural benefits.

3.10.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merit.



4.0 Administrative Issues

4.0.1 As the Regulations require advertising of all new and variation applications, the Licensing Authority recommends that the applicant contact them prior to displaying the statutory notice or advertising the application in a local paper circulating in the vicinity of the premises. This will ensure that an accurate consultation date will be given which will avoid any errors and the potential of a breach of the regulations that would result in the application being rejected or delayed.

4.1 Premises Licence

4.1.1 The Premises Licence application outlines the operating conditions and the Operating Schedule that will form the basis of conditions that will be attached to the Licence. It should include information that is necessary to enable any Responsible Authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory. The Licensing Authority shall expect the applicant to have carefully considered the promotion of all four Licensing Objectives in their Operating Schedule.

4.1.2 It is recommended that applicants liaise with neighbours and/or any relevant community group such as a local residents association, or other such groups, as may be appropriate prior to submitting an application.

4.1.3 The Licensing Authority especially recommends that applicants liaise with the Relevant Authorities prior to submitting their applications, e.g. Police or Fire Authority, when compiling their Operating Schedules and the local Pubwatch if one operates in that area.

4.1.4 In completing their Operating Schedule the Licensing Authority suggests the applicant considers the following: -

General

- Premises log book
- Management and staff training and awareness of duties under the 2003 Act
- Policies and procedures relating to e.g. age restricted sales, capacity, noise monitoring, dispersal, queuing, etc.
- Safe capacities
- Evidence of competent management procedures

Prevention of Crime and Disorder

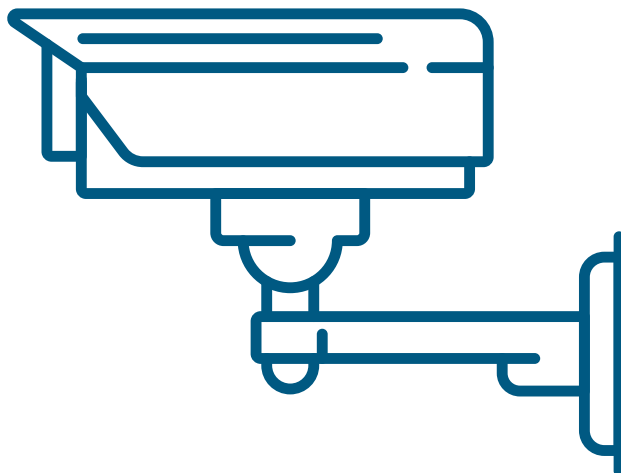
- Drugs policy
- CCTV
- Pub Watch and Radio links with other licensed premises
- Security Industry Authority Door supervisors and Approved Contractor Scheme
- Polycarbonate or shatterproof vessels
- Frequency of glass bottle disposal and provision of secure storage before collection
- An appropriate ratio of tables and chairs to customers
- Management of outside areas
- Use of 'spikeys' or similar anti drink spiking device
- Policy for reporting of sexual harassment/ violence towards women
- Calming atmosphere at close of business/event
- Safe capacities
- Queuing policy
- Stewards for events and event plan Public Safety

Public Safety

- Health and Safety and Fire Safety risk assessments and staff training
- Safeguarding measures
- Use of CCTV in and around the premises
- Safe capacities and monitoring procedures
- Provision of local taxi companies who can provide safe transportation home
- Procedures to control access to and egress from premises
- Patrolling of premises
- Glass clearance policy
- Control of ventilation
- Control of litter immediately outside the premises
- The presence of trained first aiders and appropriate & sufficient first aid kits
- Adequate external lighting
- Consideration of the safety of performers appearing at any premises
- Indoor sporting events: medical practitioner; flame retardant material, location of public to wrestling ring; water sports events – lifeguards
- Stewards for events and event plan; and regard to standards of the National Sporting Body
- Ensuring appropriate access for emergency services

Prevention of Public Nuisance

- Control of general noise, disturbance, light, odour, litter and anti-social behaviour
- Whilst regulated entertainment taking place, management of noise disturbance
- Control of litter (e.g. cigarette ends, rubbish, etc.), vomiting, urinating and anti-social behaviour in the vicinity of the premises
- Dispersal policy to ensure customers respect their neighbours
- Delivery vehicle management, ensuring no obstructions are caused in the vicinity of the premises.
- Removal of persons causing disturbance
- Management of outside areas, e.g. pub gardens, smokers, etc.
- Control of deliveries in early hours
- Queuing policy
- Winding down period





Protection of Children from Harm

- Refusals book
- Consideration of access to premises where adult entertainment may take place
- Consideration to proximity of premises to schools and youth clubs
- Restriction on hours when children under a specified age can be present and whether they should be accompanied by a responsible adult
- Clarity on activities and times at which events take place to determine whether or not it is appropriate to allow access to children
- Challenge 21 or 25 policy
- Prompting mechanism on tills at retail outlets
- Measures to control access to hotel minibars
- Operational measures to avoid proxy purchases
- How to prevent children from being exposed to alcohol sales at underage events, gambling, incidents of violence and disorder and drugs or drug taking
- Consideration of safeguarding issues
- Consideration of children as performers where relevant
- Supervision of children
- Under 18 event Code of Conduct, for example: searches, ticketed event, door supervisors, DBS checks, stewards monitoring event, set hours for event, restricted event, policy to ensure young people leave premise safely, etc.

These lists are not exhaustive, and advice can be obtained from the relevant responsible authorities. However, applicants are reminded again to contact the relevant Responsible Authorities to seek their expert advice before an application is submitted to the Licensing Authority.

4.2 Garages

4.2.1 With regard to the licensing of garages, and/or filling stations, Section 176 of the 2003 Act prohibits the sale or supply of alcohol from premises that are used primarily as a garage. However, the Licensing Authority will use the court's approach based on intensity of use, to establish primary use. Where such applications are submitted, the Licensing Authority will expect sufficient relevant evidence to accompany the application form to prove the issue of primary use.

4.3 Mobile Premises

4.3.1 Where licensable activities take place in mobile vehicles, a Premises Licence will be required for the land upon which the vehicle operates. The Operating Schedule must indicate the specific pitch from where trading is to take place.

4.3.2 As this type of premises is likely to cause people to congregate, the Licensing Authority shall expect applicants to demonstrate specific measures to prevent Crime and Disorder and Public Nuisance. In addition, the Licensing Authority shall expect the applicant to consider specific measures to ensure that litter from such premises is regularly disposed of and that the licensee has adopted a Litter Policy as set out above.

