



Food, Health and Safety Team
 Aquila House, Breeds Place
 Hastings, East Sussex TN34 3UY

Please quote:
 Your reference:
 Date: 31st March 2014
 Please ask for: Sally Nicholls
 Telephone direct: 01424 783231
 E-mail: snicholls@hastings.gov.uk
 Web: www.hastings.gov.uk/environment_planning/health_safety_hygiene/

Mr B Brown
 Licensing Manager
 Environment & Safety Director
 4th Floor Aquila House
 Breeds Place
 Hastings TN32 3UY

Dear Mr Brown,

**Re: Application for Grant of a Variation of a Premises Licence under the Licensing Act 2003
 Spice Rock, 43 White Rock, Hastings, East Sussex, TN34 1JL**

I would like to make representations and comment on the plans for the above premises and variation of the licence.

I have visited the premises with my colleague Peter Smith, to discuss the proposals with Mr S Rahman.

The variation to the licence refers to inclusion of the first floor of the premises. According to the plans submitted by Mr Rahman there are approximately 90 covers in the restaurant, 40 on the ground floor and 50 covers on the first floor.

I have concerns regarding the suitability of the facilities proposed for the premises, especially the kitchen size and layout. This is likely to be compounded by the high number of covers, especially the additional ones on the first floor.

The following issues may impact the licensing objective of public safety:

- There is insufficient food preparation area in the kitchen. Recent guidance issued by the Food Standards Agency in relation to the minimization of cross contamination from E.coli requires separation of raw and ready to eat areas as the only reliable way to control cross contamination. The kitchen size and layout does not allow for this separation and I am concerned that the same area will be used for both functions.
- There is insufficient wash up facilities for 90 covers. The applicant has advised that he is not intending to install a commercial dishwasher. He is instead installing a double sink with drainer on one side. One bowl in this double sink unit is intended to be used for wash up and the second bowl is intended to be used for food washing and prep. A restaurant serving up to 90 covers will generate a large amount of washing up, including pots, pans, other catering equipment, crockery, cutlery etc. A single sink with drainer will not provide sufficient space to carry out this level of washing up. My concern is that the second bowl (designated for food washing and prep) will invariably end up being used for washing up which is contrary to current guidance and increases the risk of cross contamination. A third sink needs to be installed to carry out the wash up function properly and allow proper cleaning and sanitising of all equipment while minimising cross contamination issues. The wash up sinks are also located directly next to the food prep table which may again cause cross contamination issues through splashing of dirty, contaminated water onto food.
- The plan of the kitchen illustrates only 3 fridges to be located in the food storage area at the rear of the premises. Again a restaurant with 90 covers will need adequate refrigerated storage provision with



raw and cooked foods being stored separately to avoid cross contamination. There is no mention of freezer space on the ground floor plan.

- Mr Rahman indicated that the basement would be used for the storage of dried goods and possibly freezer and additional fridge storage. The cellar is not suitable for use as a food room and therefore for the storage of food. No dried goods, ambient food (tinned etc) fridges or freezers should be located in this area unless it is tanked properly and made waterproof. Access to the basement is via a trapdoor in the customer seating area on the ground floor. This may cause issues with health and safety if access is required during service.
- The premises back directly onto the cliffs. This area is known to have significant pest activity, particularly rats and cockroaches. The premises will attract these pests if not kept scrupulously clean and if waste is allowed to accumulate. The applicant had problems at his previous premises with pests due to dirty conditions, a lack of pest control checks and poor proofing measures. These must be sorted out before opening and an ongoing contract be taken to prevent pest problems if they arise. I would also recommend that the waste contract for the businesses be reviewed to ensure that collections are of sufficient regularity to avoid pest issues.

Until recently Mr Rahman was the Food Business Operator of Hastings Indian Cuisine, 177a Queens Road, Hastings. Officers from the food team carried out a routine food hygiene inspection at this premises on the 19th February 2013. The premises were found to be in a filthy condition with a severe infestation of rats which posed an imminent risk to public health under food safety legislation. It was closed using emergency prohibition powers preventing the use of the premises as a food business. Evidence was presented to Hastings Magistrates Court on the 22nd February to confirm the measures taken and an Emergency Hygiene Prohibition Order was granted. A successful prosecution was taken against Mr Rahman on the 29th January 2014 at Hastings Magistrates Court for food hygiene offences from that inspection. In August 2012 Mr Rahman agreed to a voluntary closure after a complaint was received by the team. It was found that the premises was filthy and had no hot water for cleaning or hand washing. The premises have been inspected on a number of occasions since and continuing poor standards have been identified. This premises has now ceased trading.

