

Public Document Pack
Licensing Sub Committee Agenda

Tuesday, 7 May 2024 at 6.00 pm

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
Please enter the building through the Contact Centre entrance via the seafront.

If you are attending the Town Hall for this meeting, please enter the building via the Community Contact Centre entrance.

For further information, please contact Democratic Services on 01424 451484 or email democraticservices@hastings.gov.uk

	Page No.
1. Appointment of Chair for this Meeting	
2. Apologies for absence	
3. Minutes of previous meeting 28/03/24	1 - 4
4. Declarations of Interest	
5. Notification of Additional Urgent Items	
PROCEDURAL NOTE- Licensing Review	
6. Review of premises licence. Balti Hut, 72 Queens Road, Hastings. <i>Natasha Tewkesbury (Head of Community and Regulatory Services)</i>	7 - 28
7. Review of premises licence. Ocean Spice, 43 White Rock, Hastings. <i>Natasha Tewkesbury (Head of Community and Regulatory Services)</i>	29 - 60
8. Additional urgent items (if any)	

This page is intentionally left blank

28 MARCH 2024

Present: Councillors Edwards, Jobson, Sinden and Williams

29. APPOINTMENT OF CHAIR FOR THIS MEETING

Councillor Sinden proposed that Councillor Edwards should take the Chair, seconded by Councillor Jobson.

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

30. APOLOGIES FOR ABSENCE

None

31. MINUTES OF PREVIOUS MEETING

RESOLVED – (Unanimously) that the minutes of the meeting held on 8th September 2022 be approved as a true record.

32. DECLARATIONS OF INTEREST

None

33. NOTIFICATION OF ADDITIONAL URGENT ITEMS

None received.

34. APPLICATION FOR A PREMISES LICENCE WITH REPRESENTATIONS, HASTINGS QUEENS ROAD SERVICE STATION, QUEENS ROAD, HASTINGS, TN34 1RH

The Licensing Lead Officer, Mr Bryant, introduced his report.

This existing premises licence covers the use of the premises for Late night refreshment Monday – Sunday 23.00 – 24.00, Supply of alcohol Monday – Sunday 06.00 – 24.00, The operating hours of the premises are Monday – Sunday 06.00 – 24.00

The application requests to have Late night refreshment Monday to Sunday 23.00hrs to 24.00hrs (in line with the existing 'Morrisons' licence). To supply of Alcohol for sales "Off" the premises on Monday to Sunday from 06.00hrs to 24.00hrs (in line with the

LICENSING SUB COMMITTEE

28 MARCH 2024

existing 'Morrisons' licence). To extend opening hours of the premises, Monday to Sunday from 06.00hrs - 24.00hrs to a 24 Hours basis for Fuel and ancillary sales.

During the consultation several representations have been received from residents in relation to the application, objecting to the existing hours that the premises has operated under for the last two years and making comment regarding the extension of the fuel sales hours which is not relevant to this decision. As part of the consultation, the Senior Licensing Officer has been in contact with Sussex police to make checks on crime levels in relation to the petrol filling station and the licensing team has also agreed additions conditions with the applicant regarding 'reduce the strength' to which the applicant has agreed.

Cllr Jobson asked the Licensing Lead Officer how the strength of alcohol can be monitored. The Licensing Lead Officer answered the licensing team would monitor this.

Robert Botkai as the legal representative for the applicant explained that Motor Fuel Group are applying for a replica license of what Morrisons have held for the petrol filling station. It was explained the petrol filling station would not be opened 24 hours. Mr Botkai explained operating hours of the premises can be changed to Monday to Sunday 06.00 to 24.00 to be the same as the previous licence.

An objector to the application Kellie Sutherland explained the petrol filling station closes at 22:30 Monday to Saturday and 21:00 on Sunday. A change to these hours will be a big impact on the residents. The legal representative for the applicant answered that the plan for the petrol filling station would be it closing at 23:00.

An objector to the application Julia Hope explained the area is residential and already has premises selling alcohol late at night. There is no reason for the petrol station to be open later than it already is and there is an issue with rubbish in the area. The legal representative for the applicant answered that they are applying for a replica of the Morrisons license.

An objector Kellie Sutherland asked the applicant if the designated premises supervisor will be on site. The legal representative answered that the petrol filling station will have a local designated premises supervisor.

The Licensing Officer Mr Brown explained that the Police and Environmental Health had no objections to this application during consultation.

All parties summarised their positions.

The Sub-Committee retired to consider the application.

RESOLVED – (Unanimously)

LICENSING SUB COMMITTEE

28 MARCH 2024

APPLICATION GRANTED

-
We have listened carefully to all the representations from the Council's Licensing Team, the Applicant's representative, Ms Hope and Ms Sutherland who objected to the application.