4.4 Temporary Event Notices

4.4.1 The 2003 Act states that the premises user must give the Licensing Authority a minimum of 10 working days notice for a standard temporary event notice and between 5 and 9 working days for a late temporary event notice. The 'working day' requirement means that the day of receipt of the notice, Saturdays or Sundays, Bank Holidays, or the day of the event are not included as a working day.

4.4.2 Premises users are advised to submit their TENS well before the date of the event (ideally 28 days beforehand), using our online service. When serving TENS in a hard copy format, the premises user must serve the notice on the Licensing Authority, Lancashire Police and the "local authority exercising environmental health functions" ("EHA") at the same time to avoid a situation where one of the bodies does not receive their copy within the statutory timescale, which could mean that the event cannot proceed even if the other bodies have received their copy in time.

4.4.3 It is a legal requirement for all organisers to carry out Health and Safety and Fire Safety Risk Assessments with regards to their event. Guidance on how to conduct such risk assessments may be obtained from the relevant enforcing authority. The Licensing Authority may notify the Fire Authority of any TENS submitted so that they can offer advice to event organisers if necessary. Members of any relevant Event Safety Advisory Group may also be notified of any TENS for similar reasons. Organisers are recommended to give thought to the provision of first aid at such events. It should be noted that if the Fire Authority is of the opinion that the use of premises/venue involves, or will involve, a risk to relevant persons so serious, including anything affecting their escape from the premises in the event of fire, the Fire Authority may prohibit or restrict premises use without notice.

4.4.4 Those intending to serve a TEN are strongly advised to consider whether their proposals should be considered by a Event Safety Advisory Group (ESAG) and ensure they follow the advice given, this is particularly relevant for small scale festivals and/ events that take place over more than 1 day.

4.4.5 Finally, the Authority strongly recommends that premises users address the following issues: -

- Applicants are strongly advised to consider and mitigate the potential impact in terms of public nuisance, i.e. noise, vehicle parking of attendees, traffic.
- Seek relevant professional advice on public liability insurance.
- Seek relevant professional advice on noise, public safety, sanitation, food hygiene, health & safety and fire safety matters.
- Liaise with local residents and businesses that may be affected by the event, to raise awareness of the nature and duration of the event.
- Seek relevant professional advice on medical provision.
- Ensure that the event site and environs are maintained free of litter to a reasonable extent during an event and completely cleared following an event. This includes the removal of all advertising material used to promote events, within a reasonable period.
- Consider the conditions attached to a Premises Licence or Club Premises Certificate and manage the event in accordance with such conditions, where appropriate. (This is to mitigate the potential for adverse impacts on the promotion of the Licensing Objectives and/or complaints).

4.4.6 Payments for temporary event notice(s) are made upon application and are non-refundable.



4.5 Personal Licences & Exemption of the Requirement for a Designated Premises Supervisor

4.5.1 The Licensing Authority places particular emphasis on the role of Designated Premises Supervisors (DPS) and Premise Licence Holder and where the Police object on the grounds of prevention of crime and disorder there will be a presumption against issuing a personal licence to any applicant with an unspent conviction for a relevant offence. If the applicant can demonstrate exceptional and compelling reasons for disregarding the conviction, this will be taken into consideration.

4.5.2 The Licensing Authority advises that it is good practice for the Personal Licence Holder to give specific written and dated authorisation to individuals to demonstrate due diligence. Whilst the DPS and Personal Licence Holder may authorise sales in their absence, they remain responsible for those sales. Similarly, the Premises Licence Holder also remains responsible for ensuring that the licensing law and conditions are complied with at that premises. Any authorisations should be meaningful and properly managed.

4.5.3 Where a Premises Licence is in force authorising the supply of alcohol, a DPS will need to be nominated. The main purpose of the DPS is to ensure that there is always one specified individual who can be readily identified by Responsible Authorities as the individual who has day-to-day responsibility for running the business and who can therefore ensure that any problems are dealt with swiftly. As such the DPS will occupy a pivotal position. Experience has proved that in some cases the Premises Licence Holder has employed a DPS who is remote from the premises and therefore not involved in the day-to-day running of that premise; the Licensing Authority will therefore pay particular attention to those premises.

4.5.4 Whilst the Licensing Authority recognises that a DPS may supervise more than one premise, the DPS must be able to ensure that the four Licensing Objectives are promoted and that the licensing law and licensing conditions are complied with. Where the DPS is not available at the premises for whatever reason, the Licensing Authority recommends a responsible individual is nominated who can deal with matters in the absence of the DPS. In addition, the Licensing Authority recommends that a notice is displayed prominently indicating the name and position of that nominated person. Whenever alcohol is to be sold it is recommended that written and dated consent be given to that nominated person.

4.5.5 Experience has indicated that a number of Personal Licence Holders have failed to produce their Personal Licence to the court in accordance with Section 128 of the 2003 Act. In view of this the Licensing Authority will take appropriate action against those who continue to fail to notify the courts and/or provide notification of their change of address in accordance with their statutory duty.

EXEMPTION OF THE REQUIREMENT FOR A DPS

4.5.6 Where a community premises applies for an exemption from the requirement to have a DPS, the Licensing Authority must be satisfied that arrangements for the management of the premises by their Committee or Board of individuals are sufficient to ensure the adequate supervision of the supply of alcohol on the premises. The applicant will be required to set out how the premise is managed, its committee structure and how the supervision of alcohol sales is conducted. Copies of the Constitution and other management documents must be submitted. The management committee is strongly encouraged to notify the Licensing Authority if there are any key changes in the committee's composition as this committee will collectively be responsible for ensuring compliance with licence conditions and licensing law. Where management arrangements are unclear, the Licensing Authority may seek further details to confirm that the management board or committee is properly constituted and accountable. While overall responsibility lies with the management committee where premises are hired out, the hirer will be clearly identified as having responsibilities falling within their control. Community premises are encouraged to check with the Licensing Authority before making any application.

4.6 Large Scale Events

4.6.1 Lancaster and the surrounding area is a popular location for a wide range of cultural and entertainment events, these range from village days to small scale one-day events and weekend festivals.

4.6.2 Such events can involve considerable and complex planning and management. This involves a high level of competency from those involved with organising and managing such events.

4.6.3 The Authority is aware of the potential for varied and extreme impacts on the promotion of the Licensing Objectives, where such events take place. Organisers of such events are advised to contact the Licensing Service in the planning stages to discuss the event and application.

