

Public Document Pack
Licensing Sub Committee Agenda

Friday, 24 January 2020 at 10.00 am

Muriel Matters House, Breeds Place, Hastings TN34 3UY

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Members of the Licensing Sub Committee to sit on this hearing are:		
Councillors O'Callaghan, Patmore and Roberts with Councillor Cox in reserve.		
1.	Appointment of Chair for this Meeting	
2.	Apologies for absence	
3.	Minutes of previous meeting	1 - 4
4.	Declarations of Interest	
5.	Notification of Additional Urgent Items	
PROCEDURAL NOTE - Licensing Review		
6.	Review of Premises licence. Ocean Spice, 43 White Rock, Hastings	7 - 84
7.	Additional urgent items (if any)	

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Agenda Item 3 Public Document Pack

LICENSING SUB COMMITTEE

27 SEPTEMBER 2018

Present: Councillors Sinden, Roberts, Patmore and O'Callaghan

34. APPOINTMENT OF CHAIR FOR THIS MEETING

In accordance with the terms of reference of the Licensing Committee, the Chief Legal Officer invited nominations for the appointment of Chair for the duration of the meeting. Councillor Patmore moved that Councillor Roberts should take the Chair. This was seconded by Councillor Sinden.

RESOLVED (unanimously) that Councillor Roberts be appointed as Chair for the duration of the meeting.

35. APOLOGIES FOR ABSENCE

None.

36. DECLARATIONS OF INTEREST

None.

37. NOTIFICATION OF ADDITIONAL URGENT ITEMS

None.

38. APPLICATION FOR A PREMISES LICENCE WITH REPRESENTATIONS: EBENEZER'S, 20 NORMAN ROAD, ST. LEONARDS ON SEA

Councillor Roberts set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice).

The Licensing Manager, Mr Brown, presented the report of the Assistant Director of Environment and Place in respect of an application made on 9th August for a premises licence for Ebenezer's, 20 Norman Road, St. Leonards on Sea.

The premises does not hold a licence under the Licensing Act 2003 and currently operates as a convenience store.

The application requests the following hours:

- To have supply of alcohol for "Off" sales on Monday to Sunday from 09.00hrs to 20.00hrs.
- To have opening hours of the premises, Monday to Sunday from 07.00hrs to 23.00hrs.

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Mr Brown said this is the second application for this premises licence by this applicant. The first application was refused by the Licensing Sub-Committee on 23rd April 2018 for the following reason:- “The applicant had not met the legal test required. He needed to show within his operating schedule that the granting of his application would not undermine the Licensing objectives. He has failed to do so. Furthermore, he did not mention within his oral submission anything about Cumulative Impact. He did say that he understood the Council’s Licensing Policy. The Committee have no confidence that the applicant will uphold the Licensing Objectives”.

Mr Brown explained that within Central St. Leonards there is significant evidence of alcohol problems. The matrix in the current licensing policy states that an off licence would not be the preferred type of premises. He said the onus is on the applicant to demonstrate that his premises will not add to the problems in the Cumulative Impact Zone. Mr Brown stated that applicants seeking a licence in a Saturation Policy area are advised to seek legal advice before making an application. He said that no pre-application discussion was sought from Officers or information to support the application was submitted from the applicant.

It was noted that there was an error in the application for a premises licence form (Paragraph L), Hours premises are open to the public. This should state 07.00hrs to 23.00hrs not 09.00hrs to 20.00hrs.

Kirstie Rolfe, Licensing Officer, Sussex Police, made her submission on the grounds of the ‘Prevention of Crime and Disorder’. She said their objection was based on the applicants past criminal history (see representation letter dated 05.09.18 appended to the agenda) and that the applicant had failed again to address the Council’s Special Saturation (Cumulative Impact) Policy within the operating schedule. She said the previous application was refused 6 months ago and the applicant’s convictions are not spent and will remain so until 2012. She asked the committee to refuse the application.

Mr Ballam, Environmental Protection Officer, said that he had no objection to the application, but wished to add a condition regarding delivery times to the licence if granted:- “Deliveries to the premises to take place only between the hours of 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturday and not on a Sunday or Public/Bank Holiday.”

In his submission, Reverend Adelasoye said he had paid someone else to make the application, on his behalf, for the premises licence. He said that he holds a Personal Licence and that anyone who works at the premises would be trained and that the premises had CCTV installed. He said he had challenged the investigation by the Police and that there was no evidence by Home Office that he had done anything wrong. By his own admission to the law society, he said he was not struck off until 2012. He said he was pastor of a Church, he had a lot to give the community and wanted to rebuild his life.

Mr Brown asked Reverend Adelasoye if he was aware the premises was within the Council’s Special Saturation Policy (Cumulative Impact zone) and asked why it had not been addressed in the application form. Reverend Adelasoye said he had instructed a professional to make the application on his behalf. Mr Brown reminded

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Reverend Adelasoye that he had signed the application form to confirm it was correct. Reverend Adelasoye said he intended to address the matter at this meeting.

Councillor Patmore asked Reverend Adelasoye how he intended to help the street drinkers if he was selling alcohol from his premises. Reverend Adelasoye said he wanted to start a business which would sell afro-caribbean food and drinks. In order for the business to survive he said he needed the flexibility to sell alcohol eg champagne and wines for customers to take home with a meal.

Councillor Patmore asked Reverend Adelasoye to clarify why he had used the term 'alleged offences', when he had been convicted. Reverend Adelasoye said he was not convicted on any evidence, and that he did not break the rules.

Councillor Roberts asked Reverend Adelasoye if he had appealed the conviction. Reverend Adelasoye said the conviction stood and that it was an immigration matter which was still on going.

Mr Brown explained that the convictions were relevant under the Licensing Act, Section 4, and the police were correct to raise an objection. He said the application is in the Cumulative Impact Zone and it is for the applicant to address this in the operating schedule on how they think the premises will not add to the existing problems in the area.

In her summary, Kirstie Rolfe, Licensing Officer, said the Police stood by their objection in regard to Reverend Adelasoye's convictions and that the premises is located within the Council's Special Saturation (Cumulative Impact Zone) which Reverend Adelasoye was aware of when he signed the application form.

Reverend Adelasoye said he wanted to sell afro-caribbean food with alcohol as part of his business and that he was happy to take on board any conditions.

RESOLVED (unanimously) to REFUSE the licence.

The reason for this decision was:

Once again the applicant has not met the legal test required.

He failed to show within his operating schedule that the granting of his application would not undermine the Licensing Objectives.

He confirmed that he had read the Council's Licensing Policy, he had undertaken Licensing training and understood the effects of a Cumulative Impact Zone. However, his application did not mention this and neither did his oral submission.

The applicant mentioned that he only needed to sell alcohol to make the business viable. This does not fit the Licensing objectives.

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The Committee have no confidence that the applicant will uphold the Licensing Objectives.

The Committee have had regard to its Licensing Policy and the guidance issued by the Secretary of State.

39. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at. 3.34 pm)

Agenda Annex

Licensing Review Procedures

1. Introductions

- Chair introduce Members and Officers. Invite applicant / Licence Holder / representatives to table. Ask to introduce themselves.
- Chair explain procedure. Ask if Parties received report and ready to proceed.
- In the event that any Party to the hearing fails to attend Members consider whether to adjourn the hearing or to proceed in the Party's absence.

2. Summary of report by Licensing Manager / Officer.

3. Applicant / Representative (for eg Environmental Health, Police, Trading Standards) submissions on the application / call any witnesses.

Any Questions for Applicant / Representative

- Statutory Consultees?
- Licence holder?
- Officers?
- Members?

4. Statutory Consultees (for eg Police, Fire Service, Environmental Health) submissions on the application.

Any questions for Statutory Consultees from

- Applicant / Representative?
- Licence holder?
- Officers?
- Members?

5. The Licence Holder's submission on the application.

Any questions for Licence Holder from

- Applicant / Representative?
- Statutory Consultee?
- Officers?
- Members?

6. Do Members require any clarification from the Licensing Manager / Officer?

If clarification given, questions on clarification only from:

- Applicant / Representative?
- Licence holder?
- Statutory Consultees?
- Members?

7. Summaries (if required)

- Licensing Manager / Officer summing up
- Statutory Consultees summing up
- Licence Holder summing up
- Applicant/Representative summing up

8. Decision Making

- Members retire to discuss the application, propose and second a recommendation and vote on this.
- They may take legal advice from the Legal Advisor. The Legal Advisor will advise the Parties of any legal advice given to the sub-committee. No other person may retire with the Sub-committee.
- The decision is announced by the Chair giving full reasons for the decision, together with any conditions, which are to be attached to the grant of the licence or the reasons for a refusal of the application.

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Agenda Item 6



Report to: Licensing Sub-Committee

Date of Meeting: 24.01.2020.

Report Title: Review of premises licence. Ocean Spice, 43 White Rock, Hastings.

Report By: Mike Hepworth. Assistant Director. Environment and Place.

Purpose of Report

To consider an application to review the Premises Licence as a result of representations received.

Responsible Authorities. Two.

Recommendation(s)

1. Member's instructions requested.

Reasons for Recommendations

The Licensing Act 2003 requires a licensing sub-committee to consider such applications when appropriate representations have been made. The decision reached at the sub-committee can be subject to appeal at the Magistrates Court by any party to the hearing, who is aggrieved by the decision.

Introduction

1.0 Background

On 7th February 2005 the Licensing Act 2003 came into force for all local authorities, marking the practical commencement of the Government's new liquor licensing regime.

On the 26th November 2019 Hastings Borough Council received an application for the review of an existing premises licence for Ocean Spice, 43 White Rock, Hastings, TN34 1JL from HM Inspector of Immigration, Home Office, made under Section 51 the Licensing Act 2003. (The application for review and supporting papers is attached Appendix A.)

The premise was initially operating as The Smugglers PH when it transferred from the Magistrates Court system to the local authority in 2005. It was closed for a period of time and was then renamed initially as Spice Rock and since 10th December 2015 has become the Ocean Spice Restaurant. (Map of Location included within, Appendix B).

In February 2019 it was transferred to the current operator Mr Siddiquir Rahman, 22 Horntye Road, St Leonards on Sea, East Sussex who is also the designated premises supervisor (DPS) of the premise and has been so since 5.02.2010.

The premise currently holds a premises licence under the Licensing Act 2003, (Attached Appendix B), which covers the use of the premises for the ' On and Off Sales of the supply by retail of Alcohol, Live and Recorded Music, Late Night refreshment and other licensable activities.

It currently operates under different trading hours depending on the licensable activity and the day and time of the operation;

The opening hours of the premises are;

Monday to Saturday 10.00 to 02.30hrs and Sunday 11.00 to 02.30 hrs.

The existing premises licence is attached. (Produced Appendix B).

2.0 Application

The grounds for review made by HM Immigration service is under the licensing objective "Prevention of crime and disorder" I have considered the application and consider it valid and in line with the central government guidance issued on such matters. In his application for review, he comments about the history of the premises and breaches of immigration rules on employment of staff and highlights the Guidance issued under sec 182 of the Licensing Act 2003. This states that "for employing a person who is disqualified from that work by reason of their

immigration status in the UK” the matter should be treated particularly seriously. As a result he is asking the licensing sub-committee to consider revocation of the premises licence.

When submitting an application for a review under the Licensing Act 2003 the applicant is required to send copies of the review application to the other responsible authorities listed under the Act and a copy to the premises licence holder, this has been done.

In addition, the licensing authority is required to place a copy of the notice on or close by the premises concerned and the public notice board situated at Council Offices, this has been done, in addition the review notification has been placed on the Council website. These notices must remain in place for 28 days to allow further representations to be made.

An application for review cannot be considered by the Council's Licensing Sub-Committee until the 28 day representation period has elapsed, in this case that ended at midnight on the 24th December 2019.

3.0 Consultation

One further representation has been received during the consultation period, this representation is from Insp Lovell, Sussex Police and is made under the licensing objectives, Prevention of Crime and Disorder and Public Safety. The representation outlines a timeline of events at the premises and other associated matters. He completes his representation stating that Sussex Police have no hesitation in supporting the review brought by HM Immigration. (Included within bundle produced Appendix A).

4.0 Legal Considerations

The Licensing Act 2003 is now the only process to licence and control premises for all forms of entertainment, late night refreshment and the sale of Alcohol.

The review process is laid down in statute and allows for representations to be made by specified groups of people provided they are relevant to one or more of the licensing objectives listed in the Act and are not considered frivolous, vexatious or repetitive.

If a relevant representation is made by either a responsible authority or other party, a hearing must be held.

The Home Office has issued guidance under Section 182 of the Licensing Act 2003. This guidance is provided to Licensing Authorities to assist them in carrying out their functions.

Hastings Borough Council has developed, published and reviewed its Statement of Licensing Policy as required by the Licensing Act 2003.

All members of the Licensing Committee have been supplied with copies of the Official Government guidance and the Hastings Borough Council Statement of Licensing Policy.

Human rights considerations must be taken into account fully in balancing licensing issues, in particular, article 1 of the first protocol. Article 1 relates to the protection of property and the peaceful enjoyment of possessions and property. Holding a premises licence would be considered a possession. These are qualified rights and can be deprived of “in the public interest”. Interference is permissible if what is done, has its basis in law, and;

Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;

Is proportionate to the aims being pursued; and,

Is related to the prevention of crime; or, the protection of public order or health.

The licence holder has a right of appeal to the Magistrates Court against any decisions made by the licensing Sub-Committee with respect to this application for review.

5.0 Options

To modify the conditions of the licence.

To exclude a licensable activity from the scope of the licence.