The Licensing Sub-Committee is bound to be directed by the promotion of the Licensing Objectives:

- 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 therefore grants the licence as applied for with the acceptance of the conditions:

1. *There shall be no sale of beer, lager, or cider with an ABV content above 6% ABV save for craft and premium beer, lager or cider'.*
2. In addition, the Applicant has agreed to a contact line to be made available for the public once the licence is in operation.

Reasons for our decision:

1. The application for a premises licence is being applied for on exactly the same conditions (bar the exception of the additional conditions accepted by the applicant).
2. The existing licence has been in place on the same conditions since it was granted two years and operated without any concerns.
3. Sussex Police were consulted on the application and there was no concerns raised inline with the objections.
4. The grant of the licence would not undermine the licensing objectives.

Advisory note:

LICENSING SUB COMMITTEE

28 MARCH 2024

The Sub-Committee heard a number of issues and concerns from Ms Hope and Ms Sutherland about noise from the tanoy and opening hours, whilst these concerns are outside of the Licensing Act 2003 and the licensing objectives, it is suggested that the Applicant and residents can work together to address these concerns.

35. ADDITIONAL URGENT ITEMS (IF ANY)

None

(The Chair declared the meeting closed at. 3.41 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.

This page is intentionally left blank

Agenda Item 6



Report to: Licensing Sub-Committee

Date of Meeting: 7th May 2024

Report Title: Review of premises licence. Balti Hut, 72 Queens Road, Hastings.

Report By: Natasha Tewkesbury. Head of Community and Regulatory Services

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 12th March 2024 Hastings Borough Council received an application for the review of an existing premises licence for Balti Hut, 72 Queens Road, Hastings from Sussex Police, made under Section 51 the Licensing Act 2003. (The application for review and supporting papers is attached Appendix A.)

The premises have been licensed to operate since 2009 initially under Aktikur Rahman. The Premises licence transferred to Kamrul Islam in 2012 (Map of Location included within, Appendix B).

In August 2014 the premises licence for late night refreshment was transferred to Mr Shahanur Rahman, 22 Horntye Road, St Leonards on Sea, East Sussex.

In March 2024 following the police application for review, an application to transfer the Premises licence was received from another family member, Nafisa Rahman 22 Horntye Road, St Leonards on Sea, East Sussex, who is now the current Premises Licence Holder no objections were received.

The premise currently holds a premises licence under the Licensing Act 2003, which covers the use of the premises for Late Night refreshment. (Attached Appendix B)

It currently operates Monday to Sunday under the same hours;

The opening hours of the premises are;

Monday to Sunday 17.30 to 00.00hrs

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

2.0 Application

The grounds for review made by Sussex Police 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 their application for review, inspector Burrows comments about the history of the premises and Serious assault that took place on an innocent member of staff from the Balti Hut by Mr Shahanur Rahman and three other members of his family on 5th January 2022.

This incident was caught on CCTV and all four members of the family have attended court in relation to the matter and sentenced. Mr Shahanur Rahman the Premises Licence holder at the time of the offence was found guilty of causing an offence under Section 18 of the Offences Against the Person Act 1861 (GBH) and

is current imprisoned for 4 years as are his two brothers also connected with the business, Ridwanur Rahman and Mominur Rahman and his father Siddiqur Rahman the owner of Ocean Spice who received an 18 month suspended sentence for Affray. 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 9th April 2024.

3.0 Consultation

One further representation has been received during the consultation period, this representation is from Bob Brown the Snr Licensing Officer at Hastings Borough Council. The representation outlines a timeline of events at the premises and other associated matters. They complete their representation stating that the Licensing Authority have no hesitation in supporting the review brought by Sussex Police. (Appendix C).

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 take no action

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		7 th May 2024	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. Sussex Police Application for review and supporting papers

Appendix B. Existing premises licence and location plan.

Appendix C. Supporting memo from Kirstie Rolfe Snr Licensing officer

Contact

Stewart Bryant

Lead Practitioner – Licensing.

Stewart.Bryant@Hastings.gov.uk

01424451042

This page is intentionally left blank

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 Police Inspector Simon Burroughs

apply for a review of a premises license under Section 51 Licensing Act, 2003 for the premises described below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Balti Hut 72 Queens Road Hastings East Sussex TN34 1RL	
Post town Hastings	Post code (if known) TN34 1RL

Name of premises licence holder or club holding club premises certificate (if known) Late Night Refreshment Premises Licence Holder Shahnur RAHMAN

Number of premises licence or club premises certificate (if known) HOP50284

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)

x

3) a member of the club to which this application relates (please complete (A) below)

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

x

**Current postal
address if
different from
premises
address**

Post town

Post Code

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

Police Inspector Simon Burroughs
Licensing Inspector for East Sussex
c/o Battle Police Station
North Trade Road,
Battle
East Sussex

Telephone number (if any)
07912 894826

Simon.burroughs@sussex.police.uk

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 ✓

x

Please state the ground(s) for review (please read guidance note 2)

Prevention of crime & disorder

Sussex Police contend that above licensing objective has been undermined by a serious criminal act committed on 05/01/2022 by employees of the Balti Hut Takeaway. This is a family run/owned business controlled by The Rahman's which employs multiple family members. The family also own and control the Ocean Spice Restaurant, White Rock, Hastings. I submit a separate review application for the alcohol license of the Ocean Spice.