4.6.4 The Authority has a general statutory duty under section 4 of the 2003 Act to promote the Licensing Objectives. The legislation does not refer to the special circumstances and sometimes very different issues that can be relevant to these types of application. However, the Authority has taken all reasonable endeavours to balance the demands and aspirations of the event industry against the protection of the local communities and the attendees that may be adversely affected by or at such events.

The Authority believes that the risk associated with large scale events can only be adequately mitigated by the submission of an up to date, relevant, detailed and complete operating schedule that is specific to the proposed event.

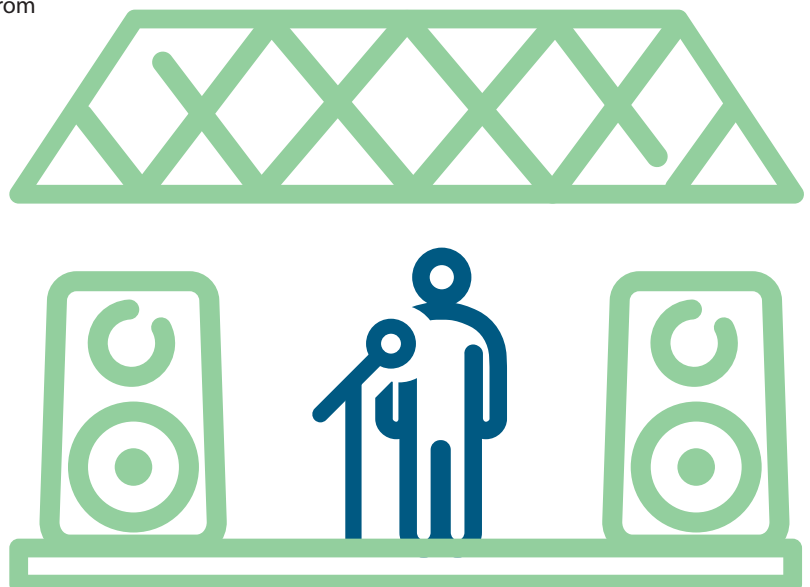
4.6.5 The enforcement policies of the Council may be significantly undermined by the short duration and potentially occasional nature of these events. This is because the Council's graduated response to problems arising may not be as effective in responding to these issues on an occasional and irregular basis, particularly with different event organisers.

4.6.6 Sites for large occasional events are not usually entirely purpose built for the proposed licensable activities to take place. Therefore, there is considerable work involved in planning and organising these events. The Authority believes that this is only achievable by ongoing involvement of the Authority and Responsible Authorities in dealing with such events, as far as is reasonable and appropriate.

4.6.7 It is clear that Responsible Authorities (and sometimes Other Persons) may often engage with applicants prior to submission of an application. This notion is referred to in the Statutory Guidance, as it promotes the Licensing Objectives by fostering a partnership approach; and is supported by the Authority (where appropriate), but with an additional caveat.

4.6.8 Applicants are expected to rely most heavily on their own competence and knowledge or that of persons/ bodies that they employ in making their plans. They cannot and should not rely on the input of the Responsible Authorities to ensure that detailed and comprehensive plans for their event are produced.

The demands on the Responsible Authorities can be disproportionate to their resources, This might place undue pressure on such bodies, undermining the level of scrutiny of such applications. It must be considered that the legal responsibilities connected to holding such events primarily rest with the event organiser and landowner.



4.7 Sustainable Event Management

4.7.1 Events can impact heavily on our resources, society, and the environment, as they can generate significant waste, put a strain on local resources like water or energy, and generate large volumes of traffic. It is, therefore, important that event organisers are taking the right steps to integrate sustainability into their event management and ensure that they are organised responsibly. As such, the Council encourages event organisers to take the necessary steps to develop proposals that are conscious of the Council's Climate Emergency Commitments, by way of demonstrating what steps will be taken to ensure the environmental impacts of the event are kept to a minimum.

4.7.2 It is highly recommended that event organisers consider the following points:

- Banning single use plastic glasses/cups in the bars and look to use reusable receptacles.
- Encourage non fossil fuel powered events, including any caterers.
- Alcohol sourced from local brewers/suppliers to keep bars with a lower carbon footprint.
- High recycling rates, a target of 70% plus, which could be evidenced from weighbridge tickets provided by recycling transfer stations.

4.8 Event Safety Advisory Groups (ESAGS)

4.8.1 The Authority acknowledges the benefits of working closely with Responsible Authorities and other statutory bodies in supporting event organisers in operating safe and well managed events. Event Safety Advisory Groups or 'multi agency meetings' are one means of promoting such partnership working.

4.8.2 The Authority will facilitate and host such meetings from time to time to assist applicants and those organising events that do not require an authorisation under the 2003 Act, where appropriate.

4.8.3 All applicants should consider whether to attend such a meeting before they apply, as failure to do so could undermine the promotion of Licensing Objectives.

4.9 Reviews of Licence or Club Premises Certificate

4.9.1 The Licensing Act 2003 details that where a premises licence or club premises certificate has effect, a Responsible Authority or other person may apply to the relevant Licensing Authority for a review of the licence. Nothing in this Policy shall restrict their right to apply for a review of a licence or make relevant representations in accordance with the 2003 Act, however the Licensing Authority may, at any time, reject any ground for review specified in an application under this section if it is satisfied that the ground is not relevant to one or more of the licensing objectives, or in the case of an application made by a person other than a Responsible Authority, that the ground is frivolous or vexatious, or the ground is a repetition.

4.9.2 Where a person or body is considering making an application for a review, they are advised to contact the Licensing Service. This is so that Officers may provide some initial feedback on the matter and then, if appropriate, attempt to facilitate a meeting or a series of meetings between relevant persons and bodies to consider alternative solutions and/or discuss the review process.

4.9.3 Applicants should make all reasonable efforts to set out their concerns regarding an authorisation concisely and clearly and ensure that these concerns are relevant to a failure to promote the Licensing Objectives.

4.9.4 Examples of triggers for a review may be:

- continual complaints of noise from or in the vicinity of the premises;
- continual complaints of noise or intimidation from customers outside the premises;
- an accumulation of breaches of licensing conditions;
- poor management where the licensing objectives are undermined;
- underage sales of alcohol (persistent or otherwise); crime-related activity; anti-social behaviour;
- sales of alcohol outside of the permitted hours, etc.

4.9.5 The Licensing Authority shall expect applicants for a review to gather sufficient and relevant evidence relating to the specific premises that is subject to the review. This may include a diary of events and any potential witnesses. Regarding reviews on noise complaints, applicants are encouraged to liaise with the Council's Environmental Protection Service who may be able to assist with and support the review process.