In conclusion it is my opinion that the kitchen is of insufficient size and has a poor layout and workflow. He plans for the premises are likely to cause issues from a food safety point of view. There are many areas where cross contamination may occur and the addition of an extra 50 covers on the first floor will exacerbate the issues.

I would recommend the addition of certain requirements to the licence conditions:

The proprietor must engage a competent pest control company before opening to advise on required pest proofing measures and set up an ongoing pest control contract to monitor and treat any pest activity.

An additional deep sink must be installed if a commercial dishwasher is not made available.

The basement must not be used as a food store.

Additional food Preparation space should be designed into the kitchen to ensure separation of raw and ready to eat foods.

Refuse collections from the business should be of sufficient frequency to ensure there is no build up of refuse, which would attract pests to the premises.

Should you require further clarification on any of the points mentioned please contact me.

Yours Sincerely,

Signed S Nicholls

Sally Nicholls
Principal Environmental Health Officer – Food Safety



INVESTOR IN PEOPLE

D G Prichard OBE, QFSM, CDir
Chief Fire Officer & Chief Executive

East Sussex Fire & Rescue Service
Hastings Borough Fire Safety Office
Bohemia Road
Hastings
East Sussex
TN34 1EX

Tel: 01323 462133

Switchboard: 0303 999 1000

Fax: 01424 420040

E-mail: hastings.firesafety@esfrs.org

In the case of emergency please dial 999

Mr Bob Brown
Licensing Manager
Aquila House
Breeds Place
HASTINGS
TN34 3UY

31 March 2014

please ask for
Craig Williams
craig.williams@esfrs.org

our ref
CW/KB/202298

your ref
N/A

Dear Sir

LEGISLATION: LICENSING ACT 2003
PREMISES: SPICE ROCK INDIAN RESTAURANT, 43 WHITE ROCK, HASTINGS TN37 6RT

With reference to the application dated 25 February 2014 concerning the above-mentioned premises, the application has been examined and **the Fire Authority wish to make a representation** to the Licensing Committee that the public safety objective of the Licensing Act has not been adequately addressed.

The applicant has been informed that the Fire Authority will be making a representation to the Licensing Committee.

It is the opinion of the Fire Authority that occupancy figures cannot exceed 60 persons (inclusive of staff) within the premises due to the following factors relating to Public Safety:

Following a visit to the premises on 20 March 2014 clarification was requested in writing with respect to the following area:

Means of Escape

The passageway and external escape stair should provide half hour separation, the applicant has not provided any evidence to indicate the windows and doors provide this as requested. It was noted these consist of double glazed units with plastic surrounds and fascia's.

Additionally the following conditions in the premises limit occupancy

Doors fitted on the escape routes open inwards and as such cannot accommodate more than 60 persons(inclusive of staff) within the premises.

Plans provided at the initial application stage indicated two entrance doors to the premises. Additional information and updated plans now indicate only one exit is available which leads to a place of ultimate safety. This limits occupancy figures to 60 (inclusive of staff)

A meeting took place with the applicant on the premises on 20 March 2014 and these items were discussed and reasons justified. The Fire Authority therefore to ensure Public Safety objectives are achieved wish to make representation to apply a condition to the application limiting occupancy figures to 60 (inclusive of staff).

Please advise us, at your earliest convenience, the date and time of the Licensing Committee hearing.

Should you require further advice or clarification, please do not hesitate to contact a Fire Safety Inspector at the above address.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'A. Jones'.

**FIRE SAFETY INSPECTOR
FOR CHIEF FIRE OFFICER & CHIEF EXECUTIVE**



Sussex Police
Serving Sussex

www.sussex.police.uk

Hastings District.

13th March 2014.

Licensing Manager
Environment and Safety Directorate
Aquila House
Breeds Place
Hastings
East Sussex
TN34 3UY.

Dear Mr. Brown,

**RE: APPLICATION FOR THE GRANT OF A VARIATION OF A PREMISES LICENCE UNDER THE
LICENSING ACT 2003.**

Spice Rock 43 White Rock Hastings East Sussex TN34 1JL.