On 5th January 2022 an employee of The Balti Hut Takeaway at 72 Queens Road, Hastings was the victim of an assault occasioning Grievous Bodily Harm (GBH). The offenders were four members of the Rahman family, including Siddiquir Rahman, the Premises Licence Holder of The Ocean Spice. (Sussex Police reference 47220002747)

The victim was an illegal immigrant who originated from the Sudan and had been working illegally at The Balti Hut for a number of weeks. The victim had complained several times that he had not been paid and on the night of the assault refused to carry on working for them and threatened to contact the government. It is my contention that the victim was being exploited by the Rahman family.

The victim was told to wait outside The Balti Hut and was attacked and chased by staff member Mominur Rahman through Hastings to the railway station. Mominur was joined by his brothers Ridwanur and Shahnur Rahman. The Rahman's carried out a sustained and unprovoked attack in which they punched, kicked, and stamped on the victim. Whilst the assault is ongoing Siddiquir Rahman drives to the location and joins his sons in assaulting the victim by kicking him to the head and torso and stamping on his head.

The incident was caught on CCTV and all four offenders were arrested on suspicion of GBH. (Appendix 1- EA257/01- 3.21mins of CCTV footage). There is a longer video available which tracks the incident from the Balti Hut and through the Hastings Town Centre should the committee wish to see it. (Appendix 2 – BM/01 – 23mins of CCTV footage). To assist the Committee in viewing the CCTV the descriptions of clothing are -

Monimur – Light blue shirt
Ridwanur – White top & trousers
Shahnur – black top & light trousers
Siddiquir - Apron

As a result of the assault the victim sustained a fractured wrist along with multiple cuts and bruises (proven in court).

Mominur, Ridwanur and Shahnur Rahman were all convicted of Section 18 GBH and Siddiquir Rahman was found guilty of Affray.

On 18th November 2023 they received the following sentences at Crown Court:

SIDDIQUR RAHMAN

Affray – 18 months imprisonment, suspended for 18 months.
To pay £500.00 compensation to Yahya ALI - collection order.
To pay £3,500.00 costs - collection order.
Victim Surcharge - £190.00 - collection order.
Payable in 6 months.

MOMINUR RAHMAN

Attempted Section 18 – 4 years and 5 months (53 months) imprisonment
Having an offensive weapon – 9 months imprisonment concurrent
To pay £500.00 compensation to Yahya ALI - collection order.
To pay £3,500.00 costs - collection order.
Victim Surcharge - £190.00 - collection order.
Payable in 6 months.

RIDWANUR RAHMAN

Attempted Section 18 – 3 years and 9 months (45 months) imprisonment

To pay £500.00 compensation to Yahya ALI - collection order.

To pay £3,500.00 costs - collection order.

Victim Surcharge - £190.00 - collection order.

To be paid at the rate of £50.00 per month, first payment in 2 months.

SHAHNUR RAHMAN

Attempted Section 18 – 4 years imprisonment.

To pay £500.00 compensation to Yahya ALI - collection order.

To pay £3,500.00 costs - collection order.

Victim Surcharge - £190.00 - collection order.

Payable in 6 months.

In conclusion the victim of the brutal assault was a vulnerable male who was clearly taken advantage of when illegally employed at The Balti Hut. Knowing his illegal status, The Rahman family exploited him by initially paying him less than the minimum wage and ultimately refusing to pay him at all for work completed.

The Rahman family had previously received fines totalling £90,000 for employing illegal immigrants at The Ocean Spice.

This suggests a flagrant disregard for the law and the welfare of a number of vulnerable victims by the owners and employees at The Balti Hut and Ocean Spice.

It is the opinion of Sussex Police that the owners and management of The Balti Hut are not fit to be the holders of a late-night refreshment licence. The Premises Licence Holder is Shahnur Rahman who has held the position since 2014 and was sentenced to 4 years in prison for his part in the Section 18 GBH assault.

Sussex Police therefore respectfully request that consideration be given to revoking the late-night refreshment licence.

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

Please list any additional information or details for example dates of problems which are included in the grounds for review if available.

tick ✓ yes

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

Please

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

**Hastings Borough Council
Immigration**

tick ✓ yes

Please

- 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

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

PC Daren Spalding
c/o Battle Police Station
North Trade Road
Battle
East Sussex

Post town

Post Code

TN33 0EX

Telephone number (if any) 07599515602

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) daren.spalding@sussex.police.uk

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.

