

**LICENSING SUB-
COMMITTEE**

10.00 A.M.

10TH SEPTEMBER 2024

1 LICENSING ACT 2003 PREMISE LICENCE REVIEW - FLAMES, 1-3 ROSEMARY LANE, LANCASTER, LA1 1NR - DETERMINATION OF APPLICATION FOR THE REVIEW OF THE PREMISES LICENCE

The Sub-Committee comprised of Councillor Sally Maddocks (Chair), Councillor Martin Bottoms and Councillor Margaret Pattison.

The Legal Adviser was Daniel Spencer, Solicitor.

The Democratic Support Officer was Sarah Moorghen.

The Sub-Committee was requested to consider an application from Home Office Immigration Enforcement for the review of a premise licence of a takeaway licensed for the provision of late-night refreshment, under Section 51 of the Licensing Act 2003. The application related to Flames, 1-3 Rosemary Lane, Lancaster LA1 1NR, The Licence Holder is Mr Rudolf Collaku.

During the statutory 28-day consultation period a further representation was received from the Chief Officer of Lancashire Constabulary represented by PC 2338 Andrew Taylor in support of the applicant.

Home Office Immigration Enforcement Officers Mr Josh Johns was in attendance, as was PC Andrew Taylor on behalf of Lancashire Constabulary.

Mr Rudolf Collaku was also in attendance together with his Solicitor Mr Malcolm Ireland from Harrison Drury Solicitors and Mr Ben Williams as Counsel.

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

The Licensing Officer, David Eglin, introduced the report.

Mr Johns, Home Officer Immigration Enforcement Officer introduced the applicant's case.

PC Taylor made representations in support of the applicant's case.

Mr Williams presented the premise license holder's case.

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

DECISION

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

The Sub-Committee has noted that the application relates to a review of the premises licence for Flames, 1-3 Rosemary Lane, Lancaster LA1 1NR.

The Sub-Committee has noted the concerns of the Home Officer Immigration Enforcement Officers, and the Police relate to the persistent failure of the premises licence holder to comply with immigration laws. The premises had been visited on five occasions between October 2022 and May 2024 by Home Office Immigration Enforcement Officers where illegal working has been a constant issue, with six illegal workers have been encountered. Enforcement Officers have served a closure notice and Civil Penalties totalling £110,000 have been issued to the business.

The Sub-Committee also took note of the representations made by PC Taylor who provided supporting evidence of illegal workers at the premises and breaches of the conditions within their premises licence. He also outlined complaints and concerns relating to Modern Slavery and issues concerning lack of door staff and nuisance parking outside the premises.

The Sub-Committee has taken note of the witness statement of the premises licence holder Rudolf Collaku and the representations made on his behalf during the hearing. The Committee have noted that all current employees at the premises have the right to work in at the premises, that he has started making payments to the Civil Penalty Order in the sum of £2000 per month, with the first payment being made at the beginning of September 2024. Furthermore, the Sub Committee noted that the most recent visit by the Home Office Immigration Enforcement officers was on the 24th July 2024 when all workers present at the premises had the right to work at the premises; however not all the required paperwork was present on site as required but has since been obtained and was included with a statement by the licence holder and provided to the Sub-Committee.

The Sub-Committee considered the Councils own Statement of Licensing Policy, the Home Office s.182 guidance and its guidance on preventing illegal working in licenced premises and the Home Office role as a responsible authority in England and Wales. They also considered the guidance identified by Counsel for the Licence Holder on illegal working in Licenced Premises

The Sub-Committee is very concerned that the premises licence holder has repeatedly breached Immigration law by employing illegal workers. This has not been a one-off incident, with successive visits showing similar breaches, which indicated a complete disregard to Immigration Law at that time. As a result of these repeated failings the premises licence holder has been issued with three separate Civil Penalty Orders. The premises licence holder has only recently started making repayments on one of the penalties that had been referred to a 3rd party debt collecting agency following several reminders from Immigration Services and no response received.

The Sub-Committee is also concerned that the premises has shown a history of breaching its licence conditions in relation to the provision of SIA registered door-staff, and management of CCTV. Furthermore, the premises has demonstrated its inability to effectively manage parking outside its premises by delivery drivers, which could cause a nuisance or result in a danger to the public.

The Sub-Committee are of the view that the premises licence holder appears to have little regard to the licensing objectives and in particular that of the prevention of crime and disorder. It is the Sub-Committees decision that it is both appropriate and proportionate in

all the circumstances for the promotion of the licensing objectives to revoke the premises licence.

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal against this decision within 21 days from receiving this written decision. The revocation will not therefore take effect until the day following the time for appeal, or if the decision is appealed against, the revocation takes effect on the day after the appeal is disposed of if the appeal is unsuccessful.

(The meeting ended at 12.50 p.m.)

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