4.9.6 Prior to a review, however, Lancashire Police, other Responsible Authorities or the Licensing Authority may seek to meet with the licence/certificate holder to address issues through a Premises Improvement Plan.

4.10 Administration, Exercise and Delegation of Functions

4.10.1 The Council has a Licensing Committee, consisting of 10 elected members, to carry out its licensing functions and to make licensing decisions, except those functions relating to the making of a Statement of Licensing Policy.

4.10.2 In the interests of speed, efficiency and cost-effectiveness the Committee will delegate certain decisions and functions to Sub-Committees and officers.

4.10.3 For example, where there are no relevant representations on an application for the grant of a premises licence or club premises certificate or Police objection to an application for a personal licence, these matters should be dealt with by officers.

4.10.4 The table attached at Appendix X sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and officers.

4.10.5 This scheme of delegation does not prevent the referral of matters to a higher authority if considered appropriate in the circumstances of any particular case.

4.10.6 Members of the Licensing Committee will comply with the Lancaster City Council Code of Conduct for Councillors and will declare any personal or prejudicial interest in any matter coming before them in accordance with the Code. Members with a prejudicial interest will have the opportunity to speak as any member of the public (i.e. only where they make relevant representations) is permitted but will withdraw from the room in which the meeting is being held immediately after speaking and will not seek to improperly influence the decision.

4.10.7 Members of the Licensing Committee who make representations on behalf of any Other Person or in their own right as a member of the Licensing Authority will not sit on any hearing or Sub-Committee making any decision in relation to the matter in question, nor take any other part in the decision-making process.

4.10.8 Members will not sit on any Sub-Committee dealing with a matter in relation to premises in his or her ward, or any person living in that Ward.

Contact



If you wish to make comments on this Licensing Policy or if you want further information regarding the Licensing Act 2003 please contact:

The Licensing Department

Morecambe Town Hall
Marine Road Central
Morecambe
Lancashire
LA4 4 AF

T: 01524 582033

E: licensing@lancaster.gov.uk

The Licensing Act 2003 can be viewed at:

www.legislation.gov.uk/ukpga/2003/17/contents

The Statutory Guidance can be found at:

www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

Lancaster City Council website:

www.lancaster.gov.uk

Event Safety Advisory Group:

www.lancaster.gov.uk/information/event-safety

Events on Council Land, Guidance and Application Procedures: Events on council land - Lancaster City Council

www.lancaster.gov.uk/parks-and-open-spaces/events-on-council-land

Lancaster City Council's Pavement Licence Policy and Application Procedures:

www.lancaster.gov.uk/sites/business/licences-and-permissions/alcohol-and-entertainment/pavement-licences



Appendices

Appendix 1: Responsible Authorities Contact List inc Email/Postal

Appendix 2: Model Conditions

- General
- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Appendix 3: Scheme of Delegation

Appendix 1 :

Responsible Authorities - Consultee Contact Details

Licensing Authority

Licensing
Morecambe Town Hall
Marine Road
Morecambe
LA4 5AF

licensing@lancaster.gov.uk

Public Protection

(incl Community Protection and Health and Safety Officers)

Public Protection
Morecambe Town Hall
Marine Road
Morecambe
LA4 5AF

environmentalhealth@lancaster.gov.uk

Lancashire Police

Licensing Department
West Division
Lancaster Police Station
Thurnham Street
Lancaster
LA1 1YB

westlicensing@lancashire.police.uk

Lancashire Fire and Rescue Service

Business Fire Safety Advisor
Lancaster Fire Station
Cable Street
Lancaster
LA1 1HH

licensing@lancsfireandrescue.org.uk

Home Office

Alcohol Licensing : Home Office
15th Floor Long Corridor
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

alcohol@homeoffice.gov.uk

Lancashire Safeguarding (Children)

PO Box 78
County Hall
Fishergate
Preston
PR1 8XJ

JPBU@lancashire.gov.uk

Planning/Development Control

PO Box 4
Lancaster Town Hall
Dalton Square
Lancaster
LA1 1QR

planningenforcement@lancaster.gov.uk

Trading Standards

Trading Standards Service
Lancashire County Council
Level 4 - Lancashire Point
County Hall
Preston
PR1 0LD

intelligence.management@lancashire.gov.uk

Director of Public Health

Lancashire County Council Licensing
Level 1 Christ Church Precinct
County Hall
Preston
PR1 8XB

phlicensing@lancashire.gov.uk

Appendix 2 :

Model Conditions

Introduction

How to use this document

Model conditions are all set out in the pages of this document as a template for you or your representative to copy for your own application. We have given instructions for you to add details for certain elements, according to your specific licence application. Where bespoke detail is needed, we have used a bracket and the word "Insert:" for example [Insert: the total number of staff.]

What we mean by Conditions

The conditions on a premises licence or club premises certificate set the parameters within which premises can lawfully operate. Conditions are attached to licences and certificates in three ways:

1. Mandatory conditions, as set out in the Licensing Act 2003, which must be included on all licences and certificates.
2. Applications for new premises licences or club premises certificates, as well as variations, must include a completed operating schedule that is translated into conditions on any licence or certificate granted.
3. Once the application is made, where relevant representations have been made by the Responsible Authorities (such as the police, Environmental Health and Trading Standards, or other parties such as local residents), the licensing authority may impose such conditions it considers appropriate for the promotion of the licensing objectives.

These model conditions were approved by Full Council on XXXX and are intended to provide a consistent approach for all parties by specifying appropriate conditions that could be included on any licence or certificate granted; this could be by the applicant in designing the operating schedule, by other parties in seeking to address concerns associated with the application, or ultimately, by the licensing authority when imposing conditions considered appropriate for the promotion of the licensing objectives.

The model conditions should not be regarded as standard conditions that apply in all cases. They should be tailored as appropriate to the size, type, location and characteristics of – and activities taking place at – the premises concerned. Where a condition includes any [Insert: bracketed content] these variable details should be completed accordingly.

Conditions are not limited to only addressing the licensing objective they are titled under and it is recognised that some conditions may be relevant to more than one objective. The conditions are not intended to be, nor can they be, an exhaustive list, and they do not restrict the ability of any party to propose, or the Committee to impose, any reasonable or proportionate condition they consider appropriate for the promotion of the licensing objectives.