To remove the designated premises supervisor.

To suspend the licence for a period not exceeding three months.

To revoke the licence.

Members are reminded they must give written reasons for their decision.

Timetable of Next Steps

1. Please include a list of key actions and the scheduled dates for these:

Action	Key milestone	Due date (provisional)	Responsible
Licensing sub-committee		24.01.19.	Committee administration

Wards Affected

Castle Ward

Implications

Relevant project tools applied? No

Have you checked this report for plain English and readability? Yes

Climate change implications considered? No

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness

Crime and Fear of Crime (Section 17) YES

Risk Management

Environmental Issues

Economic/Financial Implications

Human Rights Act YES

Organisational Consequences

Local People's Views

Anti-Poverty

Additional Information

Appendix A. Application for review and supporting papers inc Police representation.

Appendix B. Existing premises licence and location plan.

Contact

Bob Brown. Licensing Manager.

bbrown@hastings.gov.uk

01424 783249

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Hastings Borough Council

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I HM Inspector 8797

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Ocean Spice 43 White Rock Hastings	
Post town Hastings	Post code (if known) TN34 1JL
Name of premises licence holder or club holding club premises certificate (if known)	
Number of premises licence or club premises certificate (if known)	

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

WK201908440

Recd 26/11/2019
Ends 24/12/2019.

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over Please tick ✓ yes

Current postal address if different from premises address

Post town	<input type="text"/>	Post Code	<input type="text"/>
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Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address HM Inspector 8797 South East - Immigration Compliance & Enforcement (ICE) Team Immigration Enforcement Home Office Timberham House, World Cargo Centre Gatwick Airport, RH6 0EZ
Telephone number (if any) 01293 568986
E-mail address (optional) <u>11SussexArrest@homeoffice.gov.uk</u>

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

-
-
-
-

Please state the ground(s) for review (please read guidance note 2)
Immigration Enforcement contend that the Licensing Objective of:

i) Prevention of crime & disorder

has been seriously undermined by the Premises Licence Holders who have been found to be employing illegal workers who have no right to work in the United Kingdom due to their immigration status.

The Ocean Spice, Hastings is one of a number of premises in the East Sussex Division which have, in recent months, been subject to enforcement action by Immigration Officers from the South East Immigration Compliance and Enforcement (ICE) Team of the Home Office.

The enforcement visits for this premises were conducted over a 13-month period (October 2018 – November 2019) and a total of 6 instances of illegal working were identified (with a further 3 currently under investigation by Civil Penalties team). That is persons were found to be employed who have no right to work in the UK (on some occasions the same persons encountered on the 1st enforcement visit were again encountered at the 2nd visit to this premises).

A total of £75,000 penalty has been issued by the Home Office to this premises as a result of their employment of illegal workers. This penalty amount relates to penalties issued from the 1st and 2nd enforcement visits to each premises, the decision regarding the potential penalty relating to the 3rd enforcement visit to the premises currently remains outstanding. To date none of these civil penalties has been paid by the premises, neither did they appeal/object in court the decision to issue these penalties. The penalties for this premises was issued Spice Rock Ltd.

Appropriate checks had not been made at the premises by the Premises Licence Holder to ensure that all the staff they employed had a right to work in the United Kingdom. Sleeping areas for multiple persons were identified by immigration officers at the premises.

The time lapse between the dates of the incidents and the ultimate submission of the Review applications has been in part due to the ongoing enforcement action by the South East Immigration Compliance and Enforcement Team.

Please provide as much information as possible to support the application (please read guidance note 3)

Included with this license review application as further supporting evidence is the following:

- **3x referral notices – illegal working civil penalty**
- **3x MG11 witness statements from the officer in charge of each enforcement visit**
- **A Microsoft word document (reference EA/01) showing the relevant details of each visit and cumulative totals**

A timeline of Immigration Enforcement's involvement with the premises is as follows:

04/10/2018 – Enforcement visit conducted to Ocean Spice, Hastings. Entry made under S179 of the Licensing Act 2003 (as amended). 3x illegal workers were identified during the visit, that is persons found to be employed by the premises who had no permission to work in the UK. As a result of this enforcement visit a Civil Penalty of £30,000 was issued to the business (Spice Rock Ltd) on 01/03//2019.

19/01/2019 - Enforcement visit conducted to Ocean Spice, Hastings. Entry made under S179 of the Licensing Act 2003 (as amended). 3x illegal workers were identified during the visit, that is persons found to be employed by the premises who had no permission to work in the UK (2 of which had been working illegally during the previous visit). As a result of this enforcement visit a Civil Penalty of £45,000 was issued to the business (Spice Rock Ltd) on 25/06/2019.

14/11/2019 Enforcement visit conducted to Ocean Spice, Hastings. Entry made under a search warrant obtained under paragraph 17(2) of the Immigration Act 1971 (as amended). 3x illegal workers were identified during the visit, that is persons found to be employed by the premises who had no permission to work. As a result of this enforcement visit a civil penalty referral notice was issued to the premises, outlining they face a potential fine of £20,000 per illegal worker identified (£60,000). During this visit 3 British nationals, part of the Rahman family that own/run the restaurant, were arrested for either obstruction of a Police Officer or obstruction of an Immigration Officer. The obstruction case against these persons is ongoing and likely to go to a magistrates court hearing. It is worth noting that due to threats made by these persons against officers, including along the lines of 'finding them off duty' and 'finding out where they live/work', officers names have been redacted on this application form and on supporting documents for their own protection.

While it is noted that these cases are currently being dealt with by way of a civil penalty that does not alter the fact that the licensing objective of the prevention of crime and disorder has been undermined by the actions of the premises licence holder and/or the DPS on each occasion.

Staff who are not officially registered as employees will not be afforded protection under employment law or other safeguarding mechanisms. The males employed at this premises could not have provided the requisite paperwork, national insurance number, nor tax code. This not only defrauds Her Majesty's Revenue & Customs but can lead to the exploitation of vulnerable individuals. In this instance the failure to put

appropriate checks in place has resulted in multiple individuals being unlawfully employed at both premises. The licensing objectives are in place for the avoidance of future harm and, as cited in the High Court ruling in relation to *East Lindsey District Council v Abu Hanif*, where there is evidence of defrauding HMRC, exploitation of vulnerable workers and a failure to pay the minimum wage, then in those circumstances, albeit being dealt with by way of civil penalty, the crime and disorder licensing objective is clearly engaged.

The Revised Guidance under Section 182 of the Licensing Act 2003 states;

11.26 Where the licensing Authority is conducting a Review on the grounds that the premises has 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 in the interests of the wider community and not those of the individual licence holder.

It further states;

11.27 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 premises:

- 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*

11.28 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

Immigration Enforcement contend that despite repeated intervention from ourselves offences have been repeatedly committed which cannot be allowed to continue. Having considered the alternatives, it is requested that the Licensing Committee consider revocation of this premises licence. This will send a strong message that that the Local Authority are proactively combating the exploitation of workers, by

ensuring employers take seriously their responsibilities in relation to the legislation and to the people within their employ.

Have you made an application for review relating to the premises before

No

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

yes

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature HMI 8797

Date 23/11/2019

Capacity Her Majesty's Inspector

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2: Criminal Justice Act 1967, s.9: Magistrates' Court Act 1980, s.5B

Statement of

URN:

Age if under 18

Over 18

(if over 18 insert 'over 18')

Occupation:

Assistant Immigration Officer

This statement (consisting of:2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:

Date: 15/11/2019

Tick if witness evidence is visually recorded (supply witness details on rear)

I am an Immigration Officer employed by the Home Office currently attached to Kent and Sussex Immigration Enforcement team, Timberham House, World Cargo Centre, Gatwick Airport, RH60EZ.

On Thursday 14th November 2019, I was on duty in full uniform and PPE, acting as the Officer In Charge, leading an enforcement visit to Ocean Spice, 43 White Rock, Hastings TN34 1JL using a Schedule 2, PARA 17 (2) of the Immigration Act 1971 (as amended) Warrant granted by Sussex magistrates on 04/11/2019, in search of those working illegally and those unlawfully present in the UK. There were 2 named offenders on the warrant, Rasl UDDIN, 20 4 1987 Bangladeshi male and Helal SHARIF 01 01 1958, Bangladeshi male.

Prior to the visit, I received intelligence via an operational Notification Form (ONF) on 07 08 2019, from the police regarding the staff at the premises, which stated "There have been a number of violent incidents at the address where staff working at the premises have attacked members of the public who have for a number of reasons refused to pay for a meal. The family which own this premises are verbally abusive and threatening with police and will often record officers and accuse officers of being racist whilst they are undertaking their duties."

A previous Immigration Enforcement visit in October 2018 noted the following "1 male was able to evade officers as a result of staff members become verbally aggressive and purposefully distracting officers". 2 offenders were identified on this date.

Another Immigration Enforcement visit in January 2019 was conducted and noted

"Manager was aggressive and made racist comments about English peoples work ethic". I was present during this second visit and had witnessed first hand the aggressive behaviour displayed by some of the staff.

I briefed my team at Timberham House and met with [REDACTED] of Hastings Licensing and Sergeant [REDACTED] of Sussex police at Hastings police station. I then briefed the police officers. All officers were made fully aware of the levels of aggressive behaviours that may be encountered, and of the escape on a previous occasion. I was informed by police that one of the males, a member of the RAHMAN family who own the premises, had been arrested for GBH recently and had also violently resisted arrest by police.

Given the fact that I knew we had a person escape previously after being distracted by staff I decided on a rapid entry, and all officers began entering at approximately 1953 hours. I was at the front and on entry made my way towards the bar and kitchen area to serve the warrant and Notice To Occupier (NTO) to a staff member. As I did so I observed a male I now know as Mominur RAHMAN dob 13 03 2000, in a blue shirt striding purposefully towards me with his arm outstretched telling me to stop, and behind him a second male quickly turned around and went to the kitchen door urgently calling to kitchen workers.

I perceived this as this male giving a warning of our presence and ran up the aisle towards the kitchen to stop any attempts to escape but was blocked by RAHMAN. I pushed past RAHMAN and opened the kitchen door and instructed the staff to remain where they were. I was then made aware from the noise behind me of a scuffle and I then observed that RAHMAN was arguing and pushing against police officers and [REDACTED]. He had attempted to follow behind me as I made my way to the kitchen and whilst being dealt with by [REDACTED] he stated "I.L. KNOCK HIM OUT", referring to me. I then identified a waiter who was calm and engageable and served the warrant and NTO whilst officers dealt with RAHMAN. [REDACTED] then approached me and informed me he intended to arrest Mominur RAHMAN for obstruction which duly happened. RAHMAN was removed and appeared to be loudly resisting arrest, continuing outside as I could hear a commotion as he was placed in a cell van.

A while later a different male I now know as Siddiqur RAHMAN dob 10 06 1966 entered the premises and I recognised him from a previous visit as the owner. I had already served the warrant but as a courtesy I showed him the warrant and NTO and explained the reasons for our presence once more.

Signature:

Signature witnessed by:

Whilst I was upstairs overseeing officers conducting checks on staff I heard a vociferous commotion downstairs and kept hearing "SHOW ME THE WARRANT THEN" or words to the effect. I made my way downstairs in order to ensure that there was no problem with the warrant. I observed RAHMAN (10 06 1966) holding the warrant and the NTO in his hands. A second male I now know as Siddiqur RAHMAN (the elder Siddiqur RAHMAN's son) was also present and in a highly agitated state. He was shouting obscenities towards the police officers and making threats, and he seemed to be demanding to see the warrant despite the warrant being held by his father who was within arms reach. I attempted to show him the warrant in case it might defuse the situation, but he refused and loudly stated he did not want to talk to me. At this point he appeared to be acting in a completely unreasonable manner, de-escalation wasn't working and so I attempted to move past and away from him to the other side of the restaurant. As the area was highly congested with police, immigration officers and staff I had to squeeze past him to do so. I stated, "EXCUSE ME" and placed my hand gently on his mid back as I moved past him to let him know I was quite literally squeezing past him, just as I would do in a crowded pub or restaurant. He reacted sharply, swivelling towards me and loudly telling me "DON'T PUSH ME" or words to that effect, and jerked out with his right hand striking me on my left forearm. Although it wasn't painful, he was still displaying signs of anger and was now facing me in my intimate space, so I instantly felt that he was a threat. I was immediately fearful given his irrational and unreasonable behaviour I had already witnessed, coupled with the adverse intelligence we had received prior to the visit, that I faced an imminent strike and so I used a double palm heel strike into RAHMAN's upper chest to create some space, which worked but he quickly came towards me with his right arm raised. At this point police and Immigration Officers had surrounded him and attempted to arrest him and place him in handcuffs but he was resisting violently. He struggled violently and was screaming direct threats to officers throughout despite tactical communications for him to "CALM DOWN" and "STOP RESISTING". It was now a melee and I remember observing the elder RAHMAN at this point was now also shouting and screaming obscenities. The elder RAHMAN was behind his son and he was reaching over him hitting at the top of my head using hammer blows. I do not know if he managed to strike me and I was left with just a very minor scratch to the left hand side of my neck, and some on my left thumb. The elder RAHMAN was then wrestled away by police officers.

I assisted with placing the younger RAHMAN in handcuffs by securing his left wrist which I had to force into position behind his back for a police officer to apply handcuffs in the rear stack position. RAHMAN appeared to have no injuries. The younger RAHMAN was then moved towards the front entrance to transport him to custody. His mouth had white froth at the corners, and he did not appear to be calming down despite being handcuffed.