This page is intentionally left blank

PREMISES LICENCE SUMMARY

Premises licence number

HOP50313

Premises details

Postal address of premises, or if none, ordnance survey map reference or description
BALTI HUT
72 QUEENS ROAD

Post Town
HASTINGS, EAST SUSSEX.

Post Code
TN34 1RL

Telephone number 01424 433400

Where the licence is time limited the dates
NOT APPLICABLE

Licensable activities authorised by the licence

LATE NIGHT REFRESHMENT

The times the licence authorises the carrying out of licensable activities

LATE NIGHT REFRESHMENT MONDAY – SUNDAY 23.00 – 00.00

The opening hours of the premises

MONDAY – SUNDAY 17.30 – 00.00

HASTINGS BOROUGH COUNCIL

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
NOT APPLICABLE

Name, (registered) address of holder of premises licence

**SHAHANUR RAHMAN
T/A HASTINGS BALTI HOUSE LTD
72 QUEENS ROAD
HASTINGS,
TN34 1RL**

(Transfer on 17th March 2014 (Issued on 8th August 2014).

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

08470632

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

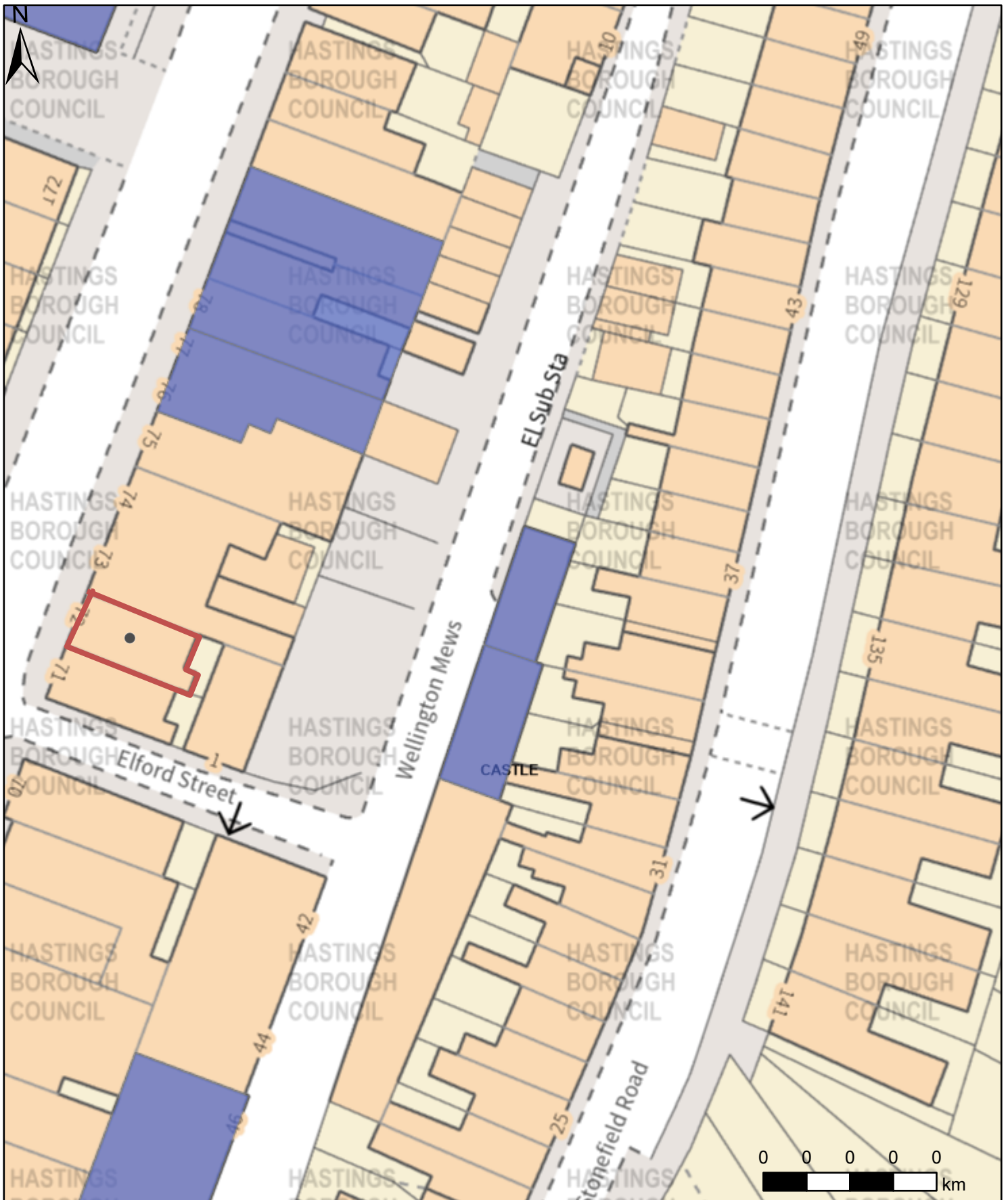
NOT APPLICABLE

State whether access to the premises by children is restricted or prohibited

This licence is issued by Hastings Borough Council on 17th March 2014 (Issued on 8th August 2014)
(Transfer)



Authorised Signature



© Crown Copyright and database rights [2023]. OS [100021328]. Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are not permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.