The Prevention of Crime and Disorder

When copying the content on this page into your own document you'll need to insert certain details that are relevant for your licence. Where these are required the need for specific information is marked in brackets and leads with the word 'Insert' eg: [Insert: specific days and times]

CCTV

- The premises shall operate a CCTV system that complies with the minimum requirements of Lancashire Police.
- The premises licence holder must ensure that:
 - CCTV cameras are located within the premises to cover all public areas including all entrances and exits [Insert: The location of cameras could also be specified on the plan attached to the premises licence]
 - The system records clear images permitting the identification of individuals
 - The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 28 days
 - The CCTV system operates at all times while the premises are open for licensable activities [Insert: or specify timings]
 - All equipment must have a constant and accurate time and date generation
 - The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected
 - There must be at least one member of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

Public safety

When copying the content on this page into your own document you'll need to insert certain details that are relevant for your licence. Where these are required the need for specific information is marked in brackets and leads with the word 'Insert' eg: [Insert: specific days and times]

Staff training (alcohol and vulnerability welfare)

- All staff authorised to sell alcohol shall be trained in (delete as appropriate):
 - Relevant age restrictions in respect of products
 - Prevent underage sales
 - Prevent proxy sales
 - Maintain the refusals log
 - Enter sales correctly on the tills so the prompts show as appropriate
 - Recognising signs of drunkenness and vulnerability
 - How overservice of alcohol impacts on the four objectives of the Licensing Act 2003
 - How to refuse service
 - The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment; and how to report issues of modern slavery and trafficking
 - Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services
 - The conditions in force under this licence.
- Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed by the trainee.
- Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 [Insert: or specify] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Lancaster City Council.

Preventing and dealing with drunkenness and vulnerability

- The premises shall have a documented Duty of Care policy for managing intoxicated and vulnerable customers and dealing with incidents of harassment at the premises. The policy shall also include provision for persons refused entry to the premises who are also considered vulnerable by staff.
- The premises shall display prominent signage indicating [Insert: at any point of sale, at the entrance to the premises, in all areas where alcohol is located] that it is an offence to sell alcohol to anyone who is drunk.
- A Personal Licence holder must be present at the premises to supervise all sales of alcohol.
- A minimum of [Insert: specify number] persons must be employed and on duty at the premises between [Insert: specify days/hours] who are specifically tasked to maintain the safety of customers who may be vulnerable, ill or in distress as a result of alcohol and/or drug-related intoxication. Such persons must be trained on drunkenness, vulnerability, and drugs awareness in the night-time economy; and responding to these matters.
- The premises shall provide facilities for customers to securely recharge their mobile phones.

Glassware and use of ice fountains / bottle sparklers

- Drinks must only be served in polycarbonate/plastic containers [Insert: on specified days or events] [Insert: upon reasonable notice by Lancashire Police].
- Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers [Insert: except for consumption in any delineated external area as shown on the plan attached to the licence].
- Spirit, Champagne and all other glass bottles greater than [Insert: specify measurement eg 70cl] are restricted to customers seated at a [Insert: either table or booth] in the delineated area(s) as shown on the plan attached to the licence. These bottles must be secured to the table or ice bucket and must only be dispensed by a member of staff who is trained in the responsible service of alcohol. Customers must not be permitted to leave their table carrying any such bottle or be permitted to drink directly from the bottle.

Ice fountains or similar products (which are classed as HT4 explosives):

- Must be kept in their original packaging and only stored in a secure store room or fire-resistant cabinet that the public have no access to. The room/cabinet must be kept locked, except for the depositing or removal of products but must be locked immediately thereafter.
- Their use must be risk assessed in advance and appropriate control measure put in place to reduce the risk to staff and customers, which must include (but is not limited to):
 - i. staff training in their safe use and dispersal
 - ii. the provision of appropriate first aid training and equipment
 - iii. suitability of areas of the premises where the products will be used
- The risk assessment and control measures identified must be documented, kept on the premises and made available for inspection to a police, fire or authorised officer upon request.

Martyn's Law

1. At all times that the premises are open to the public for licensable activities, all staff on-duty at the premises, including all door supervisors, and all on-duty managers must have completed Action Counters Terrorism (ACT) Awareness e-learning training. All training should be documented and evidence of this produced if requested by a police officer or authorised officer of the licensing authority.
2. There must be a documented security assessment, which must incorporate counter terrorism measures for the premises. The assessment shall be routinely reviewed and must be reviewed following the elevation of the change of the national threat level. All reviews shall be documented.
3. Within 28 days of the grant or variation of the licence, the premises licence holder shall evaluate any risks identified through the security assessment and take prompt steps to eliminate them or to reduce the risk as far as is reasonably practicable. A documented record must be maintained of any remedial action implemented and made available upon request to any police officer or an authorised officer of Lancaster City Council.
4. The premises must have a documented security plan, which sets out counter measures to be implemented in response to a terrorist attack that incorporates the principles of 'Guide', 'Shelter' and 'Communicate' as appropriate in conjunction with relevant National Counter Terrorism Security Office (NACTSO) / Centre for the Protection of National Infrastructure (CPNI) guidance, and the purposes of those procedures and the necessity of following them

must be understood by those carrying them out:

- Guide – Direct people towards the most appropriate location (in vacuaction, evacuation, hide)
- Shelter – Understand how your place or space might be able to lock-down and shelter people within it for several hours
- Communicate – Have a means of communicating effectively and promptly with users of your place and have staff capable of giving clear instructions. Also have the capability of integrating with any response or rescue operation by providing things like building plans.

Door Supervisors and Body-Cams

1. Door supervision must be provided on [Insert: specify days / circumstance]. Door supervisors must be on duty from [Insert: specify hours] and must remain on duty until the premises are closed and all the customers have left.
2. On [Insert: specific days and hours], at least [Insert: number] of Security Industry Authority (SIA) registered door supervisors must be on duty at the premises [Insert: either i) specify location at the premises or ii) as shown on the plan].
3. Door supervisors shall be employed at the ratio of [Insert: number] door supervisor for every 100 customers (or part thereof).
4. Door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the following factors:
 - Size of the venue
 - Expected attendance
 - Type of event taking place
 - Location of the premises
 - Time of year
 - Special occasion (New Year, Halloween, Local events etc.)
 - Premises Licence Conditions
5. At least [Insert: number] female door supervisor(s) shall be on duty at the premises at such times as door supervisors are required to be provided.
6. All door supervisors, and other persons engaged at the premises for the purpose of supervising or controlling queues or customers, must wear [insert: any or all of: high visibility jackets, vests, armbands]
7. Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company.