All the while he was shouting threats and insults aimed at both police and Immigration Officers. He was constantly calling officers "MOTHLRUCKERS. FUCKING PUSSY" and other insults. He was especially vocal towards 2 police officers and [REDACTED] in particular demanding to know "WHAT ARE YOU LOOKING AT", and "THE LAST TIME YOU SAW ME YOU WOULDN'T LOOK AT ME BUT NOW THERES LOADS OF YOU" or similar words. Some of his threats I took to be threatening to kill officers, and later in custody I was stood with AIO TAYLOR speaking to the Custody Sergeant. RAHMAN was in the nurse's office nearby as part of his booking in process, and we overheard him complaining about officers use of force. One of the police custody sergeants asked where we are based, and I told him Gatwick and our postcode. He clarified with me that it was Timberham House and I confirmed this. RAHMAN was then brought out by a Custody Assistant and had clearly overheard my conversation because he stated "I'LL MAKE SURE I FIND YOU AT GATWICK" or words to that effect. The Custody Assistant then moved him to his cell and informed me that it was recorded on CCTV.

Three immigration offenders were encountered working illegally, arrested and detained, a Civil Penalty was served by post as there was nobody of management level left to ask the employer questions to.

The detained offenders are Sanaul Haque SAANY, 8/12/89 Bangladeshi male, Ismailbhai Ibrahimbhai TAJ, 10/4/1964, Indian male and Mujib AHMED 17.03/1980, Bangladeshi male.

All 3 are not allowed to work in the UK.

Every UK employer is required by law to ensure that Right To Work checks are conducted on any employee.

The law on preventing illegal working is set out in sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006 (the 2006 Act), section 24B of the Immigration Act 1971, and Schedule 6 of the Immigration Act 2016.

It is a criminal offence under section 21 of the 2006 Act, as amended by section 35 of the Immigration Act 2016, if you know or have reasonable cause to believe that you are employing an illegal worker, with up to 5 years' imprisonment and/or an unlimited fine.

Signature: _____

Signature witnessed by: _____

2018.11 (1)
UKBA

RESTRICTED (when complete)

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9 MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN [] [] [] []

Statement of: [REDACTED]

Age if under 18 Over 18 (If over 18 insert "over 18") Occupation: Immigration Officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature [Signature] Date: Friday 18th January 2019

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a warranted (7431) Immigration Officer (IO) currently serving with the Sussex Immigration, Compliance and Enforcement (ICE) team, within the Home Office. When I refer to Home Office checks or records within this statement, I am referring to records kept by the Home Office in either paper or computer format. As a warrant officer, I have custody and control of Home Office records, and as such, I am able to comment on records held by the department. Records are compiled by officers within the Home Office in the course of their duties, from information supplied by persons who had personal knowledge of the matters dealt with in that information. The person(s) who supplied the information cannot be reasonably expected, giving regard to the time that has elapsed since the information was supplied and to all circumstances, to have any recollection of the matters dealt with in that information. On Friday 18th January, I was on duty with the Sussex ICE Arrest Team. I was the Officer in Charge (OIC) and the team consisted of Chief Immigration Officer (CIO) [REDACTED] Immigration Officer (IO) [REDACTED] and Assistant Immigration Officer (AIO) [REDACTED] and [REDACTED]. The team were informed during the briefing that we would be conducting an illegal working visit to OCEAN

Signature: [Signature] Signature Witnessed by:

RESTRICTED (when complete)

Continuation of Statement of [REDACTED]

Page 2

OCEAN SPICE, 43 WHITE ROCK, HASTINGS, TN34 1JZ, and gaining entry under S179 of the Licensing Act 2003. At approximately 18:32 the team arrived on scene, and AIO JOHNSON entered the premise, identified the team and explained the purpose of our visit. Upon entry, two waiters and an individual who I recognised as the manager Siddiqur RAHMAN approached me in a hostile manner, and I explained the power under which we were entering, and presented Siddiqur RAHMAN with a copy of the S179 of the Licensing Act 2003 explanation of powers and the Notice to Occupier form. All staff were brought out from the kitchen and taken upstairs to an empty seating area for questioning. I had in my possession a list of names and photographs of individuals encountered working illegally at the premise by Sussex ICE team on 04/10/2018. I immediately became aware that the following individuals were again working in the kitchen of OCEAN SPICE, 43 WHITE ROCK, HASTINGS, TN34 1JZ: Md LITON, born 30/11/1979, and a national of Bangladesh; Mohammed Salim UDDIN, born 04/06/1977, and a national of Bangladesh; and Shahin ISLAM, born 19/03/1979 and a national of Bangladesh. I attempted to engage with the manager, Siddiqur RAHMAN, but he kept shouting over me and would not listen to anything. I attempted to explain to him that we had again encountered the same 3 individuals working on his premise that we encountered working illegally on 04/10/2018. However, he stated that the government should provide him with staff as his business will go bust, as no English people want to work there. I was therefore unable to obtain any information from Siddiqur RAHMAN with regards to the employment of LITON, UDDIN and ISLAM. At approximately 19:03, I handed the Referral Notice to Siddiqur RAHMAN, who took it but would not look at the paperwork. At approximately 19:05, all remaining officers left the premise and returned to the vehicles. 2x employees with no right to work were

Signature:  Signature Witnessed by:

2004/05(1)

RESTRICTED (when complete)

Continuation of Statement of [REDACTED]

Page 3

encountered, however, all had outstanding applications/appeals with the Home Office, and were escorted off the premise. I make this statement at 23:18 on Friday 18th January 2019 from notes in my official notebook IE017168, and my own recollection of events whilst they are still fresh in my mind. *[Signature]*

Signature: *[Signature]*
2004/05(1)

Signature Witnessed by:

~~XXXXXXXXXX~~

RESTRICTED (when complete)

MG11

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN 46

Statement of: 

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Immigration Officer

This statement (consisting of three pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: W/O P966

Date: 10th October 2018

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a warranted Immigration Officer (IO) of the Home Office currently serving with the Sussex Immigration Enforcement team. On THURSDAY 4TH OCTOBER 2018 I was part of an enforcement team conducting a visit to OCEAN SPICE, 43 WHITE ROCK, HASTINGS, EAST SUSSEX, TN34 1JL. I was the Officer in Charge (OIC) for this visit and prior to attending the premises I delivered a briefing to the team detailing our roles and information about the address. Other officers on the visit were 

Following arrival at the premises, all officers entered through the front. I attempted to speak to persons in charge, however many of the staff present at the front of house appeared to try and frustrate officers getting to the rear of the restaurant where the kitchen was. They were doing this by shouting loudly at officers and standing in way of the kitchen door area. Eventually I was able to speak to one male who was willing to engage with me, who I now know to be Mominur RAHMAN, 13/03/00, British National. I explained the power of entry under Section 179 of the Licensing Act 2003 (as amended) and served the Notice to Occupier. I then had to try and establish who was in charge of the restaurant. Eventually it came to my attention that a male, who I now know to have given his details to another officer as Siddiqur RAHMAN, 10/06/66, British National was the owner and in charge. I further explained to him the power of entry, however he was visibly frustrated at

Signature:

Signature witnessed by:

Typed by:

RESTRICTED (when complete)

Continuation page 2

URN

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Continuation statement of: [REDACTED]

our presence, throwing his arms up in the air and complaining about why we had visited his restaurant on a busy night. He then returned to the restaurant and continued to assist with working.

It came to my attention that three of the male members of staff found on arrival were suspected of illegally working. Home Office checks reveal that all had no right to work in the United Kingdom and were considered to be illegally working at OCEAN SPICE. They were as follows:

- 1) Md Ruhul ALOM, 01/01/79, Bangladeshi national who was speaking to [REDACTED]
- 2) Md LITON, 30/11/79, Bangladeshi national who was speaking to [REDACTED]
- 3) Shahin ISLAM, 19/03/79, Bangladeshi national who was speaking to [REDACTED]

Due to the continued behaviour of Siddiqur RAHMAN throughout the visit, I was unable to fully engage with him or ask any questions to him concerning the illegal workers found at OCEAN SPICE. However on the basis of the accounts provided to officers by the staff members who were found to be illegally working, I was satisfied to issue a Referral Notice. On exiting the premises this notice was left with Siddiqur RAHMAN.

At the time of the visit itself, only two of the males listed above were named on this Referral Notice. Firstly named was Md Ruhul ALOM, who was subsequently walked off the premises by [REDACTED] due to an outstanding application. Secondly named was Md LITON, who was arrested by [REDACTED] as a person liable to be detained and conveyed from the restaurant. Further required information concerning ISLAM was not available at that time, therefore he was not detailed

Signature

Signature witnessed by

Typed by:

RESTRICTED (when complete)

MG11 (Cont)

Continuation page 3

URN

46	
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Continuation statement of: 

on the Referral Notice. Following the completion of the visit, additional checks have now been completed and ISLAM is confirmed as being the third person who has no right to work in the United Kingdom. Therefore a total of three illegal workers are considered to have been working illegally. *WJ 9966*

WJ 9966

Signature

Typed by:

Signature witnessed by

RESTRICTED (when complete)





Referral Notice

Illegal Working Civil Penalty

Employer name:

Employer registered address:

OCEAN SPICE
43 WHITE ROCK
HASTINGS TN34 1JL

Business type: Sole Trader/Limited Company
Franchise/Other: LTD Company

VAT No:
Company number:
Director(s)/Owner(s):

This is an important notice. Please do not ignore it. Your case will be referred for consideration of your liability for a civil penalty.

This Referral Notice is issued in respect of (a) suspected breach(es) under section 15 of the Immigration, Asylum and Nationality Act 2006.

Tasking Reference: EV12-31,382

Notice given date: 15/11/19

Issued to: The Manager

Position:

We have encountered suspected illegal working

We encountered (a) suspected breach(es) of section 15 on 14/11/2019 at the following business address:

43 WHITE ROCK (OCEAN SPICE)
HASTINGS
TN34 1JL

Who we suspect of working illegally

	Names of suspected illegal workers	Nationality	DOB	Reason
1	ISMAIL IBRAHIM TAI	IND	10/4/64	No right to work/Working in breach
2	MUJAB AHMAD	BGD	17/3/80	No right to work/Working in breach
3	SANAUL HAQUE SAANY	BGD	15/12/84	No right to work/Working in breach
4				No right to work/Working in breach
5				No right to work/Working in breach
6				No right to work/Working in breach
7				No right to work/Working in breach
8				No right to work/Working in breach

Reason for referral

Your case will be referred to the Home Office's Civil Penalty Compliance Team which will consider your liability for a civil penalty for employing the identified suspected illegal worker(s). It is **illegal** to employ an adult subject to immigration control if he has not been granted leave to enter or remain in the UK or his leave to enter or remain is invalid or has ceased to have effect, or he is subject to a condition preventing him from accepting the employment in question.

What this means

The Civil Penalty Compliance Team will consider whether you are liable for a civil penalty, and if so your penalty level.

- A **Civil Penalty Notice** will be issued if you are found liable. This Notice will require you to pay a penalty for a specified amount by a specified due date.
- A **Warning Notice** may be issued if you meet the mitigating criteria set out in our **Code of practice** on preventing illegal working which is on www.gov.uk.
- A **No Action Notice** will be issued if you are not liable for a civil penalty. This Notice will inform you that no civil penalty action will be taken against you on this occasion, and that your case has been closed.

The Manager
Ocean Spice
43 White Rock
Hastings
TN34 1JL

KING: ICD 4665



Immigration
Enforcement

Referral Notice

Illegal Working Civil Penalty

Employer name: OCEAN SPICE

Employer registered address:

43 WHITE ROCK

HASTINGS

TN34 1JL

Business type: Sole Trader/Limited Company
Franchise/Other.....

VAT No:

Company number:

Director(s)/Owner(s):

This is an important notice. Please do not ignore it. Your case will be referred for consideration of your liability for a civil penalty.

This Referral Notice is issued in respect of (a) suspected breach(es) under section 15 of the Immigration, Asylum and Nationality Act 2006.

Tasking Reference: TS12FW11116

Notice given date: 19/01/2019

Issued to: SIDDIQUR RAHMAN

Position: MANAGER

We have encountered suspected illegal working

We encountered (a) suspected breach(es) of section 15 on 19/01/2019 at the following business address:

OCEAN SPICE, 43 WHITE ROCK, HASTINGS, TN34 1JL

Who we suspect of working illegally

	Names of suspected illegal workers	Nationality	DOB	Reason
1	MD LITON	BGD	30/11/1977	No right to work/Working-in-breach
2	MUHAMMED SALIM UDDIN	BGD	04/06/1977	No right to work/Working-in-breach
3	SHAHIM ISLAM	BGD	19/09/1977	No right to work/Working-in-breach
4				No right to work/Working in breach
5				No right to work/Working in breach
6				No right to work/Working in breach
7				No right to work/Working in breach
8				No right to work/Working in breach

Reason for referral

Your case will be referred to the Home Office's Civil Penalty Compliance Team which will consider your liability for a civil penalty for employing the identified suspected illegal worker(s). It is illegal to employ an adult subject to immigration control if he has not been granted leave to enter or remain in the UK or his leave to enter or remain is invalid or has ceased to have effect, or he is subject to a condition preventing him from accepting the employment in question.

What this means

The Civil Penalty Compliance Team will consider whether you are liable for a civil penalty, and if so your penalty level.

- A **Civil Penalty Notice** will be issued if you are found liable. This Notice will require you to pay a penalty for a specified amount by a specified due date.
- A **Warning Notice** may be issued if you meet the mitigating criteria set out in our **Code of practice** on preventing illegal working which is on www.GOV.UK.
- A **No Action Notice** will be issued if you are not liable for a civil penalty. This Notice will inform you that no civil penalty action will be taken against you on this occasion, and that your case has been closed.