As the District Commander for Hastings, I write on behalf of the Chief Officer of Police for Sussex, in response to an application for the variation of a premises licence. The application submitted by Mr. Siddiqur Rahman and Mr. Ridwanur Rahman concerning Spice Rock, 43 White Rock, Hastings East Sussex. TN34 1JL.

Anthony Masters (Sussex Police Licensing Officer) met with Mr. Siddiqur Rahman with regard to the business intended to be conducted and the operating procedures to be adopted.

The premises which were previously a public house, The Smugglers, have been substantially refurbished into a restaurant which will specialise in Indian cuisine. The premises will operate over two floors providing for a maximum of forty covers on the ground floor and fifty covers on the first floor.

The premises currently have a premises licence for the licensable activities, supply of alcohol, indoor sporting events, live music, recorded music and dancing. The current premises licence is for the ground floor only but the variation asks for the inclusion of the first floor for licensable activities.

The premises licence permits the licensable activities during the following periods:-

Films, indoor sporting events, making music, dancing and the supply of alcohol.

Monday – Saturday	10:00hrs – 02:00hrs	Sunday	11:00hrs – 02:00hrs
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Live music and recorded music.

Monday – Saturday	10:00hrs – 00:00hrs	Sunday	11:00hrs – 00:00hrs
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There are a number of seasonal variations to the core times.

The supply of alcohol, as specified in the current premises licence, is for consumption both on and off the premises.

Hastings Police Station

Bohemia Road Hastings East Sussex. TN34 1JJ

Telephone: 101 | Ext. 560221

The application to vary the premises licence is made under Section 34 of the Licensing Act 2003. The variation to add the licensable activity of provision of late night refreshment, to include takeaway and home delivery.
Monday – Sunday 23:00hrs – 02:00hrs.

In addition the variation seeks to remove a number of conditions in Annex 2 of the premises licence. The conditions requested to be removed are covered either by legislation, mandatory conditions or conditions proposed and accepted by the applicant. Sussex Police make no representation concerning the removal of these conditions.

In order to support the licensing objectives prevention of crime and disorder, protection of children from harm and to take account of the new business plan for the premises, Sussex Police proposed a number of conditions that were accepted by the applicant:-

- The premises will not conduct over the bar sales of alcohol.
- Alcohol will only be sold /supplied on the premises to persons seated at a table by waiter / waitress service.
- A 'Challenge 25' policy be adopted and only photographic ID such as a passport, driving licence, proof of age standards scheme (PASS) cards and citizen cards be acceptable. Staff are to be trained to request the appropriate ID from anyone who appears to be under the age of 25 years, and that alcoholic drinks are refused unless that ID is produced.
- A refusals register shall be kept near the point of sale and all refusals shall be recorded. The DPS shall take responsibility for training staff in the use of the register and will regularly check to ensure entries are being made. The register will be made available to representatives of Sussex Police or Licensing Authority when requested.
- Alcohol will only be sold / supplied in a sealed container as part of a takeaway / home delivery meal. The minimum cost of a food order, before alcohol is supplied, for takeaway being five pounds (£5) and for home delivery being ten pounds (£10).
- No food or alcohol will be delivered to anywhere other than a recognisable permanent business or residential address.
- Concerning the supply of alcohol as a result of telephone/internet sales (ancillary to a takeaway / home delivery meal):
 1. Each delivery to be signed for as proof of receipt and by whom. The delivery driver to make the requirement for the production of the appropriate photographic identification. If persons believed to be under 25 years of age, courier drivers will refuse to deliver the alcohol order unless suitable proof of age / identity is produced at time of delivery.
 2. The web site used for advertising and accepting orders shall promote responsible drinking and clearly explain possible offences of buying alcohol for a person under 18 years of age, and purchasing alcohol when aged under 18 years.
 3. Customers who placed an order either by telephone / internet are to be advised of the delivery procedure.

Sussex Police at this time have no grounds under the Licensing Act 2003 with which to object and therefore ask that consideration be given to the recommendations above and in addition to the steps intended to be taken by the applicant be transferred onto the premises licence, if granted, as conditions.

Yours sincerely,



Paul Phelps
Chief Inspector
District Commander, Hastings