

LICENSING ACT SUB COMMITTEE

LICENSING ACT 2003

PREMISE LICENCE REVIEW

AROMA CHEF, 30 MARKET STREET, LANCASTER, LA1 1HT

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

18th November 2025

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 Aroma Chef, 30 Market Street, Lancaster, LA1 1HT.
--

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 Aroma Chef, 30 Market Street, Lancaster, LA1 1HT.

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 Aroma Chef is attached at **Appendix No.2**. This licence was granted to the premises on 15th February 2016 and details the following licensable activities: -

- Late Night Refreshment (Indoors)

Monday – Sunday 23:00 hours to 02:00 hours

- Supply of alcohol for consumption ON the premises

Monday – Sunday 12:00 hours to 02:00 hours

- 1.5 The premises licence was transferred under Section 42 of the Licensing Act 2003 to the incumbent licence holder, Mr Andy Wei Xia, on 30th September 2020.
- 1.6 In accordance with the relevant Regulations, all 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 29th September 2025 and concluded on 27th October 2025 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 no further representation was received from responsible authorities or any other persons.
- 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 On 30 January 2025, Northwest ICE visited Aroma Chef, 30 Market Street, Lancaster, Lancashire, LA1 1HT, after intelligence was received the premises was employing illegal workers. During the enforcement visit 7 individuals were encountered, with 3 having no legal right-to-work.
- 3.3 Aroma Chef Lancaster Limited was issued a civil penalty of £120,000 in March 2025, for employing three individuals who held no right-to-work within the UK. A payment plan has been arranged, with the first instalment paid on 21 May 2025. A total of £16,666.80 has been paid so far. The current outstanding balance as of 29 September 2025 is £103,333.20.
- 3.4 Home Office Immigration Enforcement service are satisfied that activities undertaken at Aroma Chef involving illegal workers and employment practices are clearly prejudicial to the prevention of immigration crime including illegal working.
- 3.5 Immigration Enforcement has submitted that the license holder and designated premises supervisor repeatedly failed to conduct right to work checks prior to commencing employment and therefore Immigration Enforcement suggests that the premises licence is revoked. Merely remedying the existing situation (for instance by the imposition of additional conditions or a different DPS), is insufficient to act as a

deterrent to the licence holder and individuals involved in the management of the business from employing workers that lack the relevant permission to work in the UK.

- 3.6 Home Office Immigration have been invited to attend the Licensing Sub-Committee to present their evidence and answer any member questions.

4.0 Government Guidance under Section 182 of the Licensing Act 2003 in relation to a review hearing following a representation involving Crime and Disorder

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.

4.5 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.

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

5.1 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.5** 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.

The application for review of Aroma Chef by Home Office Immigration Enforcement satisfies one or more of these triggers.

5.2 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.

Home Office Immigration have provided evidence in support of the review.

6.0 **Options for Members to consider**

1. Revoke the premises licence in full.
2. Remove the Designated Premises Supervisor (DPS)
3. Suspend the premises licence for a period of up to 3 months.
4. Modify or include additional conditions.
5. Leave the premises licence intact.

Members should provide full and detailed reasons for their decisions.

7.0 Conclusion

- 7.1 Members are requested to consider the application from Home Office Immigration Enforcement for the review of the premise licence of Aroma Chef, 30 Market Steet, Lancaster. A restaurant and take-away licensed for the provision of late-night refreshment/supply of alcohol.
- 7.2 Members of the Sub-Committee are asked to consider representations made by the applicant, information provided by the premises licence holder, their representative and any information provided during the hearing.
- 7.3 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: Sarah Jones

Telephone: 01524 582033

E-mail: sljones@lancaster.gov.uk

Ref: SLJ/AROMA