<p>What happens next</p>	<p>You will receive an Information Request which requires you to provide information and evidence. You will be asked to confirm your business details and provide documentary evidence to demonstrate that you carried out the required right to work checks on the workers named in this Referral Notice. You will also be asked to provide the unique Home Office reference number you received if you reported your suspicions about these people working illegally to us. It is important that you respond to this request accurately, in full and before the deadline given in the Information Request, as this evidence will inform our decision in your case. You should respond to this request using the Response Form you will receive from us. If you actively co-operate with us in our investigations, any penalty for which you may be liable may be reduced.</p>
<p>What factors do we consider</p>	<p>We will consider the following factors when looking at your case:</p> <ol style="list-style-type: none"> 1. Are you liable for a civil penalty? You will have established an excuse against liability and will not be served with a civil penalty if you have correctly carried out document checks as set out in our Code of practice on preventing illegal working. 2. Have you been found to be employing illegal workers within the previous three years? This factor determines your breach level and the civil penalty calculator to be used in determining your penalty amount if you are found liable for employing illegal workers. 3. Have you reported suspected illegal working to us? This mitigating factor is considered when determining your penalty amount. You must have reported your suspicions about the workers in question before any visit by us is made known to you. 4. Have you actively co-operated with us? This mitigating factor is considered when determining your penalty amount. You must have complied accurately and timely with our investigations, and provided us with access to your premises, records and systems. 5. Do you have effective document checking practices in place? This mitigating factor is considered when determining whether you will be issued with a Warning Notice instead of a Civil Penalty Notice. It is only taken into consideration when you have not been found to be employing illegal workers within the previous three years, and where there is mitigating evidence for factors 2 and 3 above. <p>You can find out more about how these factors are considered in calculating your civil penalty in our Code of practice on preventing illegal working which is on www.GOV.UK.</p>
<p>What you do if you receive a penalty</p>	<p>If you receive a Civil Penalty Notice you must either pay the penalty or object or appeal within 28 days.</p> <p>If you do not either pay your penalty or object or appeal by the due dates, enforcement action will be taken against you to recover the debt through the courts. This may have an adverse impact on your ability to obtain credit in the future and act in the capacity of a director in a company.</p> <p>The Civil Penalty Notice will set out why you are liable to pay a penalty and the amount. It will also set out how you should pay and by when or, if you wish to object or appeal, how you should do this and by when.</p>
<p>What amount might you have to pay</p>	<p>The maximum penalty amount you could receive is £20,000 per illegal worker. We will take into account a number of factors which may reduce the amount you are required to pay. These are set out in our Code of practice on preventing illegal working.</p>
<p>If you need more information</p>	<p>You can call our helpline on 0300 123 4699 if you have any questions.</p> <p>You can visit our website on www.GOV.UK to view our Code of practice on preventing illegal working and guidance for employers, including guidance which sets out how we administer illegal working civil penalties.</p> <p>You can use our online employers' toolkit to help you understand your responsibilities and how to carry out the correct right to work checks on your employees.</p>



Immigration
Enforcement

Referral Notice

Illegal Working Civil Penalty

Employer name: OCEAN SPICE

Employer registered address:

43 WHITE ROCK
MASTINGS, EAST SUSSEX
TN34 1JL

Business type: Sole Trader/Limited Company
Franchise/Other.....

VAT No:

N/K

Company number:

N/K

Director(s)/Owner(s):

N/K

This is an important notice. Please do not ignore it. Your case will be referred for consideration of your liability for a civil penalty.

This Referral Notice is issued in respect of (a) suspected breach(es) under section 15 of the Immigration, Asylum and Nationality Act 2006.

Tasking Reference: TS2FWT1116

Notice given date: 04/10/18

Issued to: LEFT WITH OWNER

Position:

MR RAMMAN

We have encountered suspected illegal working

We encountered (a) suspected breach(es) of section 15 on 04/10/18 at the following business address:

OCEAN SPICE, 43 WHITE ROCK, MASTINGS, EAST SUSSEX, TN34 1JL.

Who we suspect of working illegally

	Names of suspected illegal workers	Nationality	DOB	Reason
1	MD LITON	BCD	31/1/79	No right to work/Working-in-breach
2	MO RUFU ALDM	BCD	21/01/70	No right to work/Working in breach
3				No right to work/Working in breach
4				No right to work/Working in breach
5				No right to work/Working in breach
6				No right to work/Working in breach
7				No right to work/Working in breach
8				No right to work/Working in breach

Reason for referral

Your case will be referred to the Home Office's Civil Penalty Compliance Team which will consider your liability for a civil penalty for employing the identified suspected illegal worker(s). It is **illegal** to employ an adult subject to immigration control if he has not been granted leave to enter or remain in the UK or his leave to enter or remain is invalid or has ceased to have effect, or he is subject to a condition preventing him from accepting the employment in question.

What this means

The Civil Penalty Compliance Team will consider whether you are liable for a civil penalty, and if so your penalty level.

- A **Civil Penalty Notice** will be issued if you are found liable. This Notice will require you to pay a penalty for a specified amount by a specified due date.
- A **Warning Notice** may be issued if you meet the mitigating criteria set out in our **Code of practice** on preventing illegal working which is on www.GOV.UK.
- A **No Action Notice** will be issued if you are not liable for a civil penalty. This Notice will inform you that no civil penalty action will be taken against you on this occasion, and that your case has been closed.

<p>What happens next</p>	<p>You will receive an Information Request which requires you to provide information and evidence. You will be asked to confirm your business details and provide documentary evidence to demonstrate that you carried out the required right to work checks on the workers named in this Referral Notice. You will also be asked to provide the unique Home Office reference number you received if you reported your suspicions about these people working illegally to us. It is important that you respond to this request accurately, in full and before the deadline given in the Information Request, as this evidence will inform our decision in your case. You should respond to this request using the Response Form you will receive from us. If you actively co-operate with us in our investigations, any penalty for which you may be liable may be reduced.</p>
<p>What factors do we consider</p>	<p>We will consider the following factors when looking at your case:</p> <ol style="list-style-type: none"> 1. Are you liable for a civil penalty? You will have established an excuse against liability and will not be served with a civil penalty if you have correctly carried out document checks as set out in our Code of practice on preventing illegal working. 2. Have you been found to be employing illegal workers within the previous three years? This factor determines your breach level and the civil penalty calculator to be used in determining your penalty amount if you are found liable for employing illegal workers. 3. Have you reported suspected illegal working to us? This mitigating factor is considered when determining your penalty amount. You must have reported your suspicions about the workers in question before any visit by us is made known to you. 4. Have you actively co-operated with us? This mitigating factor is considered when determining your penalty amount. You must have complied accurately and timely with our investigations, and provided us with access to your premises, records and systems. 5. Do you have effective document checking practices in place? This mitigating factor is considered when determining whether you will be issued with a Warning Notice instead of a Civil Penalty Notice. It is only taken into consideration when you have not been found to be employing illegal workers within the previous three years, and where there is mitigating evidence for factors 2 and 3 above. <p>You can find out more about how these factors are considered in calculating your civil penalty in our Code of practice on preventing illegal working which is on www.GOV.UK.</p>
<p>What you do if you receive a penalty</p>	<p>If you receive a Civil Penalty Notice you must either pay the penalty or object within 28 days. If you do not either pay your penalty or object by the due dates, enforcement action will be taken against you to recover the debt through the courts. This may have an adverse impact on your ability to obtain credit in the future and act in the capacity of a director in a company. The Civil Penalty Notice will set out why you are liable to pay a penalty and the amount. It will also set out how you should pay and by when or, if you wish to object, how you should do this and by when.</p>
<p>What amount might you have to pay</p>	<p>The maximum penalty amount you could receive is £20,000 per illegal worker. We will take into account a number of factors which may reduce the amount you are required to pay. These are set out in our Code of practice on preventing illegal working.</p>
<p>If you need more information</p>	<p>You can call our helpline on 0300 123 4699 if you have any questions. You can visit our website on www.GOV.UK to view our Code of practice on preventing illegal working and guidance for employers, including guidance which sets out how we administer illegal working civil penalties. You can use our online employers' toolkit to help you understand your responsibilities and how to carry out the correct right to work checks on your employees.</p>



Sussex Police
Serving Sussex

www.sussex.police.uk

Local Policing Support Team

10th December 2019

Mr. B Brown,
Senior Licensing Officer Environment and Place Hastings Borough Council
Muriel Matters House,
Breeds Place
Hastings, East Sussex TN34 3UY

Dear Mr. Brown,

RE: APPLICATION FOR THE REVIEW OF THE PREMISES LICENCE FOR OCEAN SPICE RESTAURANT, 43 WHITE ROCK, HASTINGS, EAST SUSSEX TN34 1JL UNDER THE LICENSING ACT 2003 REF: WK201908440

With reference to the Review application dated 23rd November 2019 made by Her Majesty's Inspector 8797 as a South East Immigration and Enforcement Officer, I write on behalf of the Chief Officer of Police for Sussex to make a representation on the grounds of the Licensing Objectives of the Prevention of Crime & Disorder and Public Safety.

Police records indicate that members of staff at Ocean Spice were alleged to have been involved in a number of violent incidents since 21st February 2019 in and around the restaurant and elsewhere. A number of these matters have been concluded without charge. However several violent incidents are still under investigation. A general pattern is evident in the behavior of staff, and in particular members of the Rahman family who own the restaurant, to act as a group when dealing with problematic customers or incidents.

The most recent incident took place on Thursday 5th December 2019 when police received a report of ten males fighting outside the British Heart Foundation shop at 41 White Rock, Hastings. When officers arrived the disturbance had broken up but a group of agitated and shouting males were outside Ocean Spice. A group from a neighbouring business Nazar were inside their restaurant and when spoken to, said the males from Ocean Spice had been shouting, screaming and threatening them. Everybody in the area needed to be kept calm as tensions were high. The males from Ocean Spice alleged that a male who came from Nazar had assaulted Siddiqur Rahman causing an injury to his face and damage to his glasses. The male suspect was identified and arrested for causing an injury consistent with Actual Bodily Harm which he admitted. When interviewed he said that he had heard that Ocean Spice was closing down and therefore he went to the restaurant to find out if this was true as he would be interested in renting it. On hearing this question Mr. Rahman became verbally abusive towards him and refused to listen to him. The offender tried to calm him down and in return was pushed twice. He then left the area for a short while and when he returned intending to go back to Nazar restaurant Mr. Rahman and a staff member were outside Ocean Spice. Mr. Rahman started to be verbally abusive calling him a "MOTHER FUCKER" which upset and angered him. He warned Mr. Rahman that if he did not stop calling him names he would hit him. Mr. Rahman continued so the offender did as he had said and hit him in the face. Video footage of the aftermath is available should the committee wish to view it.

The next incident took place on Thursday 14th November 2019 when a search warrant obtained under paragraph 17(2) of the Immigration Act 1971 (as amended) was executed at the premises; three illegal workers were identified. During the visit three members of the Rahman family were arrested for either obstructing a Police Officer or obstruction of an Immigration Officer. The obstruction cases are ongoing and the first hearing in the Magistrates Court was on 4th December 2019 when not guilty pleas were entered. During the execution of the warrant the Rahman family members made threats towards the Police Officers and again their names have been redacted from supporting evidence.

East Sussex Local Policing Support team
Police Station, Bohemia Road, Hastings, East Sussex
TN34 1JJ

Telephone: 101: 560107

The next incident was an altercation on Saturday 28th September 2019 that occurred outside the restaurant after a dispute over payment for a meal in which a customer and two members of staff claimed to have been physically assaulted. The circumstances were that police were called at 00:05hrs by a staff member who reported that a couple entered the restaurant and had a meal which they refused to pay for. An argument broke out between the couple and staff, in particular Siddiqur Rahman who is the Designated Premises Supervisor (DPS), during which two staff members were assaulted and were subjected to racist remarks. Staff followed the couple outside and punched and kicked the male until he fell to the ground. He sustained a large swelling to his left eye and a cut to his right eye, injuries consistent with Grievous Bodily Harm. This matter is still being investigated.

On Monday 23rd September 2019 Sussex Police PCSOs saw a traffic warden attempting to issue a parking ticket to a car parked on double yellow lines at the entrance to Robertson Street. When the PCSOs saw the warden being confronted by the owner of the vehicle they went to intervene to try and calm matters down. The confrontational male was Shahnur Rahman, the son of the DPS who threatened to punch and knock out the traffic warden concerned. This has been investigated by police as a S.4 Public Order offence; a summons will be issued.

On Tuesday 13th August 2019 at 23:18hrs police were called to an incident of theft at 35 White Rock which is a convenience store. Whilst dealing with this a disclosure was made by the suspect for the theft that he had been assaulted in the shop by Shahnur Rahman. It was alleged that Mr. Rahman grabbed the theft suspect and punched him in the face. After an investigation the matter was filed due to the victim declining to support a prosecution.

On Saturday 10th August 2019 at 23:45hrs police received a call reporting that a male was lying on the ground having been attacked by five males. The circumstances were that the victim was waiting with a friend for a taxi on Priory Road when he was confronted by a group of five males who had arrived in three separate cars. His friend ran away and the male was then set upon by the group of five and assaulted with what he thought was a tyre iron. As a result of the assault the victim sustained injuries consistent with Actual Bodily Harm. One of the suspects identified as Shahnur Rahman gave an account that he was lawfully attempting to detain the victim due to his having broken into the restaurant previously. His brothers Mominur Rahman and Ridwanur Rahman and cousins Shawjan Khan and Mejan Khan were with him when the attack took place. All five were arrested for Assault Occasioning Actual Bodily Harm. After a lengthy investigation the matter was filed due to lack of support from the victim and no witnesses.