Body-worn video

1. On [Insert: specify days/hours], [Insert: either i) all or ii) at least [Insert: number]] of SIA registered door supervisors on duty at [Insert: either i) specify location at the premises or ii) as shown on the plan] must wear working body-worn video devices (body cams) that comply with the minimum requirements of Lancashire Police.
2. A record must be kept of the SIA registration number of the door supervisor and the ID of bodycam worn by them.
3. Bodycam images must be stored so that they are retrievable and accessible for replay and viewing and kept in an environment that will not be detrimental to the quality or capacity for future viewing. They should be appropriately labelled to enable identification and retrieval and kept for a minimum of 28 days. No recording must be deleted within this period from when it is recorded.
4. The premises licence holder must ensure at least one member of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).
5. The Designated Premises Supervisor or on-duty manager must ensure that all door supervisors on duty at the premises are correctly displaying their current SIA accreditation and are briefed on their responsibilities and relevant company operating procedures before they commence duty.
6. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.
7. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.

Emergencies

- The premises licence holder shall ensure that at all times when the public is present there is [Insert either: at least one, or an appropriate number of] competent person(s) able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.
- The premises licence holder shall ensure that at all times when the public is present there is an appropriate level of medical care for all persons present. The level of provision should be determined by a medical needs assessment.
- All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.
- All staff on duty at the premises shall be trained in the Emergency and Evacuation procedures for the premises and aware of their individual responsibilities. This includes any door supervisors. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than [Insert: specify number] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Lancaster City Council.
- The premises shall have a minimum 20m rescue throwline available on the premises for emergency use. All on-duty staff (including security) shall be knowledgeable of its location and the manufacturer's instructions for use.
- [Insert: Staff to be specified] must hold a valid Emergency First Aid at Work qualification or equivalent qualifications that complies with the relevant guidance from the Health and Safety Executive (GEIS3)
- A member(s) of staff qualified to a minimum Level 3 Certificate in First Response Emergency Care must be on duty, with appropriate medical equipment, at the premises when licensable activities are carried out [Insert: or at specified days/times]
- All door supervisors must have emergency first aid at work training.

Promotional activity

- The premises licence holder must submit to [Insert: contact details for Responsible Authority] a completed risk assessment form as prescribed at least 28 days before any event that is carried on by any person not affiliated with the venue; and promoted / advertised to the public.
- No promotional social media communication may be carried on for the purpose of encouraging the sale or supply of alcohol at the premises, which can reasonably be considered to condone, encourage or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.

Restricting alcohol sales in relation to designated special events, eg. football matches

Prior to any [Insert either: designated special event by Lancashire Police, or 'designated sporting event' (as defined in the Sporting Events Control of Alcohol Act 1985)] the premises licence holder shall ensure that:

- Alcohol sales in respect of cans of beer or cider are limited to no more than four cans per person for a minimum of four hours before the commencement of the relevant designated [Insert either: special or sporting] event
- No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated [Insert either: special or sporting] event
- Alcohol sales cease for a period of one hour immediately before the commencement of the relevant designated [Insert either: special or sporting] event
- On any day where there is a relevant designated [Insert either: special or sporting] event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated [Insert either: special or sporting] event or in the vicinity of the premises as a result of the designated [Insert either: special or sporting] event
- All members of staff working at the premises are informed of this condition prior to taking up employment
- On the day of the relevant designated [Insert either: special or sporting] event, upon the direction of a police officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed.

Use of special effects

Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used if 10 days' prior notice is given to the licensing authority where consent has not previously been given:

- Dry ice and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics, including fireworks
- Firearms (eg. Blank firing pistols)
- Lasers
- Explosives and highly flammable substances
- Real flame
- Strobe lighting.

Large events

- The Premises licence Holder must comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority.

Boxing and wrestling (including MMA and other combat sports)

The Premises licence Holder must comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority. The Plan must set out (but is not limited to):

- how fighters will be matched
- the measures that will be in place to ensure the safety and welfare of competitors; including medical facilities and qualified staff provision
- fighter details
- layout of the venue
- competition rules
- referee details including qualifications.

Adult entertainment

The premises may not show R18 films without the benefit of a sex cinema licence.

No person under the age of 18 will be permitted to enter or remain on the premises when any "relevant entertainment" (as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982) is taking place.

For reference:

- Relevant entertainment is 'Any live performance or any live display of nudity, which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- Display of nudity means: in the case of a woman - exposure of her nipples, pubic area, genitals or anus; and - in the case of a man - exposure of his public area, genitals or anus.
- The audience can consist of one person.

The Prevention of Public Nuisance

When copying the content on this page into your own document you'll need to insert certain details that are relevant for your licence. Where these are required the need for specific information is marked in brackets and leads with the word 'insert' eg: [insert: specific days and times]

Preventing noise and other public nuisances

- All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
- A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location and set at a level [insert: specify if known or approved in writing by the appropriate officer of the Council].
- The location and orientation of loudspeakers must be as specified on the attached premises plan.
- An [insert: acoustic lobby / acoustic door / acoustic curtains / acoustic door seals / automatic door closer] must be installed [insert: specify the location or define on plan].
- There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.

Alcohol deliveries

The premises licence holder shall provide the following information in writing to the licensing authority before any sale of alcohol is carried out (and notify change to this information to the licensing authority within 7 days):

- The trading name of any company that will operate under the licence
- All telephone numbers that will be used to accept orders
- The URL/website address that will be used to accept orders.

Any promotional material and/or any website home page used as part of the business operating under this licence will clearly state the premises licence number. For the avoidance of doubt, this includes flyers, leaflets and business cards promoting the business.

All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property.

Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a takeaway meal.

Smoking and other external areas

- Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area defined as [insert either: specify location / mark on plan]. No more than [insert: number] of customers will be permitted to remain in the designated smoking area at any one time.
- Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.
- No more than [insert: number] customers will be permitted to enter or remain in [insert: define outdoor area(s)] of the premises at any one time, between the hours of [specify].

Litter and cleansing

- At [insert: specify times] [insert: specify areas] outside the premises, including [insert: specify areas] must be swept and/or washed, and litter and sweepings collected and stored [insert: specify storage and collection].
- All takeaway packaging and wrappers shall clearly identify the premises, ie. by way of company logo or name.
- Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.
- Empty bottles which have been collected must be placed into locked bins when deposited outside.
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- Between the hours of [insert: specify hours] no waste/glass bottles will be moved or deposited outside.

Delivery Vehicles

- Delivery vehicles utilised by the premises will not park or wait in such a place that causes an obstruction to other road users.
- Drivers of the delivery vehicles will be informed of this requirement prior to employment or undertaking deliveries on the premises behalf, regular reminders will be provided.