72 Queens Road

This page is intentionally left blank

MEMORANDUM



Date: 14.03.2024.
From: Bob Brown Snr Licensing Officer
To: Stuart Bryant. Licensing Lead Officer.
My Ref: BB/2024/BH 2024
Your Ref:

Review of Premises Licence. Balti Hut, 72 Queens Road, Hastings. TN34 1RL. (HOP50313)

I am employed as a Senior Licensing Officer (Part Time) for Hastings Borough Council, I have held this position since July 2022, previously I was the Licensing Manager for Hastings Borough Council from 5th February 2004 to 30th June 2020.

Part of my remit is to administer all matters related to the enforcement of the Licensing Act 2003, to do so I regularly undertake inspection and enforcement visits both on behalf of Hastings Borough Council and jointly with partner agencies, including the Police and Home Office Immigration Enforcement.

Geographically Balti Hut is situated on the East side of Queens Road, Hastings, opposite the junction of Cornwallis Street, Hastings.

Data trail for premises licence HOP 50313

On Tuesday 12th March 2024, an application for a review of premises licence HOP 50313, for Balti Hut, 72 Queens Road, Hastings was received by this licensing authority from Inspector Burroughs, Sussex Police on behalf of the Chief Constable. The application for review was properly made under the licensing objective "Prevention of Crime and Disorder". We hold the following information on the property;

October 2005 -The premises applied for a licence for Late Night Refreshment under the new Licensing Act 2003.

25TH November 2005 – The licence was issued to Mr Atikur Rahman operating as Balti Hut for Late Night Refreshment.

12th December 2007 – The premises operator was served with a letter of suspension for non-payment of the annual fee as required by the Licensing Act 2003. The fee was paid shortly afterwards and the licence re-instated.

3rd July 2012 – The licence was transferred to Mr K Islam.

8th August 2014 – The licence was transferred to Mr Shahanur Rahman who has remained the premises licence holder (PLH) to-date.

Hastings Borough Council fully support the review application made by Sussex Police, the management of this premises and another managed by the same family (Ocean Spice) shows a history of non-compliance over employment issues of persons not properly registered to work in the UK.

The guidance issued under Sec 182 of the Licensing Act 2003 gives clear advice on such matters at;

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 licensed premises;

For employing a person who is disqualified from that work by reason of their immigration status in the UK"

It continues at 11.28;

"It is envisaged that licensing authorities, the police, the Home Office (immigration enforcement) 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."

In addition, their family history clearly shows very poor management interactions with the responsible Authorities and the evidence of violence by the Premises Licence Holder contained within this review application is totally unacceptable and not the type of action we would expect to see from a responsible premises licence holder.



Bob Brown

Snr Licensing Officer.

Agenda Item 7



Report to: Licensing Sub-Committee

Date of Meeting: 7th May 2024

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

Report By: Natasha Tewkesbury. Head of Community and Regulatory Services.

Purpose of Report

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

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 12th March 2024 Hastings Borough Council received an application for the review of an existing premises licence for Ocean Spice, 43 White Rock, Hastings, TN34 1JL from Sussex Police, 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 2011 it was transferred to the current operator Mr Siddiquir Rahman, 22 Horntyte Road, St Leonards on Sea, East Sussex who was the designated premises supervisor (DPS) of the premise between 5th Feb 2010 and 22nd Dec 2023.

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 Sussex Police 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 their application for review, Inspector Burrows comments about the history of the premises and Serious assault that took place on an innocent member of staff from the Balti Hut (a food premises operated by the Rahman family) by Siddiquir Rahman and three other members of his family on 5th January 2022.

This incident was caught on CCTV and all four members of the family have attended court in relation to the matter and sentenced. Mr Siddiquir Rahman was

found guilty of an offence under Section 3 of the Public Order Act (Affray) and sentenced to 18 months imprisonment which has been suspended for 18 months.

Mr Rahman's 3 sons, who are all connected with the premises, were found guilty of causing an offence under Section 18 of the Offences Against the Person Act 1861 (GBH) and are current imprisoned. As a result, Insp Burrows 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 9th April 2024.