On Sunday 26th May 2019 at 04:39hrs police received a call from a male reporting that his friend was being attacked by a group of males. The incident occurred due to Ridwanur Rahman being sent into town by the mother of a female who wanted to locate her. Whilst Mr. Rahman was talking to her another male, the friend of the caller, thinking he was pestering her went over and punched Mr. Rahman in the mouth. The two males then began to fight in the street before the attacker was pulled off by his friend. Mr. Rahman allegedly made a phone call for assistance and a grey vehicle arrived whilst the suspect for the attack ran away. The vehicle is believed to have been driven by Shahnur Rahman. The suspect and his friend ran into the passageway behind South Coast College before the Rahmans caught up with them. At this point the friend ran away leaving the suspect fighting with the group who assaulted him on multiple occasions causing injuries to his face consistent with Actual Bodily Harm. When police arrived Mr. Ridwanur Rahman was so agitated that they could not obtain an account of what had taken place. Both the Rahmans then became so threatening and abusive that one of the officers had to draw his Taser fearing for the safety of the original suspect for the assault. After an investigation it was decided that, as there was no realistic prospect of a court conviction, the matter should be filed.

On Tuesday 14th May 2019 at 09:41hrs police received a call from a former staff member reporting that he had been attacked in the premises by the three Rahman brothers on the instructions of Mr. Siddiqur Rahman. The circumstances of the attack which took place on Sunday 12th May were that he had told Mr. Rahman Snr that he could no longer work for him. This was because of an incident the previous Thursday when Mr. Rahman had assaulted and verbally abused another staff member because she had done something he did not like. He had grabbed her by her throat and hair and she was only saved from injury when other staff members intervened. The victim did not report this to police. Having told Mr. Rahman that he was leaving he went to his room to pack. Whilst he was doing so the three Rahman brothers burst into his room and attacked him causing six broken ribs and a laceration to his stomach that took major surgery to repair, injuries consistent with Grievous Bodily Harm. Ridwanur Rahman and Shahnur Rahman were arrested for Assault Occasioning Actual Bodily Harm, Siddiqur Rahman was arrested for causing Grievous Bodily Harm with Intent as was his son Monimur Rahman. After an investigation the matter was filed pending any further developments.

On Thursday 21st February 2019 at 17:29hrs police received a call from a member of staff at the Coop, London Road, St. Leonards-on-Sea reporting that a male had run into the shop following an assault on him by three males during which he had been injured. The victim stated he had been attacked by the males known to him, Shahnur Rahman, Ridwanur Rahman and Monimur Rahman, who had hit him causing injuries to his head which were bleeding, necessitating hospital treatment. The circumstances were that the victim was walking in Western Road when he had seen a car that he knew belonged to the Rahman family. Knowing that there was likely to be trouble as there had been several issues in the past, he walked into Cross Street and tried to go into a public house. However, the doors were closed as were the doors of a chemist in London Road. Here the brothers caught up with him and hit him several times, punching his head and face causing pain and injury. Eventually the victim managed to get away and sought refuge in the Coop. The victim told police that the reason for the attack was because he used to work for the Rahman family as a waiter at Ocean Spice but after six months had to travel home to see his sick father. On his return there was a dispute over the holiday pay that the Rahman's said they would pay him. As a result he resigned and there had been issues between them ever since. During the investigation CCTV from various places in the area were checked but none showed the assault, though it did show three people fighting. However, the images were not clear enough for evidential purposes. When the three brothers were interviewed one was able to prove that he was not there and the others gave accounts conflicting with that of the victim. In the absence of witnesses, the only one refusing to provide a statement, and CCTV to corroborate the victim's account eventually it was decided to take no further action.

Given the number of incidents involving the Rahman family including Mr. Siddiqur Rahman the Designated Premises Supervisor, and their violent nature Sussex Police have no hesitation in supporting the Review brought by South East Immigration.

Yours sincerely,

Insp Rob Lovell
Force Licensing Inspector
Sussex Police

Sussex Police
Supporting Evidence for Representation
Ocean Spice, 43 White Rock, Hastings

Document Index:

Interaction No: 1 (Assault)

1. Statement from PC Hubbard

This relates to interaction on **Thursday 5th December 2019**
14:27hrs in Supporting Letter.

Interaction No: 4 (Parking Dispute)

1. Statement from PCSO Bone 37765
2. Statement from PCSO Kingsmill 37347

This relates to interaction on **Monday 23rd September 2019**
12:55hrs in Supporting Letter.

Interaction No: 6 (Assault)

1. Statement from PC EA388 Fox
2. Statement from PC CG783 Greenhalf
3. Statement from CT492 Tourell

This relates to interaction on **Saturday 10th August 2019** 23:45hrs in
Supporting Letter.

Interaction No: 7 (Assault)

1. Statement from PC CF193 Fisher

This relates to interaction on **Sunday 26th May 2019** 04:39hrs in
Supporting Letter.

Interaction No: 8 (Assault)

1. Statement from PC CW379 Wightwick
2. Statement from PC CS101 Shaw

This relates to interaction on **Tuesday 14th May 2019 09:41hrs** in Supporting Letter.

Interaction No 9 (Assault)

1. Witness statement

This relates to interaction on **Thursday 21st February 2019 17:29hrs** in Supporting Letter.

Evidence relating to
Interaction (No. 1)

dated:

5th December 2019

1 x Police Statement



WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN

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Statement of: Andrew Hubbard

Age if under 18: Over 18 (if over 18 Insert 'over 18')

Occupation: Police Constable

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:

Date 06/12/19

Tick if witness evidence is visually recorded (supply witness details on rear)

On 5th DECEMBER 2019 I was on full uniform duty when I was asked to attend WHITE ROCK, HASTINGS, EAST SUSSEX at around 14:27p.m.

The report was that there was ten people outside on the pavement fighting no weapons seen at the time of the report.

I have arrived with my colleague PC CARSLAKE to find other officers were already on scene and the fighting had stopped. There were several men outside a shop called OCEAN SPICE all of them appeared to be very excitable. I approached and activated my personal body camera to record the situation.

From what I had been told there had been an altercation between the males outside OCEAN SPICE and the kebab shop staff. One of the kebab shop staff had been accused of assaulting the owner of OCEAN SPICE and that he and his sons were some of the group who had been fighting.

Whilst at scene the OCEAN SPICE staff and owner were very rude to both me and my colleague constantly shouting at us and demanding that we do what THEY wanted. They were demanding that the shop staff at the kebab house were arrested and when told that there needed to be evidence they stated that the HASTINGS police were racist to them and didn't want to help as it was them.

There were two young males who I now know to be brothers (Rahmans) and OCEAN SPICE is owned by them and their father. These were the most disruptive whilst we were trying to carry out our enquiries as they demanded. The brothers were video all officers and recording their collar numbers. They refused to listen and would talk over officers who were asking investigative questions to assist in the enquiry. They were very derogatory to a female colleague who in the end walked away and they constantly tried to engage with the staff in the kebab shop even when they had been told NOT TO. When they did engage with officers they would be filming the encounter but again would not be listening to what they were being told.

I asked the father to take his sons in to the shop to prevent any further breach of the peace and he clearly had NO control over them as they refused to go inside and continued to argue with officers. After he suspect was arrested for the assault the brothers and their father continued to shout at officers and refused to go inside the shop. I asked that the council CCTV camera nearby keep an eye on the shop and the two brothers especially as they were still very angry and agitated. I also warned their father that should there be any further issues with him, his sons or their staff that they could be arrested to prevent a further breach of the peace.

Whilst at the scene I spoke to another shop owner who stated that the RAHMANS were always causing issues in the area and that it would be NO SAD LOSS IF THE SHOP WAS CLOSED DOWN. They stated that they were always causing issues for others in the area and that people were getting fed up.

Signature:

Signature witnessed by: _____

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Evidence relating to
Interaction (No. 4)
dated:
23rd September 2019

2 x Police
Statements



MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN

Occurrence Number: 47190162362

Statement of: JOSHUA BONE

Age if under 18: Over 18 *(if over 18 insert 'over 18')* Occupation: Police Community Support Officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  #37765 BONE, J.

Date: 24/09/2019 19:41

Tick if witness evidence is visually recorded

On Monday 23rd September 2019 I was on duty and in full uniform working with my colleague PCSO Louise KINGSMILL 37347 patrolling in a marked Police vehicle. At approximately 1250 hours, my colleague and I were travelling east along the seafront on the A259, Hastings, TN34 1JP and were just approaching the traffic lights which turned onto Robertson Street. As we were approaching the traffic lights, I had a clear unobstructed view of a traffic warden in what appeared to be a heated argument with a male; who was approximately 25 years of age, of a slim build, approximately 6 foot in height, dark short hair with a dark well-kept beard wearing blue ripped jeans, I cannot recall what top he was wearing, who I now know to be SHAHANUR RAHMAN on either side of a Grey BMW 320D with the number plate YB05MGO. I observed RAHMAN shouting at the traffic warden in an aggressive manner whilst using confrontational body language, the traffic warden also appeared to be using confrontational body language during this altercation. There was a number of members of public within the area who had all stopped and was watching the altercation in shock. As we pulled up alongside RAHMAN, I lowered my window and heard RAHMAN threaten to knock out the warden at this point the traffic warden had made his way round the car and was now on RAHMANS side of the car to which they got into each other's faces, I then decided to get out of the vehicle and separate both parties in order to deescalate the situation.

RAHMAN was talking with a raised and aggravated voice whilst I was asking him to move away from the warden, the warden was continuing to walk towards RAHMAN whilst raising his voice in which I told him to walk away and talk with my colleague. I was extremely concerned that a fight was about to break out between the pair as they appeared to be squaring up to each other.

RAHMAN then told me that he works at OCEAN SPICE and that he was parked his car on double yellow lines whilst trying to load a boiler which he was going to be taking back to his home address. I asked RAIMAN what has happened in

10/2017



[REDACTED]

order to establish the cause of the heated argument and RAHMAN told me that he believes that he was being targeted by this particular warden and was receiving regular tickets from him. I was trying to calm RAHMAN down as he was still clearly quite aggravated. Whilst I was talking with RAHMAN to obtain further information, he suddenly walked away from me back towards the traffic warden, who was talking with my colleague and started shouting at him again and threatening to punch him and shouting "I will knock you out".

My colleague told RAHMAN to not talk over her and to go back and talk with me, I then stood between RAHMAN and my colleague and I insisted that he went back in to OCEAN SPICE where I would let him continue to explain the situation, I also warned RAHMAN that the behaviour he was displaying was not acceptable and if he continued he would get himself in to further trouble as the manner in which he was behaving is in contravention of a Public Order offence. RAHMAN then apologised to me and we went inside of OCEAN SPICE. Once inside, RAHMAN's dad, who I now know to be SIDDIQUR RAHMAN, joined us. Both RAHMAN and his dad told me that they have constant issues with this particular traffic warden and that the senior wardens do not have any issues with their parking, I asked whether they had sought permission from the council to park in the restricted area and they both told me yes. I suggested that if they did have permission, they should inform the council of the vehicles they use in order to prevent further issues. RAHMAN and his dad then claimed that they were being targeted due to their race, I told them that if this is how they feel they would need to make a complaint to the council for the matter to be investigated.

After talking with RAHMAN and his dad, for a short while I noticed my colleagues PC LAWS CL088 and PC SIMES CS267 had arrived on scene. PC LAWS and PCSO KINGSMILL then joined me in OCEAN SPICE to talk with RAHMAN regarding the incident. Upon seeing my colleague PC LAWS, RAHMAN immediately became quite agitated and showed an instant dislike towards him. PC LAWS discussed what he had been made aware of with RAHMAN to which RAHMAN became very defensive denying that he made any threats and at this point started filming officers on his mobile phone, PCSO KINGSMILL stated that she had witnessed the behaviour as he came up to her whilst she was talking with the warden. RAHMAN and his dad were very defensive whilst talking with my colleagues and only wanted to talk with me and stated that the officers were being racist. I stated to RAHMAN that I had already discussed the behaviour with him and reminded him that I had already warned him about this. RAHMAN and his dad were both still very confrontational and were using raised voices throughout this interaction.

PC LAWS left OCEAN SPICE to talk with PC SIMES to find out both sides of what had happened. RAHMAN's dad was still talking with PCSO KINGSMILL and I when RAHMAN then started walking back towards the exit. I warned both RAHMAN and his dad that if RAHMAN went back outside and continued to behave in an aggressive manner he would be committing a Public Order offence in which he could be arrested. RAHMAN continued to walk out of OCEAN SPICE and

[REDACTED]

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towards the area where the traffic warden was. RAHMAN continued to make a scene by shouting in an aggressive manner and at this point PC LAWS cautioned RAHMAN and advised him that he is going to be reported for a Public Order offence.

RAHMAN was denying the behaviour and started asking me to say what I had seen to which I told him what I had personally seen as described in this statement. RAHMAN then noticed that there was now a parking ticket on his vehicle and became very agitated again. I advised RAHMAN that the ticket is between him and the council and he would need to dispute the ticket if he believes that he had not contravened any parking offences.

RAHMAN then got into his car and we all left.

Throughout the Police attendance I did not witness anything that was said or anything that may have been perceived, that could have been received as racist or racial aggravated by RAHMAN and/or his family.