The Protection of Children from Harm

When copying the content on this page into your own document you'll need to insert certain details that are relevant for your licence. Where these are required the need for specific information is marked in brackets and leads with the word 'Insert' eg: [Insert: specific days and times]

- No person under the age of [Insert: age] years of age is permitted to enter or remain on the licensed premises when alcohol is being sold or supplied.
- Where children are allowed on the premises, information shall be displayed [Insert: location] on what to do if there is a cause for concern regarding a lost child.

Preventing underage sales

- The Challenge [Insert: either 21 or 25] scheme must be operated to ensure that any person who appears to be under the age of [Insert: either 21 or 25] shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.
- The premises shall display prominent signage indicating [Insert either: at any point of sale, at the entrance to the premises, or in all areas where alcohol is located] that the Challenge [Insert: either 21 or 25] scheme is in operation.
- The premises shall display prominent signage indicating [Insert either: at any point of sale, at the entrance to the premises, or in all areas where alcohol is located] that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.
- A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within [Insert: specify days / hours or a reasonable time] of a request by an officer of a Responsible Authority.

Appendix 3 :

Scheme of Delegation

The following table sets out the delegation arrangements established under Section 10 of the Licensing Act 2003:

Matter to be dealt with	Sub-Committee	Officers
Application for Personal Licence with relevant unspent Convictions	If a Police representation made	If no Police representation made
Application for premises Licence/club premises certificate	If a representation made	If no representation made
Application for Provisional statement	If a representation made	If no representation made
Application to vary premises licence/club premises certificate	If a representation made	If no representation made
Application to vary Designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor	x	All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review Premises Licence/ club premises certificate	All cases	x
Decision on whether a complaint is irrelevant frivolous vexatious etc	x	All cases
Determination of Police objection to a Temporary event notice.	All cases	x
Determination of film classification	x	Licensing Manager in consultation with Chairman of Licensing Committee
Determination of minor variation	If a representation made	If no representation made
Disapplication of the S19 requirement to have a designated premise supervisor in Community Premise	x	All cases
Decision to object when Local Authority is a Consultee and not the relevant authority considering the application.	All cases	x

In the matter of:

LICENSING ACT 2003

FLAMES, LANCASTER

APPLICATION FOR A REVIEW OF PREMISES LICENCE

WITNESS STATEMENT OF RUDOLF COLLAKU

I, Rudolf Collaku, of 49 Denmark Street, Lancaster, LA1 5LY **WILL SAY** as follows:

1. I am a 42 year-old man who was born in Albania, but came to the United Kingdom to study in 2000. I initially stayed in London, but came to live and study in Lancaster in 2001. I studied economics at Lancaster University, where I got my degree. I have lived in Lancaster ever since, now living with my partner, [REDACTED] (who I have been with for six or seven years), and our two sons who are aged four years and two years.
2. [REDACTED] and I own and operate the takeaway called Flames and located at 1-3 Rosemary Lane, Lancaster, LA1 1NR. I have operated the premises since I first took a lease of it in or around May 2014. [REDACTED] has worked in the business for six or seven years and her contribution to the running of the business has gradually increased over that time.
3. Flames serves lots of different fast foods such as pizzas, burgers and kebabs. We trade from around 17:00 every day and usually close at around 03:00, although sometimes later if we are busy. We cater for collection and delivery and offer good value, so it is a popular place. We tend to get busy between 18:00 and 20:00, but more than half of our trade is after 00:00. Around 60-70% of our custom is delivery, but we are very popular with people on nights out. That side of the customer base is very varied, but we are particularly popular with students, who I have heard call us an "institution".

4. My main roles and responsibilities in the business are accounts and bookkeeping; recruitment, marketing; stock-keeping; and, then more hands-on jobs like taking orders, food preparation, cooking and cleaning. Nermin initially only undertook the hands on tasks like food preparation, cooking and cleaning but over time has begun to help with things like recruitment and marketing.
5. In addition to [REDACTED] (who is employed), we have three other full-time staff:
 - (i) [REDACTED] who has been with us around four and a half years. He works from the time we open to the time that we close five days each week. He normally focuses on deliveries, but does sometimes work in the kitchen too.
 - (ii) [REDACTED] who has been with us around eighteen months. He also works five days each week from the time we open to the time that we close. He mainly works in the kitchen, but can help out on deliveries when he is needed.
 - (iii) [REDACTED] who has been with us for five or six years. Like the others, he works five days each week from the time we open to the time that we close. He works in the shop, taking orders, preparing food, cooking and cleaning.
6. As with all licensed premises, we have had minor issues over the years, but our most serious ones have concerned immigration. As outlined in the Review Pack, we have been subject to a number of visits, which have resulted in combined fines totalling £110,000. I have recently agreed a payment plan relating to the fines which means I have to pay £2,000 each month by direct debit.
7. I do not have any justification for the offences I have committed relating to immigration. I did not appreciate the seriousness of the issues, I was naïve, I was stupid, and I regret my actions. I believed people when they told me they had documents when I should have insisted on seeing them, and I trusted people when I should have taken responsibility myself. I cannot undo what I have done but I wish I could.

8. Whilst I accept most of what is outlined in the Review Pack, I do not accept some of the allegations from the Police. In particular, I would comment as follows:
- (i) The allegations relating to labour exploitation in March 2019 were entirely false. They came from my cousin's wife when their marriage broke down, were malicious, and were extremely distressing for me. I was arrested and investigated but in the end was not charged with anything because I was not guilty of anything. The money that was in the safe was not unusual – it was at a time when the vast majority of our customers paid in cash. In hindsight it would have been better practice to bank the cash more often, but there was nothing untoward about it being there.
 - (ii) I accept that the parking can be an issue. Drivers can be difficult to control but we do what we can to stop them parking there. I do believe that the situation has been improved significantly since the Community Protection Warning letter was served.
 - (iii) I have very little recollection about the incident in June 2022 which the representation from the Police says related to modern slavery. I do not believe I was ever interviewed in relation to any such allegations and am sure I would have remembered if anybody questioned me about something like modern slavery.
9. Home Office Immigration Enforcement say in the Review Pack that the last time they visited was in May 2024. That is not accurate. They also visited in July 2024, as evidenced by the Notice to Occupier at Annex 1 to this Statement. On that visit they found that I was fully compliant with the terms of the Illegal Working Compliance Order. They told me that everything was in order and they said “well done” and “keep it that way”.
10. Whilst, as I have explained, I have no excuse for the offences relating to immigration that I committed, it is not the case that I have not improved things at the premises, which is what Home Office Immigration Enforcement and the Police seem to be saying. The Compliance Order imposed conditions, I have complied with those conditions and as a result, everything was as it should be the next time that Home Office Immigration Enforcement visited my premises. I have included Right to Work checks for each of my current staff at Annex 2 by way of illustration.