3.0 Consultation

Two further representation has been received during the consultation period; the first representation is from Mr Bob Brown the Snr Licensing Officer at Hastings Borough Council. The representation outlines a timeline of events at the premises and other the previous review of the premises licence following an Immigration IE raid on the premises. He completes his representation stating that the Licensing Authority have no hesitation in supporting the review brought by Sussex Police. The second being from Immigration who have supplied a statement outlining their repeated involvement with the premises. (Appendix C).

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 take no action.

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		7 th May 2024	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.
Appendix C. Memo from Snr licensing Officer, Statement from Immigration.

Contact
Stewart Bryant
Lead Practitioner – Licensing.
Stewart.Bryant@Hastings.gov.uk
01424 451042

This page is intentionally left blank

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 Police Inspector Simon Burroughs

apply for a review of a premises license under Section 51 Licensing Act, 2003 for the premises described 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 East Sussex TN34 1JL	
Post town Hastings	Post code (if known) TN34 1JL

Name of premises licence holder or club holding club premises certificate (if known) Siddiquir RAHMAN

Number of premises licence or club premises certificate (if known) HOP50284

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)

x

3) a member of the club to which this application relates (please complete (A) below)

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

x

**Current postal
address if
different from
premises
address**

Post town

Post Code

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

Police Inspector Simon Burroughs
Licensing Inspector for East Sussex
c/o Battle Police Station
North Trade Road,
Battle
East Sussex

Telephone number (if any)
07912 894826

Simon.burroughs@sussex.police.uk

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 ✓

x

Please state the ground(s) for review (please read guidance note 2)

Prevention of crime & disorder

Sussex Police contend that above licensing objective has been undermined by a serious criminal act committed on 05/01/2022 by the Premises Licence holder and owner of the Ocean Spice Restaurant – Siddiqur Rahman. This is a family-owned business (The Rahmans) which employs multiple family members. The family also own and control the Balti Hut takeaway, 72 Queens Road, Hastings. I submit a separate review application for the late-night refreshments license of the Balti Hut.

On 5th January 2022 an employee of The Balti Hut Takeaway at 72 Queens Road, Hastings was the victim of an assault occasioning Grievous Bodily Harm (GBH). The offenders were four members of the Rahman family, including Siddiqur Rahman, the Premises Licence Holder of The Ocean Spice. (Sussex Police reference 47220002747)

The victim was an illegal immigrant who originated from the Sudan and had been working illegally at The Balti Hut for a number of weeks. The victim had complained several times that he had not been paid and on the night of the assault refused to carry on working for them and threatened to contact the government. It is my contention that the victim was being exploited by the Rahman family.

The victim was told to wait outside The Balti Hut and was attacked and chased by staff member Mominur Rahman through Hastings to the railway station. Mominur was joined by his brothers Ridwanur and Shahnur Rahman. The Rahman's carried out a sustained and unprovoked attack in which they punched, kicked, and stamped on the victim. Whilst the assault is ongoing Siddiqur Rahman drives to the location and joins his sons in assaulting the victim by kicking him to the head and torso and stamping on his head.

The incident was caught on CCTV and all four offenders were arrested on suspicion of GBH. (Appendix 1- EA257/01- 3.21mins of CCTV footage). There is a longer video available which tracks the incident from the Balti Hut and through the Hastings Town Centre should the committee wish to see it. (Appendix 2 – BM/01 – 23mins of CCTV footage). To assist the Committee in viewing the CCTV the descriptions of clothing are -

Monimur – Light blue shirt
Ridwanur – White top & trousers
Shahnur – black top & light trousers
Siddiqur - Apron

As a result of the assault the victim sustained a fractured wrist along with multiple cuts and bruises (proven in court).

Mominur, Ridwanur and Shahnur Rahman were all convicted of Section 18 GBH and Siddiqur Rahman was found guilty of Affray.

On 18th November 2023 they received the following sentences at Crown Court:

SIDDIQUR RAHMAN

Affray – 18 months imprisonment, suspended for 18 months.
To pay £500.00 compensation to Yahya ALI - collection order.
To pay £3,500.00 costs - collection order.
Victim Surcharge - £190.00 - collection order.
Payable in 6 months.

MOMINUR RAHMAN

Attempted Section 18 – 4 years and 5 months (53 months) imprisonment
Having an offensive weapon – 9 months imprisonment concurrent
To pay £500.00 compensation to Yahya ALI - collection order.
To pay £3,500.00 costs - collection order.

Victim Surcharge - £190.00 - collection order.
Payable in 6 months.

RIDWANUR RAHMAN

Attempted Section 18 – 3 years and 9 months (45 months) imprisonment
To pay £500.00 compensation to Yahya ALI - collection order.
To pay £3,500.00 costs - collection order.
Victim Surcharge - £190.00 - collection order.
To be paid at the rate of £50.00 per month, first payment in 2 months.

SHAHNUR RAHMAN

Attempted Section 18 – 4 years imprisonment.
To pay £500.00 compensation to Yahya ALI - collection order.
To pay £3,500.00 costs - collection order.
Victim Surcharge - £190.00 - collection order.
Payable in 6 months.