10/2017

[REDACTED]



MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN

Occurrence Number: 47190162362

Statement of: LOUISE KINGSMILL

Age if under 18: Over 18 (if over 18 Insert 'over 18') Occupation: Police Community Support Officer

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  #37347 KINGSMILL, L.

Date: 25/09/2019 14:36

Tick if witness evidence is visually recorded

At 12:50pm 23/09/2019 I was on duty in full uniform carrying out patrols in a marked police vehicle with my colleague PCSO Josh BONE.

During my patrols I was stopped at traffic lights on the junction of Hastings seafront and Robertson Street and noticed what appeared to be a male becoming aggressive and confrontational towards a parking warden. Due to this I turned into Robertson Street. At this point both parties approached the police car. One male who I now know to be Shahanur RAHMAN of Ocean Spice restaurant, claimed that he was being given a parking ticket and no one else had been despite claiming that he was loading. At this point I parked the car and got out to speak to both parties.

My colleague, PCSO BONE spoke to Mr RAHMAN and his father in the restaurant and I spoke to the Parking warden. The warden claimed that he noticed a car parked illegally, a BMW 320d in grey YB05 MGO, on double yellow lines alongside other vehicles which were loading to which he gave him approximately 10 minutes while he patrolled the rest of the street. After he had come back the BMW was still parked illegally to which he started writing a ticket. At this point Mr RAHMAN noticed this and opened his boot to indicate he was loading but the warden didn't believe this to be the case therefore continued to write a ticket. At this point the warden claimed that Mr RAHMAN became aggressive towards him which is when myself and my colleague PCSO BONE arrived. After the Warden had given me his encounter Mr RAHMANS Father, Siddiqui RAHMAN approached the warden shouting at him and accusing him of racism however I cannot recall the exact words said. I then stepped in and asked Siddiqui RAHMAN to stop raising his voice and to

10/2017





continue talking to my colleague to which he began to walk away. Shahanur RAHMAN then approached the warden shouting and swearing. Shahanur RAHMÁN then became aggressive, raising his arms and pointing and shouted to the warden "WAIT TILL NEXT TIME I WILL KNOCK YOU THE FUCK OUT YOU DICKHEAD". Again I asked that he does not use such language and talks to my colleague to which he then threatened to 'knock out' the warden again and accused him of being racist. Shahanur RAHMAN then walked away back into the restaurant. At this point I called up for a unit to back up my colleague and I to prevent any further escalation as the males were not calming down and continuing to display aggressive behaviour. Soon after my colleagues PC LAWS and PC SIMES arrived. PC LAWS went to speak to both Shahanur RAHMAN and his father to regarding the threats made. Shahanur RAHMAN then denied this and became confrontational once again denying this. I then made Shahanur RAHMAN aware that I witnessed this happen and he accused me of lying and being racist saying I did not witness the incident. PC Laws continued to talk to the male about the incident however I cannot remember exactly what was said. PC SIMES and PC LAWS took the details of the relevant parties and we all left the scene.

During this time both Shahanur RAHMAN and his father were very confrontational, aggressive and animated throughout with raised voices and threats being made.

Shahanur RAHMAN was wearing a dark coloured jumper and blue jeans with ripped parts near the knees. He had medium length hair which was styled back and a short, tidy beard. Siddiqur RAHMAN was wearing a dark coloured suit and tie.

Both Siddiqur RAHMÁN and Shahanur RAHMAN's aggressive and confrontational behaviour made me feel uncomfortable and intimidated during this incident.



Evidence relating to
Interaction (No. 6)

dated:

10th August 2019

3 x Police
Statements



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WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN

Occurrence Number: 47190135164

Statement of: JOSHUA FOX

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable EA388

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  #EA388 FOX, J.

Date: 11/08/2019 04:41

Tick if witness evidence is visually recorded

At approximately 23:50hrs on Saturday 10th August 2019 I was on duty in full uniform working out of Hastings Police Station. I was using the call sign EC204. At this time I attended a report of five males assaulting one male in HIGH BANK in HASTINGS. This is a small road situated adjacent to OLD LONDON ROAD, HASTINGS. At 23:54hrs I attended the scene with colleagues and saw one male being tended to by two of my colleagues who were initially at scene. They were situated on a small grassed area to the left of the road as you head northbound. I also saw a number of colleagues speaking with five Asian males stood close by. When speaking with colleagues it was established that these five males were the ones originally reported to have been carrying out the assault on the single male. I activated my personal issue body worn video and at 00:08hrs on Sunday 11th August 2019 I approached one of the males, who I recognised that I have dealt with before approximately 2 months ago, and said to him 'DUE TO WHAT HAS HAPPENED HERE, I AM ARRESTING YOU ON SUSPICION OF ASSAULT' I followed this with the caution to which he has made no reply. I was describe this male as Asian, of medium build and roughly 6ft in height. He had dark black hair which was shaven at the sides whilst longer on top. He had a black beard and was wearing black framed glasses. He was wearing a blue coloured buttoned shirt along with black trousers. He was wearing black shoes on his feet which had tassels on each shoe. After telling the male that he was under arrest I informed him that his arrest was necessary to prevent him causing further physical injury and to also prevent him communicating with the other defendants due to the fact that some of the five were his brothers living at the same address. The male has then informed me that his name was Ridwanur RAHMAN  This confirmed to me that I had dealt with this male before as he refers to himself as 'RID'. When telling the male that he was under arrest I have placed him in handcuffs in a rear stacking position which meant that one of his arms was on top of the other behind his back. This was to prevent any violence being used against myself, my colleagues or any other persons present at scene due to the allegation of a violent offence. We have waited a short while for transport to be arranged to take not only my

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[REDACTED]

MG11

arrested male to custody but also the four other males. During this time I have rearranged the position of the handcuffs on the male into a position which meant the backs of his hands were facing each other, again whilst behind his back. Once transport had arrived I escorted RAHMAN and placed him into the rear of the marked police vehicle. Once this was done I clarified with him that he was under arrest for ASSAULT OCCASIONING ACTUAL BODILY HARM which he understood. I then assisted in transporting him to BRIGHTON CUSTODY CENTRE at which his detention was authorised.

10/2017

[REDACTED]



MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN

Occurrence Number: 47190135164

Statement of: JACK GREENHALF

Age if under 18: Over 18 (If over 18 insert 'over 18') Occupation: Police Constable CG783

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  #CG783 GREENHALF, J.

Date: 11/08/2019 04:37

Tick if witness evidence is visually recorded

At approximately 00:00 on the morning of Sunday the 11th of August 2019 I was on duty, in full uniform, as call sign EC207, as part of a crew of six Constables in a marked Police Personnel Carrier, when we arrived at the bottom of Mount Road, Hastings, East Sussex. We attended in support of other units in response to an emergency call, to a male being assaulted by five other males. Mount Road is a narrow thoroughfare which rises sharply parallel with the A259 at Old London Road. Due to the topography of Mount Road we were obliged to debus and walk up the road aforementioned. As we proceeded we came to a small area of grass to the left hand side where I saw a white male in his forties, in a white patterned shirt. His shirt was stained with blood and he appeared to be bleeding from injuries to his face and head.

Amongst other Constables who were in attendance I saw five young males of Indian appearance. All seemed calm initially. I gathered that the Indian males had set upon the injured male, and claimed that he and another (Who had made off prior to our arrival) had stolen from a restaurant to which the five were affiliated.

One of the five became animated, for reasons of which I am not aware. I saw others of the group advance on my colleagues and stepped forward to intervene. PC CF169 FOX and I escorted a male away. I would describe him as an Indian male, around 5'7" tall, of slim build, with train track braces on his teeth and a close cropped thin beard. He had a very fresh complexion and disported himself in a manner which led me to believe him to be in his mid to late teens. He wore grey slacks, a navy blue padded jacket, a pastel blue shirt, a yellow metal watch, and black suede loafers. He was insolent and bolshie towards PC FOX, being obnoxious, objectionable, and deliberately obtuse. He seemed to object to the way in which he had been physically removed from the raffle surrounding his friend. He had ignored verbal commands to remove himself and so had to be escorted. PC FOX's very clear explanation as to why he had been physically escorted seemed to present an intellectual challenge to the youth.

Having reasonable grounds to suspect that an offence had occurred, and having reasonable grounds to suspect that this

10/2017



[REDACTED]

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youth had been a party to its commission, I asked him for his name. He refused to give it, and one of his cohorts began holding forth loudly about his rights and the rights of all of them to withhold their details. I did inform my youth that withholding his details under the circumstances would lead to almost certain arrest. Unfortunately the friend continued to give legal advice in a raised voice, all of which displaying complete ignorance of the basic operations of the legal system of the United Kingdom.

The first of their party was placed under arrest. I heard from PC DP576 PRESLAND that the allegation seemed to involve all of them, from the information available, therefore at 00:10 I said to the youth: "AT THIS TIME I AM PLACING YOU UNDER ARREST ON SUSPICION OF ASSAULT OCCASIONING ACTUAL BODILY HARM..." I then cautioned him to which he made no intelligent reply. Several times I had to re-focus his attention as he attempted to lecture PC COMOTTO on the finer points of tactical handcuffing. In order to stop the youth's incessant talking I checked the handcuffs, which had been applied correctly. I politely informed him that he had been handcuffed correctly, that he was clearly entirely ignorant of that subject, and that it would be in his interests to listen. I informed him that his arrest was necessary to establish his identity, prevent his disappearance, prevent the loss of forensic evidence, and allow a prompt and effective investigation.

I searched the youth under Section thirty two of the Police and Criminal Evidence Act, finding nothing nefarious about his person. During the search I noticed that he had what looked like a splash of blood on the front of his trousers.

Following a wait for transport to arrive, during which the youth informed us that he had a very expensive job (I believe he meant lucrative) his implication being that he is superior to us, I escorted the prisoner down Mount Road to PC DM401 MCCANN and PC CS284 SMITH. I asked him his name again. He refused to provide it. He then stated, in an impertinent manner, that his name was John Smith. He then said "YOU DON'T BELIEVE MY NAME'S JOHN 'CAUSE I'M BROWN." I told him that he was being foolish and pathetic, and handed him over to my colleagues.

I have since identified him from his Custody photograph as being Monimur RAHMAN, nineteen years of age.

10/2017

[REDACTED]

[REDACTED]

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN

47EH3271219

Occurrence Number: 47190135164

Statement of: DAVID TOURELL

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of two page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  #CT492 TOURELL, D.

Date: 11/08/2019 02:24

Tick if witness evidence is visually recorded

On Saturday 10th August 2019 I was on duty with call sign KL13B together with colleagues when we attended High Bank, Hastings to reports of five men attacking one male. Together with PS Sands CS029 and other officers we arrived at High Bank. I initially saw an Asian male appear from a corner of a wall and look down the road at the approaching police van. He then disappeared from my view. We arrived passing this walled corner which revealed a grassy recess. I saw a white male lying on the ground and a group of five Asian males surrounding this male. I think one of the Asian males stated something like "HE STOLE FROM US AND HE TRIED RUNNING AWAY, WE STOPPED HIM."

I went over to the white male as I could see he had blood on his white top and blood on his face and head. A short while later I was informed that this male was called J S with a date of birth of [REDACTED]. The male stated he did not feel concussed and I suggested that he receive medical attention from a health professional but he did not want this. I asked if he had anyone at home that could keep an eye on him as he had a cut to his left ear and on his forehead with swelling and slight bleeding to the back of his head on the left side and that I was concerned for his welfare and he stated there was. Using a first aid kit I administered some basic first aid cleaning up the wounds with sterile water and bandage type material. J S stated the males knew his name and other members of his family but stated he did not know how. He seemed of the opinion that he was the innocent party having been wrongly identified for any crime linked to any restaurant but I cannot recall exactly what he said whilst concentrating on cleaning up his wounds. I asked him if I was hurting him whilst cleaning up his wounds and he stated it was fine. I heard S tell PC Laws CL088 that he was all wet because the Indians had thrown water all over him to help clean up the blood and he indicated that the water had come from the bottle just behind PC Laws and I could then see an empty mineral bottle type bottle laying on the grass within a few metres of where S had been laying.

I can exhibit DT/110819/0145 as a series of three photographs I took of J S injuries to his head that I took at

10/2017

[REDACTED]

[REDACTED]

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the scene a little after 00.05 hours and I produced at Hastings Police Station at 01.45 hours on Sunday 19th August 2019.

I was aware that the five Asian males had been arrested for actual bodily harm to J [REDACTED] S [REDACTED]. A male who had been arrested was particularly verbally aggressive and knowing that S [REDACTED] was with another colleague, I left to assist with the verbally aggressive male. I sat with one of the males in the police van who was not cooperating and being extremely belligerent, he would not confirm his name and kept repeating that we were all stupid. At one point this male who eventually was escorted to custody by PS Sands starting talking in a foreign language to his associates, so I closed the open van door to prevent anymore possible collusion.

When prisoner transport arrived I helped transport the male that was sat in the back of the police van we were using to a waiting prison van and was aware that this male was going to Brighton custody with PS Sands.

This statement forms my original notes and was completed at Hastings police station.

10/2017

[REDACTED]

Evidence relating to
Interaction (No. 7)

dated:

26th May 2019

1 x Police Statement

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN

Occurrence Number: 47190084360

Statement of: DAVID FISHER

Age if under 18: Over 18 *(if over 18 insert 'over 18')* Occupation: Police Constable

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  #CF193 FISHER, D.

