

**LICENSING SUB-
COMMITTEE**

10.30 A.M.

5TH MARCH 2026

6 LICENSING ACT 2003 - PREMISE LICENCE REVIEW - BOMBAY BALTI RESTAURANT - CHINA STREET, LANCASTER, LA1 1EX - 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 Licensing Officers were Matthew Richardson and Sarah Jones.

The Sub-Committee was requested to consider an application from Home Office Immigration Enforcement for the review of a premises licence under Section 51 of the Licensing Act 2003. The application related to Bombay Balti Restaurant, 16 China Street, Lancaster LA1 1EX. The premises is licensed for the supply of alcohol for consumption on the premises only.

The grounds for the review were based on the prevention of crime and disorder licensing objective, following evidence of illegal working at the premises identified during enforcement visits in 2015, 2018, 2021 and 2025.

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

Licensing Officer, Matthew Richardson, introduced the report.

Kevin Martindale, Home Office Immigration Officer, presented the applicant's case. He summarised his objections as per the reports pack provided with the objections. He outlined a long enforcement history at the premises including visits in 2015, 2018, 2021 and 28th February 2025. On each visit at least one individual was identified as working illegally. Civil penalties totalling £85,000 were issued to companies associated with the operation of the premises; most remain unpaid because successive companies were dissolved or placed into liquidation. The workers admitted to receiving low rates of pay or working for food, indication exploitation.

The applicant submitted that the licence holder and/or those managing the business repeatedly failed to conduct statutory right-to-work checks and that previous enforcement penalties had not secured compliance. There is clear evidence of illegal working in breach of the crime and prevention objective. They contended that merely imposing additional conditions would be insufficient and invited the Sub-Committee to revoke the licence.

No other responsible authorities or other persons made representations during the statutory consultation.

The premises license holder Zakia -El-Mahnail was present and presented her case. She stated that she is the new owner of the company Bombay LA1 Ltd, which was set up on

the 16th June 2025, she is the sole director. She accepted that she was working at the premises at the time of the last immigration visit. She states she has learnt from that experience. There are no illegal workers at the premises now. Recently someone had wanted to be employed at the premises, and she did the right to work checks online and as they didn't have permission she refused to employ him. She also confirms that staff are paid via bank transactions as opposed to cash. In relation to the right to work checks, she conducts these along with another person. Mr Khan no longer deals with this side of things. Mr Khan is still involved in the business, he is the DPS and he does the front of house and is also a chef. She describes her role as looking after the staff and making sure that everything is legal. She also deals with orders for stock. She is new to business and this is a new start and a blank page.

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) take no action

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. It has had regard to the Licensing Act 2003, the Secretary of State's Guidance issued under section 182, and the Council's Statement of Licensing Policy.

The Sub-Committee notes the application relates to a review of the premises licence for Bombay Balti Restaurant. It has particular regard to the prevention of crime and disorder licensing objective.

The Sub-Committee finds as facts that: (i) illegal working was identified on multiple enforcement visits (2015, 2018, 2021 and 2025); (ii) civil penalties amounting in total to £85,000 were issued and remain unpaid due to insolvency or dissolution of operating companies; (iii) workers were engaged without lawful right-to-work checks; and (iv) cash-in-hand payments and the absence of employee records were evidenced. It further notes that the premises was made subject to a closure notice and subsequent compliance order in August 2021.

The Sub-Committee is satisfied that there has been a persistent and serious pattern of conduct that undermines the prevention of crime and disorder objective. Paragraphs 11.27–11.28 of the section 182 Guidance make clear that knowingly employing persons who are unlawfully in the UK or who cannot lawfully be employed should be treated particularly seriously and that revocation should be seriously considered even on a first review.

The Sub-Committee is concerned about the history of illegal workers being employed at the premises; however, have decided that on this occasion, the licensing objectives can be promoted through a stringent package of conditions which will address the identified risks, provide transparency and allow for ongoing scrutiny and enforcement.

Furthermore, the Sub-Committee has decided that it is necessary to remove Mr Nazrul Khan as the Designated Premises Supervisor (DPS). There is clear evidence that whilst acting as the DPS, illegal workers have been employed at the premises and it is necessary for the promotion of the licensing objectives that he is removed as the DPS. In reaching this decision it has taken into account the licence holder's stated willingness to comply, and her representations that as the new owner of the premises she is making a clean start with the business.

The decision of the Sub-Committee is to remove Mr Nazrul Khan as the Designated Premises Supervisor and the premises licence is to be MODIFIED to include the following additional conditions:

Right to work Checks

The premises licence holder must ensure that any person/individual working on the premises has a right to work check completed prior to commencement of their employment.

Copies of right to work documents must be retained by the premises licence holder as a result of conducting checks relating to an employee right to work. The documents will be stored securely on the premises.

Right to work documents must be made available to Home Office Immigration Officers and any other authorised officers at all times upon request. The premises licence holder must not employ a person or individual who does not have the right to work in the UK.

CCTV

The premises shall install a CCTV system within 1 month of the Sub-Committee Hearing held on 5th March 2026. 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.
- 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.
- 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).

Challenge 25

The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 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 at the entrance to the premises and in all areas where alcohol is located that the Challenge 25 scheme is in operation.

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 to authorised officers.

Subject to the above conditions, the premises licence shall continue in force. The Sub-Committee considers these conditions to be appropriate and proportionate to promote the licensing objectives. With regards to the installation of CCTV the Sub-Committee have decided to allow 28 days from the date of the decision for the equipment to be installed and be operational.

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

Chair

(The meeting ended at 11.30 a.m.)

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