In addition to this serious incident, police records demonstrate a pattern of anti-authoritarian and hostile incidents towards, Police, Immigration, ESFRS and partners from the Local Authorities. These span many years. The latest example is demonstrated in the MG11 witness statement provided by PC Les Golding CG374. PC Golding undertook a joint safeguarding visit on the 25th April 2023 with the East Sussex Discovery Team and Fire Brigade. (Appendix 3, MG11 PC Golding ref. 47230076751). The key evidence in this statement states –

“When we entered the restaurant and disclosed why we were there, there was an obvious reluctance to engage with police. Initially only Siddiqur RAHMAN was along with his son Mominur RAHMAN there, but it was apparent that a phone call had been made which entailed more males turning up to the restaurant very quickly. I have been a front-line police officer for over 20 years and to me this was a tactic of intimidation.

None of the workers would engage with professionals.

Siddiqur during the latter part of the visit lost his temper with police and complained verbally in an angry manner about our visit. He made some suggestion that he had successfully sued a professional for harassment. It was clearly pointed out why our visit had taken place and the powers that were used to enter the property. This did not calm Siddiqur down. Siddiqur remained physically upset by our visit by continuing to be gesticulating his hands. Concerns this could escalate a decision was made for police to retreat.”

A previous example of obstruction, anti police and authority actions is demonstrated in a statement by PC Scott Elliott CE179 dated 1st December 2019. On this occasion Police were undertaking a warrant at Ocean Spice. (Appendix 4, MG11 PC Elliot ref. 47190196542) The key evidence in this statement states –

“PC FRENCH's BWV footage shows PC FREEMAN and PC ELLIOTT walking MOMINUR to the van and appears to be trying to protect said officers from Saddiqur RAHMAN (27yrs) who was trying to obstruct the transport of MOMINUR. Saddiqur RAHMAN (27yrs) could be heard

shouting "IF YOU TOUCH ME AGAIN, I'LL KNOCK YOU OUT". At 20:07hrs, on PC FRENCH's BWV, Saddiqur RAHMAN (27yrs) and Saddiqur RAHMAN (53yrs) can be seen being abusive and in the face of officers."

In conclusion, these incidents illustrate a pattern of behaviour which is clearly evidenced in Police witness statements and CCTV footage to prove that Siddiqur Rahman as DPS and also head of the businesses and family is wholly unsuited to the role of Premises license holder and/or DPS.

Sussex Police therefore respectfully request that consideration be given to revoking the licence.

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

Please list any additional information or details for example dates of problems which are included in the grounds for review if available.

tick ✓ yes

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

Please

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

**Hastings Borough Council
Immigration**

tick ✓ yes

Please

- 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

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

PC Daren Spalding
c/o Battle Police Station
North Trade Road
Battle
East Sussex

Post town

Post Code

TN33 0EX

Telephone number (if any) 07599515602

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) daren.spalding@sussex.police.uk

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 16.2; Criminal Justice Act 1967, s.9

URN

Occurrence Number: 47230076751

Statement of: LESLIE GOLDING

Age if under 18: Over 18 *(if over 18 insert 'over 18')* Occupation: Police Constable CG374

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:  #CG374 GOLDING, L.

Date: 01/02/2024 13:12

Tick if witness evidence is visually recorded

Police attended Ocean Spice, 43 White Rock, Hastings on Tuesday 25th April 2023 under the Discovery umbrella as there were concerns raised about the living conditions of the property above, who was living there and fire escapes. Discovery is a partnership collaboration that involves many professional agencies including, Local authorities, Immigration, Border force, Fire service along with others. Our main aim is to identify exploitation for Modern slavery human trafficking safeguarding victims and bringing offenders to justice.

On entry to the premises through the front and into the restaurant Craig Williams from East Sussex Fire Service explained to Siddiqui RAHMAN why we were there and Craig informed Siddiqui that police under the Discovery umbrella were also attending. The restaurant is on the ground floor along with the kitchen, the upper floor consisted of living accommodation that initially raised concerns. The living quarters was to the rear of the first floor going through an open space. There are separate bedrooms on each floor with shared bathing facilities on each floor. The accommodation is of poor standard decoratively and this was reported to Hastings Borough council and evidenced on Body Warn Video which was evidenced by PC Gaymer EA169.

When we entered the restaurant and disclosed why we were there, there was an obvious reluctance to engage with police. Initially only Siddiqui RAHMAN was along with his son Mominur RAHMAN there, but it was apparent that a phone call had been made which entailed more males turning up to the restaurant very quickly. I have been a front-line police officer for over 20 years and to me this was a tactic of intimidation.

None of the workers would engage with professionals.