Date: 16/12/2019 07:25

Tick if witness evidence is visually recorded

On Sunday 26th May 2019 at 05:20 hours I was on duty in full uniform in the call sign of EH102 when I responded to a group of males in a grey BMW who had assaulted another male at HASTINGS Train Station. On arrival at the station in STATION APPROACH I saw a grey BMW 3 Series parked with its front passenger window open behind the security posts in front of the college. I then saw a male who appeared to be IC4, athletic build, 6ft, late 20's and having black hair with glasses. This male was wearing a dark coloured jacket which was open. The male was bleeding from his mouth however he appeared to be very agitated and he could only provide me with a confused account due to his agitation. This male was unable to focus. He then began to talk onto his telephone and became verbally abusive towards the caller. The male stated he was in town looking for a female named T and when he found her a male approached him and punched him in the mouth. this male was described as having ginger hair. He stated T knew who the male was. His agitation increased as Use of Force printed 26/5/2019 at 9:49 Page 2 of 7 he continually looked around him and would not stop pacing. A phone rang which was on the passenger's seat. The male stated it was his brothers. At this time the brother appeared he was of muscular build and in his mid 20's. I did not hear what this male said. After approximately 2 minutes the male in the dark coloured jacket shouted there's one of them whilst pointing to the footpath opposite the station entrance. This male was walking in the direction of BRAYBROOKE ROAD. I did not realise at the time the male was attempting to walk towards me. The two Asian males began to run towards the male so I intercepted the male and he informed me he was the informant. As I began to talk to the male the two Asian males began to make threats towards him and I could see they were very angry. Their body postures were threatening as they inflated their chests. The expression on their faces was pure hatred. The males began to approach as at a distance of 15 feet. I shouted at them to get back and let us do our jobs. Their anger was increasing and I believed they would attack the male. They refused to listen to reason as they were intent on attacking the male which was confirmed when they spoke. I placed the male behind me and they closed the gap to approximately 10 feet. I withdrew my Taser from the holster and pointed it at them. I stated "GET BACK GET BACK". This had no effect. Due to their aggression and now threats to attack the male behind me I activated my Taser and released the safety. I aimed the red dot on the upper abdomen of the clean shaven male and shouted "POLICE OFFICER WITH A TASER GET BACK". The males became further agitated and moved closer. I moved the male behind me backwards and they followed. I warned them again to which they threatened me and began to swear. I do not recall what they said. A paramedic named J had joined me standing on my right and he called for urgent assistance. The males then began to state to the male behind me "WE KNOW WHO YOU BOTH ARE AND WE WILL

10/2017



[REDACTED]

MG11

GET YOU AND YOUR FAMILIES". I could tell by their demeanour and speech they were serious with their threats. I could see the male behind me was frightened. After one minute further units arrived and details were obtained from the males. I ref Use of Force printed 26/5/2019 at 9:49 Page 3 of 7 activated my safety and placed my Taser back into the holster. I was then informed by PC PRIME CP that the ginger haired male was found on the platform of the station with serious ABH injuries to his face and stab marks to his upper arms, these were caused when the male ran and climbed over the fence to the rail tracks. I noticed the Asian males parents had arrived and they also began to argue with officers. Eventually when all parties had left the scene I was asked to attend the station as it was believed the ginger haired male had lost his bag and phone on the rail tracks unfortunately these items could not be located. The threats were at a level I was in fear for the males safety which is why I utilised my Taser. My Body Worn Video camera was activated throughout the incident. This statement has been copied from my use of force form which was completed after the incident occurred.

10/2017

[REDACTED]

Evidence relating to
Interaction (No. 8)

dated:

14th May 2019

2 x Police
Statements



MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN

Occurrence Number: 47190077015

Statement of: MATHEW WIGHTWICK

Age if under 18: Over 18 (If over 18 insert 'over 18') Occupation: Police Sergeant CW379

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  #CW379 WIGHTWICK, M.

Date: 17/06/2019 11:33

Tick if witness evidence is visually recorded

At approximately 0825hours on Monday 17th June 2019, I was on duty and in full uniform when I attended 22 Hornbye Road, St. Leonard's On Sea, East Sussex with colleagues from the Prevention and Prevention Enforcement Teams that are based at Hastings.

Our attendance at this location was to seek to arrest Siddiqur RAHMAN and his sons (namely Siddiqur AKA Shahnur, Ridwanur and Monimur RAHMAN) for an assault on S  A . The nature of the assault was that the victim sustained injuries that were consistent with grievous bodily harm.

After knocking at the door and waiting for a few moments, one of my colleagues – PC Trevena CT572 – advised me that he had seen a males face at one of the windows on one of the upper floors in the premises. Very soon afterwards, the front door was opened by a male that I now know to be Shahnur RAHMAN.

Officers entered and I heard them starting to ask whether there was anyone else present. As these questions were being asked, I saw another male descending the stairs towards where my colleagues and I were stood. This male identified himself to me as being Siddiqur RAHMAN who was followed by another male that was subsequently identified as being Monimur RAHMAN. I asked that all officers placed these males in the ground floor front room of the premises whilst a check was carried out for any others that may be present.

At this time, I went upstairs to the check the other rooms in the premises. I entered a bedroom at the front of the premises on the first floor and found another male asleep in one of the single beds that were inside of this room. I woke this male up by calling out 'Police' as I entered the room. This male identified himself to me as being Ridwanur RAHMAN. I asked this male to get out of bed and come and join me downstairs. The male got out of his bed and walked downstairs with me.

By the time that I had arrived downstairs; Siddiqur, Shahnur and Monimur were all sat in the lounge. They had been joined by Siddiqur's wife and his daughter. At 0830hours, I asked all of the males that were present in the room to identify themselves in order to ensure that all of the suspects had been located. They did so. I then explained that they were all suspects for an assault on S  A  in April and that they were all under arrest for assault occasion grievous bodily harm on him. Prior to me being able to start the caution all of the males started shouting towards my colleagues and I making it wholly impractical to do this and to try and explain anything.

I made repeated attempts to try and placate everyone but was just met with a barrage of abuse. It appeared that Siddiqur had some form of control as the head of the family as, when he spoke, the rest of the family tended to listen. As a consequence of this, I tried speaking to him. This failed initially and, as before, I was met with having Siddiqur shout and wave his finger in my face. He was telling me that he was going to take me to the High Court regarding his arrest, tell my Chief Officer about him getting arrested and make a complaint about it. At the same time, his son Shahnur stated that he was going to 'SUE OUR FUCKING ARSES' on numerous occasions and kept repeating 'FUCK THE POLICE' prior to using derogatory language towards a colleagues appearance that was present. I remember one of those present (though cannot recall who) saying that the victim was a 'crack head', a 'thief' and that the police had entered and arrested everyone without any evidence and that it was a false allegation.

After approximately five minutes of this, the situation quietened enough for me to attempt to speak to Siddiqur. I explained that, despite whilst I acknowledged this was bound to cause upset to him and his family, we – as the police – needed to investigate the allegation and that the current behaviour being displayed was simply delaying things. Having said this, Shahnur started shouting about how the police had failed to investigate anything in relation to when he had been assaulted

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[REDACTED]

with a knuckle duster. I could see that his right hand was in a plaster cast and assumed that he was referring to that. He then went onto reiterate that the police had done nothing about his allegation and that he was being arrested for something that was effectively false.

After approximately fifteen minutes of continued discussions with the family, each person that had been arrested were taken upstairs on an individual basis in order to get changed and get ready to be taken to custody. Ridwanur left first; followed by Siddiqur and Monimur and, finally, by Shahnur. As Shahnur had his hand in a plaster cast, I decided not to handcuff him as I did not wish to aggravate the injury that he had.

I escorted Shahnur to a nearby police vehicle and returned to the address with PC Heneke a few moments later. By the time we had arrived back at the premises, the front door had been shut. I rang on the doorbell and the door was answered a few seconds later by Siddiqur's daughter and his wife. PC Heneke and I walked into the entrance porch and then spoke to the remaining family members and advised that we wished to conclude a search of the premises for any remaining mobile phones that may offer evidence in relation to the offence.

For approximately ten minutes we spoke with the remaining family members, advising them of the police powers that enabled us to do this. Eventually, the family members allowed us through the internal door in order for us to conclude our search.

At 0925hours, I was shown into a bedroom on the first floor that family members advised me belonged to Shahnur. I saw an I-phone on the chest of drawers in this room. I placed this into an exhibit bag numbered M20727534, sealed it and produce this as my exhibit MJW/170619/0925.

At 0929hours, I was shown into a bedroom that I was advised was shared between Ridwanur and Monimur. I saw an I-phone on a bedside table in this room. I was told by family members that the bed closest to where this phone was situated belonged to Monimur. I placed this into an exhibit bag numbered M20727533, sealed it and produce this as my exhibit MJW/170619/0929.

PC Heneke and I then left the premises and returned to Hastings Police Station.

[REDACTED]

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN [REDACTED]

Occurrence Number: 47190077015

Statement of: ROBERT SHAW

Age if under 18: Over 18 (If over 18 insert 'over 18') Occupation: Police constable CS101

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: [Signature] #CS101 SHAW, R.

Date: 17/06/2019 15:34

Tick if witness evidence is visually recorded

On Monday 17th June 2019 I was on duty in full police uniform. We were briefed and asked to attend 22 Horntye Road, St Leonards on Sea to effect the arrest of 4 males that are believed to be responsible for an assault causing Grievous bodily harm on S [REDACTED] A [REDACTED]

I along with PS WIGHTWICK CW379, PC SMITH CS068, PC DICKER CD330, PC GRABINER CG672, PC HENEKE DH462, PC TREVENA CT572 AND PC TURK CT075 attended the family home address to effect the arrests.

We arrived around 0820hrs and knocked at the door. All the curtains were closed which suggested that all persons were still in bed. PC GRABINER knocked at the door several times but with no reply. After a couple of louder knocks someone came to the window at the top of the house. I indicated for him to answer the front door which he did.

Whilst inside PS WIGHTWICK rounded the 4 suspects into the front room to explain the circumstances and then arrested them. Siddiqur RAHAM [REDACTED] Siddiqur RAHMAN [REDACTED] Ridwanur RAHAM [REDACTED] AND Monimur RAHAM [REDACTED] Straight away father Siddiqur with a raised voice was in the face of SGT WIGHTWICK. He was pointing in his face saying he will get the mayor to sort this, he should have had a phone call to come in and not to be arrested.

Then Siddiqur RAHMAN Junior [REDACTED] then became verbally aggressive to all officers there. He was abusive and personally abusive to officers, he would ask a question and when officers tried to answer he would tell them to shut up, call them retard and that he was going to Sue the police. He claims that we are harassing him and later in the police vehicle made comment that they only getting treated that way because of the colour of their skin. It was clear that Siddiqur senior and junior were the vocal ones of the family and everyone else in the house hold seemed to do what they were told.

Eventually they individually went and got dressed and washed ready to be taken to Eastbourne Custody. I transported Siddiqur RAHMAN [REDACTED] with PC DICKER and PC SMITH. Whilst in the holding room in Custody I became aware that he was also a suspect for another assault occasioning actual bodily harm on victim A [REDACTED] M [REDACTED]

I explained the circumstances of this allegation and further arrested Siddiqur RAHAM 24/10/92 on suspicion of assault occasioning actual bodily harm at 0947hrs and cautioned him to which he made no reply. The necessity remained the same as he was already in Custody for the GBH.

During the search of him in custody I located his mobile phone. It's a white iPhone in a case. This has been seized as exhibit RS/170619/1012 and sealed in exhibit bag M20217138. It's been booked onto the system and placed into the property store.

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[REDACTED]

Evidence relating to
Interaction (No.9)

dated:

21st February 2019

1 x Witness
Statement

[REDACTED]

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN

[REDACTED]

Occurrence Number: 47190028692

Statement of: K [REDACTED] H [REDACTED]

Age if under 18: Over 18 (If over 18 insert 'over 18') Occupation: [REDACTED]

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: _____

Date: _____

Signature Witnessed By: _____

Statement Locked By:

Tick if witness evidence is visually recorded

At about half past five yesterday afternoon I was on my way to work on the seafront in St Leonards. I walked along WESTERN ROAD, but as I got to CROSS STREET, next to the PRINCE OF WALES pub, I saw a car I recognised. It was a blue Mercedes CLK. I don't know the registration, but it's owned by Ridwanur RAHMAN. He was with two brothers: Shanur and Muminur. Ridwanur is about 25 or 26 years old, Shanur is about 27 years old, and Muminur is about 19. I know them because I used to work at the Ocean Spice restaurant owned by their Dad. I worked there for several months until I asked for some paid leave to go to visit my Dad. The boss didn't give me paid leave, so I resigned. Since then, the family have seemed to hold a grudge against me. When I saw the three brothers yesterday afternoon I knew straight away they were going to be trouble. The car parked on the right side of the road, in WESTERN ROAD, stopping outside the pub. I turned right into CROSS STREET and ran up the hill towards the main road, LONDON ROAD, to get away from them. When I got to the pub on the corner, the OLD ENGLAND, I went to the door at the back to try to get inside, but the door was closed, locked. I wanted to get into somewhere where there were people, so they were less likely to try to attack me. I carried on round into LONDON ROAD when I saw the door was locked. I went left, and headed down towards the seafront, but to my left I saw BOOTS. I turned into the doorway and tried to go into the store, but the door was also closed. They caught up with me, and beat me. The youngest, Muminur, was the first to start. He started punching me, but it wasn't long before the others started punching me. One of them, the oldest, Shanur, had some kind of small metal pole in his hand. I saw it was shiny, and long enough so that as

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[REDACTED]



MG11

he held it it stuck out of the top and bottom of his fist as he held it. It hit my left cheek and cut it. I felt out of it for a couple of seconds from it, from the punches I'd had to my head. For a while all three of them were beating me, punching me, until I managed to break free and stumble away. Ridwanur got hold of me though and tackled me down to the floor. I was in the middle of the road, but despite calling out to the people who were passing by none of them came to help. I felt my head getting kicked as I lay on the floor, and again they were punching and kicking me to the head as I lay on the floor. When I was able to get up to my feet I stumbled up and onto the other side of the road and tried to get into the CO-OP. I tripped over a beggar who was sitting on the floor outside the CO-OP, but eventually I was able to get into the CO-OP and speak to someone inside. They called Police for me. From the attack I have a cut to my left cheek, my head feels bruised and I have a bump at the back of my head on the left hand side. I didn't do anything to make them attack me, I was just on my way to work. I knew who it was who attacked me, I had a good view of them, and I've known the three of them for some time.