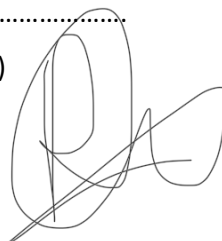
11. I have been advised of the options that are available to the Committee and I am aware that both Home Office Immigration Enforcement and the Police have requested that the licence is revoked. I do not believe this would be the most appropriate outcome.
12. Whilst I acknowledge that I have done wrong, I have also been punished significantly. I have some substantial fines that I fully intend to pay and in reality they are big fines that involve paying life-changing sums of money. That will hurt me and my family significantly, but I am accepting it and I understand why such penalties exist. Without diminishing what I have done wrong, I genuinely think that to revoke the licence as well would be going too far.
13. If the licence is revoked then I will not have an income. [REDACTED] and I do not have other work so we and our sons are reliant on Flames for income. Without a licence, the business would not survive and it is very possible that the fines would result in me becoming bankrupt. The fines could then not be repaid, my family would be without an income and so would the other staff members who the business supports.
14. I beg the committee to give me another chance so that the business can be saved, I can repay the fines that I owe, and I can show the authorities that I can be trusted to carry on operating compliantly. In doing so, I fully accept that this would be my very last chance.

I believe that the facts stated in this witness statement are true.

Signed:

.....

(Rudolf Collaku)



Dated:

.....

APPENDIX 1



Immigration Enforcement

REF: EV15-954,740

Notice to Occupier

Address of Premises: FLAMES, 12 ROSEMARY LANE, LANCASTER, LAINE

* Informed consent
I hereby consent to Immigration Officers and Police Officers and entering and searching the above-named premises for on

I am aware of the extent of the proposed search and if, in the course of conducting the above search, criminal activity is found or a breach of immigration law is suspected, enforcement action may be taken. Enforcement action may include the seizure of property which may be used as evidence of an offence and may include the arrest of any person suspected of committing offences or breaching immigration law.

I can confirm that I am entitled to grant consent to enter and that informed consent has been fully explained to me in a language I understand. I understand that I am not obliged to provide consent and that my consent can be withdrawn at any time.

Signature: Date: Name: Over 18 YES NO Status relative to premises:

* STATUTORY POWER UNDER WHICH SEARCH WAS MADE (WITH WARRANT)
Warrant (copy attached) issued under Paragraph / Section of Date granted by

* STATUTORY POWER UNDER WHICH SEARCH WAS MADE (WITHOUT WARRANT)
Paragraph / Section 5 of SCHEDULE 6 IMMIGRATION ACT 2016
Some of these powers require written authority of a Chief Immigration Officer or above, which will normally be recorded at 1 below. This notice will show at 2 if authority has been recorded elsewhere.

1. Recording on this notice
I hereby authorise the search of the above-named premises.
Signature: Date / Time Name: Rank
2. Recorded elsewhere
Where authority recorded: ILLEGAL WORKING COMPLIANCE ORDER
By whom (name / rank): WARRINGTON MAGISTRATE'S COURT
Date / Time recorded: 23/05/2024

Entry forced: YES NO
Authorised by:
Damage: YES NO If Yes, record full details and take photographs.
Premises Secured YES NO

Officer in charge of search
Name: IO S WRIGHT 19652
Office: NORTH WEST ICE
Address: CAPITAL BUILDING, LIVERPOOL, L39PP
Date: 24/07/2024
Time of entry: 1951 Hrs Time of Departure: Hrs

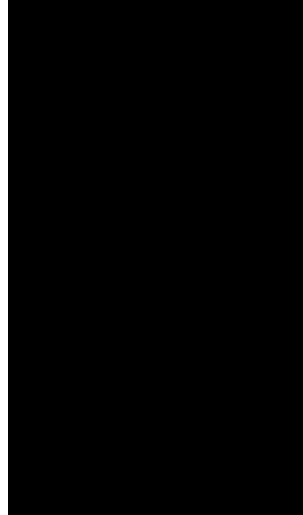
* Delete as applicable

APPENDIX 2

17:00



Right to work



Rotate ↻



They can work in the UK.

Details

They can work in any job.

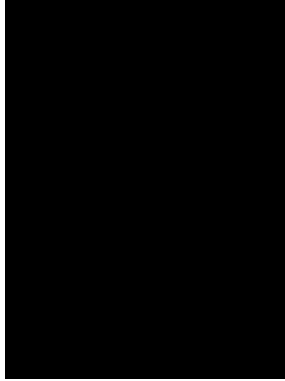
▶ [Legal basis of status](#)

If you employ this person

To [avoid a penalty](#), you must:

- check this looks like the person you meet face to face or by video call
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after

Right to work



Rotate ↻



They can work in the UK.

Details

They can work in any job.

▶ [Legal basis of status](#)

If you employ this person

To [avoid a penalty](#), you must:

- check this looks like the person you meet face to face or by video call
- keep a secure copy of this online check (either electronically or in hard copy) for the duration of the

AA

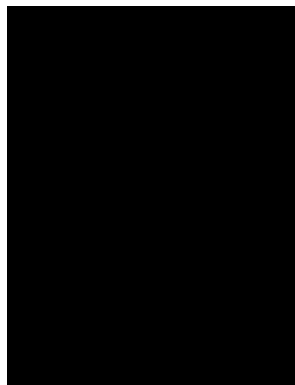
right-to-work.service.gov.uk



16:54

37

Right to work



Rotate ↻



They can work in the UK.

Details

They can work in any job.

▶ [Legal basis of status](#)

If you employ this person

To [avoid a penalty](#), you must:

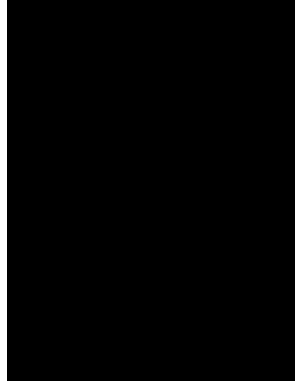
- check this looks like the person you meet face to face or by video call
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after

AA

right-to-work.service.gov.uk



Right to work



Rotate ↻



They can work in the UK.

Details

They can work in any job.

▶ **Legal basis of status**

If you employ this person

To [avoid a penalty](#), you must:

- check this looks like the person you meet face to face or by video call
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the