

CASTLE STONE GRILL AND KEBABISH, 23 CASTLE HILL, LANCASTER

APPLICATION TO TRANSFER PREMISES LICENCE

DECISION NOTICE OF LICENSING ACT SUB-COMMITTEE

FRIDAY 29TH SEPTEMBER 2017

The Sub-Committee comprised of Councillor Alan Biddulph (Chairman), Councillor Sam Armstrong and Councillor June Ashworth.

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Jane Glenton, Democratic Services.

An application had been made under section 42 of the Licensing Act 2003 to transfer the premises licence for Castle Stone Grill and Kebabish, 23 Castle Hill, Lancaster to Mr Nazrul Islam Khan

Home Office immigration enforcement, on behalf of the Secretary of State, had submitted an objection to the application by giving a Notice under section 42(6) and (8) of the Licensing Act 2003.

The Home Office were not present and submitted no further paperwork to support their case.

The applicant was present and was accompanied by Mr Shiraz Bapu.

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

David Eglin, Licensing Officer, introduced the report, and stated that the application had been for the transfer to have immediate effect from the date of application and therefore Mr Khan was currently the premises licence holder pending the outcome of the hearing.

Mr Khan then presented the applicant's case and Mr Bapu helped answer questions.

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

DECISION

The Sub-Committee has noted that the application relates to the transfer of the premises licence for Castle Stone Grill and Kebabish to Mr Nazrul Islam Khan.

The Sub-Committee have to consider whether the exceptional circumstances surrounding the transfer are such that the transfer will be prejudicial to the prevention of illegal working.

The Sub-Committee has carefully considered all the written information before it and all

the representations and views expressed at the hearing by the applicant.

The Sub-Committee are of the view that transferring the licence to Mr Khan is appropriate and the transfer is unlikely to be prejudicial to the prevention of illegal working.

The Sub-Committee has to make a decision that is evidence based.

There is no evidence before this Sub-Committee to suggest that Mr Khan is, or has ever been, intentionally involved with employing illegal workers.

In 2015 Mr Kahn appears to have had a civil penalty issued against him when he was manager of another premises. This was due to an illegal worker being found on the premises at the time.

However, the Sub-Committee accept that this was due to an oversight surrounding paperwork rather than a deliberate act.

The Sub-Committee cannot therefore find any exceptional circumstances in this case to prevent the transfer.

The transfer is therefore granted.

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

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

Councillor Alan Biddulph (Chairman)

**Any queries regarding these Minutes, please contact
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jglenton@lancaster.gov.uk**