I didn't give any of them permission to attack me, and I'm willing to support Police and attend court if necessary. These men have harassed me for weeks, and I want them to leave me alone. My wife is pregnant with our child, and I just want a peaceful life without fearing what they might do, without looking over my shoulder. Their behaviour has been such that my wife doesn't want to go out, and doesn't feel safe.

10/2017



HASTINGS BOROUGH COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

MR SIDDIQUR RAHMAN
22 HORNTYE ROAD
ST. LEONARDS ON SEA
EAST SUSSEX
TN37 6RT

(Premises licence issued 10th December 2015 on compliance with conditions from hearing)
(Full variation granted 24th April 2014 with conditions requiring action)
(Transfer of premises licence on 10th February 2011)

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

MR SIDDIQUR RAHMAN
22 HORNTYE ROAD
ST. LEONARDS ON SEA
EAST SUSSEX
TN37 6RT

(Change of DPS 5th February 2010)

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

PERSONAL LICENCE NUMBER: HO77745
ISSUING AUTHORITY: HASTINGS BOROUGH COUNCIL

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions

All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions – continued

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.

6. The responsible person shall ensure that –
 - where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions - continued

(b) “permitted price” is the price found by applying the formula – $P = D + (D \times V)$

Where –

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions – continued

3. Where

- (a) The film classification body is not specified in the licence, or
- (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
- (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

- (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Embedded Restrictions

On Licences

2. Permitted Hours

on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Restrictions

The restrictions do not prohibit:

- a) consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises
- b) the ordering alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered
- c) the sale of alcohol to a trader of club for the purposes of the trade or club
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces
- e) the taking of alcohol from the premises by a person residing there; or
- f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, of the liquor is supplied at the expense of their employer or of the person carrying on in charge of the business on the premises.

3. Premises with no children's certificate

No person under 14 shall be in the bar of the licensed premises during that permitted hours unless one of the following applies-

- a) he is the child of the holder of the premises licence
- b) he resides in the premises, but is not employed there
- c) he is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress
- d) the bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Source Section 168, 171 and 201 Licensing Act 1964

4. Premises with children's certificate

A notice which states that a Children's certificate is in force, in relation to the area to which the certificate relates, and explains the effect of the certificate and of any conditions attached to it must be posted in some conspicuous place in that area.

No person under fourteen shall be in the bar of the canteen during the permitted hours unless one of the following applies:

- 1) he is the child of the holder of the premises licence

Embedded Restrictions – continued

- 2) he resides in the premises, but is not employed there
- 3) he is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress
- 4) the bar is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary
- 5) he is in an area shown on the plan attached to the licence
 - a. Meals and non-alcoholic beverages are available for sale for consumption in that area
 - b. He is in the company of a person aged 18 or over
 - c. He is there prior to 9pm
 - d. He may remain in the area of the premises specified during the first thirty minutes after the certificate has ceased for the consumption of refreshment.

In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Source Section 168, 168a, 171, 201, Schedule 12a Licensing Act 1964

Note:

The latest hours for operation of a certificate is 9pm. See Sch 12A para 5(1) LA 1964.

Where justices have imposed a later hour under Sch 12A para 5(2), that should be reflected in condition (5)(d)

HASTINGS BOROUGH COUNCIL**Annex 2 – Conditions consistent with the operating schedule****General****The prevention of crime & disorder**

See Annex 3 additional conditions applied by Licensing Sub Committee on 24th April 2014.

Public safety

See Annex 3 additional conditions applied by Licensing Sub Committee on 24th April 2014.

The prevention of public nuisance

See Annex 3 additional conditions applied by Licensing Sub Committee on 24th April 2014.

To ensure that customers are encouraged to leave the premises in a quiet and orderly manner.

To ensure the premises are adequately ventilated to prevent nuisance.

To ensure the arrangements for the storage & disposal of refuse do not cause a nuisance.

To ensure any noise from the licensable activities / regulated entertainment provided, will be monitored in order to prevent nuisance.

The protection of children from harm

See Annex 3 additional conditions applied by Licensing Sub Committee on 24th April 2014.

To ensure that staff are trained to observe the measures necessary to promote the protection of children objective.

To ensure only suitable entertainment will be provided when children are present.

Any restrictions on the admission of children will be displayed outside the premises or relevant part thereof.

To ensure adequate non – alcoholic drinks will be available.

HASTINGS BOROUGH COUNCIL

Annex 3 – Conditions attached after a hearing by the licensing authority**DATE OF HEARING: 24 April 2014****LICENSING SUB-COMMITTEE****GRANT**

We have listened carefully to all the submissions and we are bound to be directed by the promotion of the Licensing Objectives and Material Considerations of:

- **Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance**
- **Protection of Children from Harm**

On balance, the Sub-Committee accepts the evidence provided in support of the application and has decided to grant the application.

In recognising the concerns raised about the specific issues under the Licensing Objectives, the application is granted subject to the following conditions:

- 1. 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.**
- 2. An additional deep sink must be installed if a commercial dishwasher is not made available.**
- 3. The basement must not be used as a food store.**
- 4. Additional food preparation space should be designed into the kitchen to ensure separation of raw and ready to eat foods.**
- 5. 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.**
- 6. The premises will not conduct over the bar sales of alcohol.**
- 7. Alcohol will only be sold/supplied on the premises to persons seated at a table by waiter/waitress service.**
- 8. 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.**
- 9. 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.**
- 10. 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).**

HASTINGS BOROUGH COUNCIL

Annex 3 – Conditions attached after a hearing by the licensing authority – continued

- 11. No food or alcohol will be delivered to anywhere other than a recognisable permanent business or residential address.**
- 12. 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.**
- 13. To restrict the licensable activity to the ground floor only and restrict the number of people on that floor to a maximum of 60 (to include staff) until a Building Completion Certificate is issued and served on East Sussex Fire and Rescue and the Licensing Authority and they are both satisfied that all necessary conditions are met.**

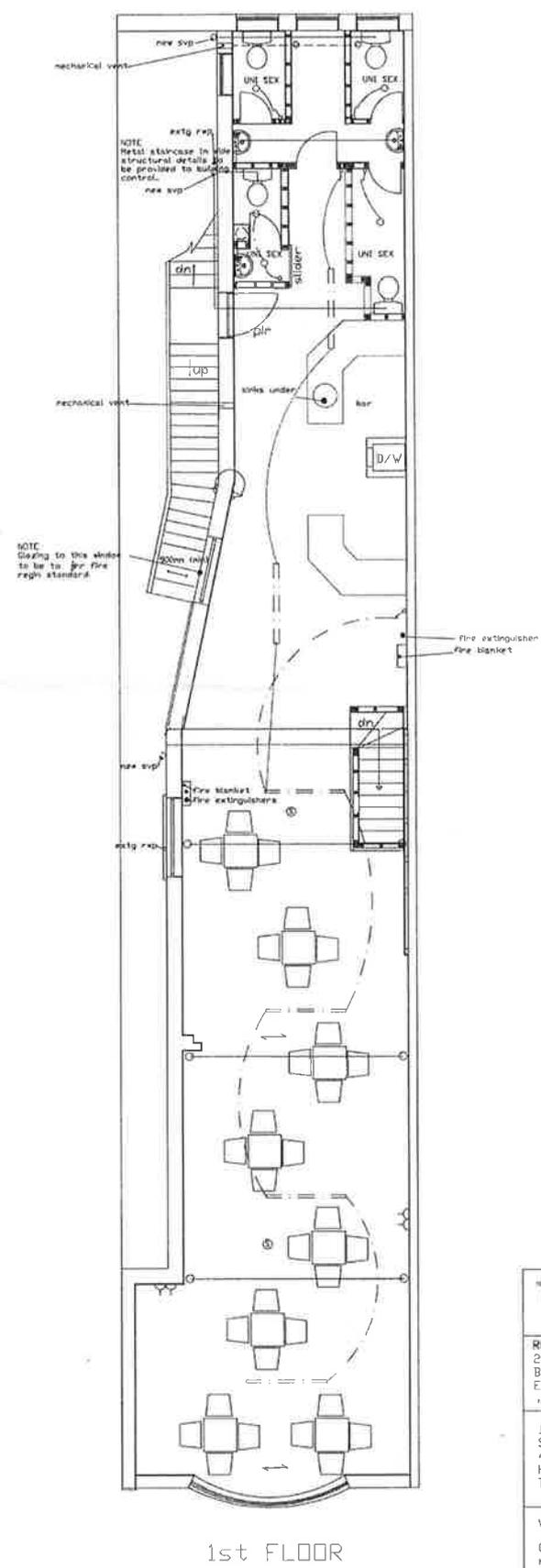
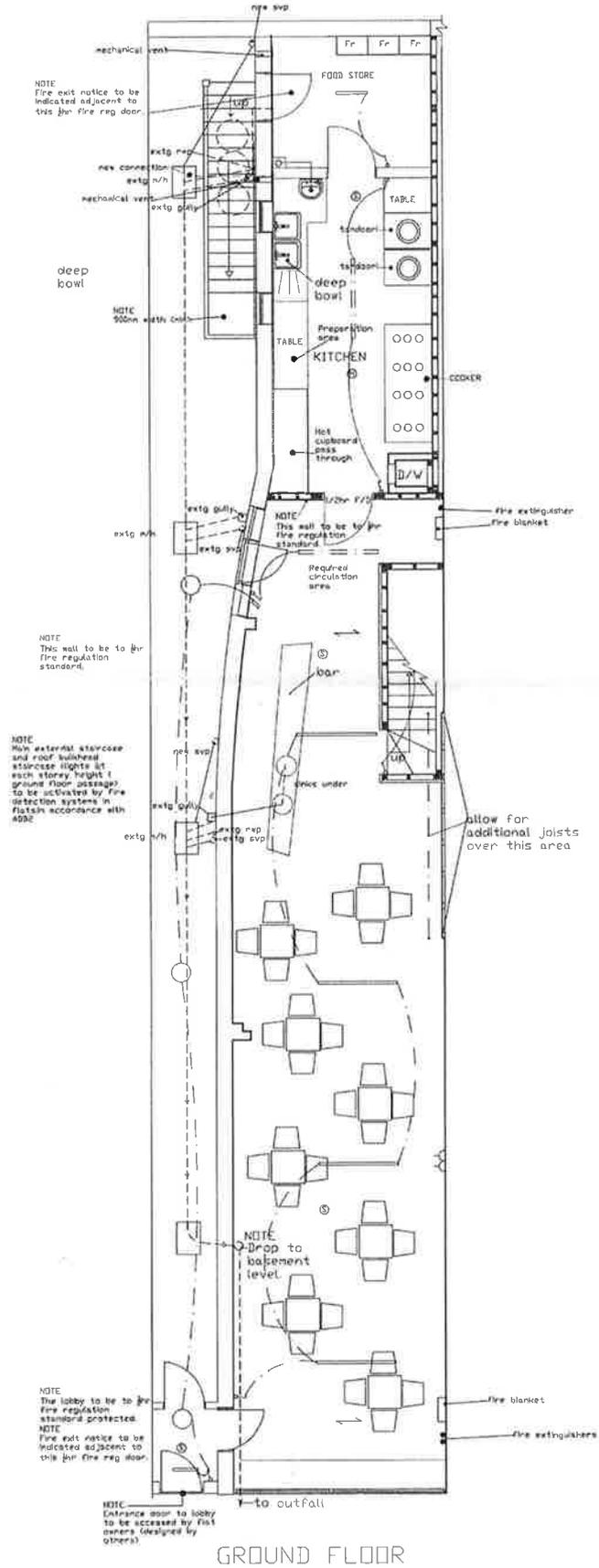
(Certificate has been supplied October 2015 and accepted, therefore removing this condition 13).

Reason – The Committee have listened very carefully to all submissions and believe that with the proposed conditions included on the licence the Licensing objectives will be upheld.

The Committee have had regard to the Council's own policy and guidance issued by the Secretary of State.

HASTINGS BOROUGH COUNCIL

Annex 4 – Plans (Full variation granted April 2014 Ground floor & first floor areas).



REVISED	by
P. The equipment listed	mg
Layout revised	
ROBERT W JAMIESON REVISED	
2 ABBEY WAY	
BATTLE	
EAST SUSSEX TN33 0XD	
tel: 01424 51330	jamieson@robertwjamieson.co.uk
Job:	
SMUGGLERS	
43 WHITE ROCK COURT	
HASTINGS	
TN34 1JL	
Works:	
Ground & 1st Floor Layout	
revised.	
Fire equipment added.	
Date: August 2012	
Scale: 1:50 @ A1	
Drawn by: RWJ	
Checked by:	
Drawing No: 020.12.27.1P	
Revision: -- P	



Title:

Ocean Spice

Scale: 1:2500

Date: 19/12/2019

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