Siddiqui during the latter part of the visit lost his temper with police and complained verbally in an angry manner about our visit. He made some suggestion that he had successfully sued a professional for harassment. It was clearly pointed out

why our visit had taken place and the powers that were used to enter the property. This did not calm Siddiqur down. Siddiqur remained physically upset by our visit by continuing to be gesticulating his hands. Concerns this could escalate a decision was made for police to retreat.

WITNESS STATEMENT

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

URN

Occurrence Number: 47190196542

Statement of: SCOTT ELLIOTT

Age if under 18: Over 18 *(if over 18 insert 'over 18')* Occupation: Police Constable CE179

This statement (consisting of three 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:  #CE179 ELLIOTT, S.

Date: 01/12/2019 10:37

Tick if witness evidence is visually recorded

On THURSDAY 14 NOVEMBER 2019, I was on duty in HASTINGS. At about 19:00hrs, I attended a briefing at HASTINGS police station. A number of my colleagues were also there, including PS CB212 BARDEN, PC CF902 FREEMAN, PC CL088 LAWS, PC CM482 MENDES, PC CD102 DAVEY and some other officers. Also in the briefing was Immigration Enforcement Team. It was explained in the briefing that there was a Warrant which we were going to execute at OCEAN SPICE, HASTINGS. The Warrant was to search of illegal workers and those unlawfully present in the UK. There were about 15-20 officers attending the location in total. We were advised that the people within OCEAN SPICE are very aggressive, volatile and confrontational. We made our way to the location shortly after briefing.

At approximately 19:40hrs, we parked our vehicles in CAMBRIDGE ROAD and walked down the steps towards CLAREMONT. We walked along the front of OCEAN SPICE. Officers were running ahead of me. I looked through the restaurant window where I could see people running through to the back of the restaurant, these people were not officers from SUSSEX POLICE or Immigration Enforcement. Officers ran into the restaurant. I was tasked with running down the side of the restaurant which leads to the rear. I followed officers into the building. It was very congested with people and I could hear a lot of shouting within the premises. I was held waiting for a couple of minutes due to the amount of people in the premises. By the time I got into the premises, one male was stood in handcuffs. I now know this male to be Rahman MOMINUR, MOMINUR was very agitated, shouting at officers. After a short while, MOMINUR was taken upstairs where about ten other members of the restaurant were. I went upstairs also where MOMINUR's aggressive behaviour continued. After ten minutes or so, MOMINUR calmed down slightly and the Enforcement Officer removed the handcuffs. MOMINUR then went downstairs whilst I waited upstairs with the other people present. After a couple of minutes, I heard shouting coming from downstairs so I went downstairs also. I then saw MOMINUR shouting and swearing in the restaurant. There were a couple of people from the restaurant filming the incident on their mobile phones.

PC FREEMAN then arrested MOMINUR. A prison van was requested to attend as soon as possible. After a short while, myself and PC FREEMAN walked MOMINUR out of the restaurant. He continued to shout loudly. We walked MOMINUR to the prison van. As we did this, another male who I now know to be Saddiqur RAHMAN (27yrs) approached us and was getting in our way. He was shouting at us and making it difficult for us to walk MOMINUR to the van. I was mindful that there were now a lot of people around us and we were in the street. I put my hand out towards Saddiqur RAHMAN (27yrs) to create a safe distance between us as I felt that he may try to attack me. He was shouting something like "GET YOUR HANDS OFF ME, DON'T TOUCH ME". At this point, PC CF186 FRENCH arrived to assist. This allowed us to place MOMINUR into the rear of the prison van. Once he was in the van, it drove away from the location. I followed officers back to the restaurant. Saddiqur RAHMAN was on the door to the premises where he was involved in a short argument with officers. We went back into the premises. Also in the premises was Saddiqur RAHMAN (53yrs). Whilst in the premises, I became aware of a further scuffle between Saddiqur RAHMAN (27yrs) and officers. At this point, Saddiqur RAHMAN (53yrs) attempted to grab at officers who were dealing with Saddiqur RAHMAN (27yrs). A colleague of mine took hold of Saddiqur RAHMAN (53yrs) as did I. I believe that both myself and my colleague were shouting "LET GO" but Saddiqur RAHMAN (53yrs) refused. I was gabbing at his right arm but he would not let go of who he was holding onto. We kept pulling at his arm and he finally let go. My colleague arrested Saddiqur RAHMAN (53yrs) and we removed him from the premises. As we did this, he continued to tense his arms and was shouting at us. When we got outside, I attempted to speak with RAHMAN but he would not listen. Staff from the restaurant were filming us on their mobile phones through the windows. After a short while, both arrested persons were taken from the location and booked into custody.

On SATURDAY 30 NOVEMBER 2019, I was at HASTINGS police station I viewed officers' BWV footage of the incident at OCEAN SPICE on 14 NOVEMBER 2019.

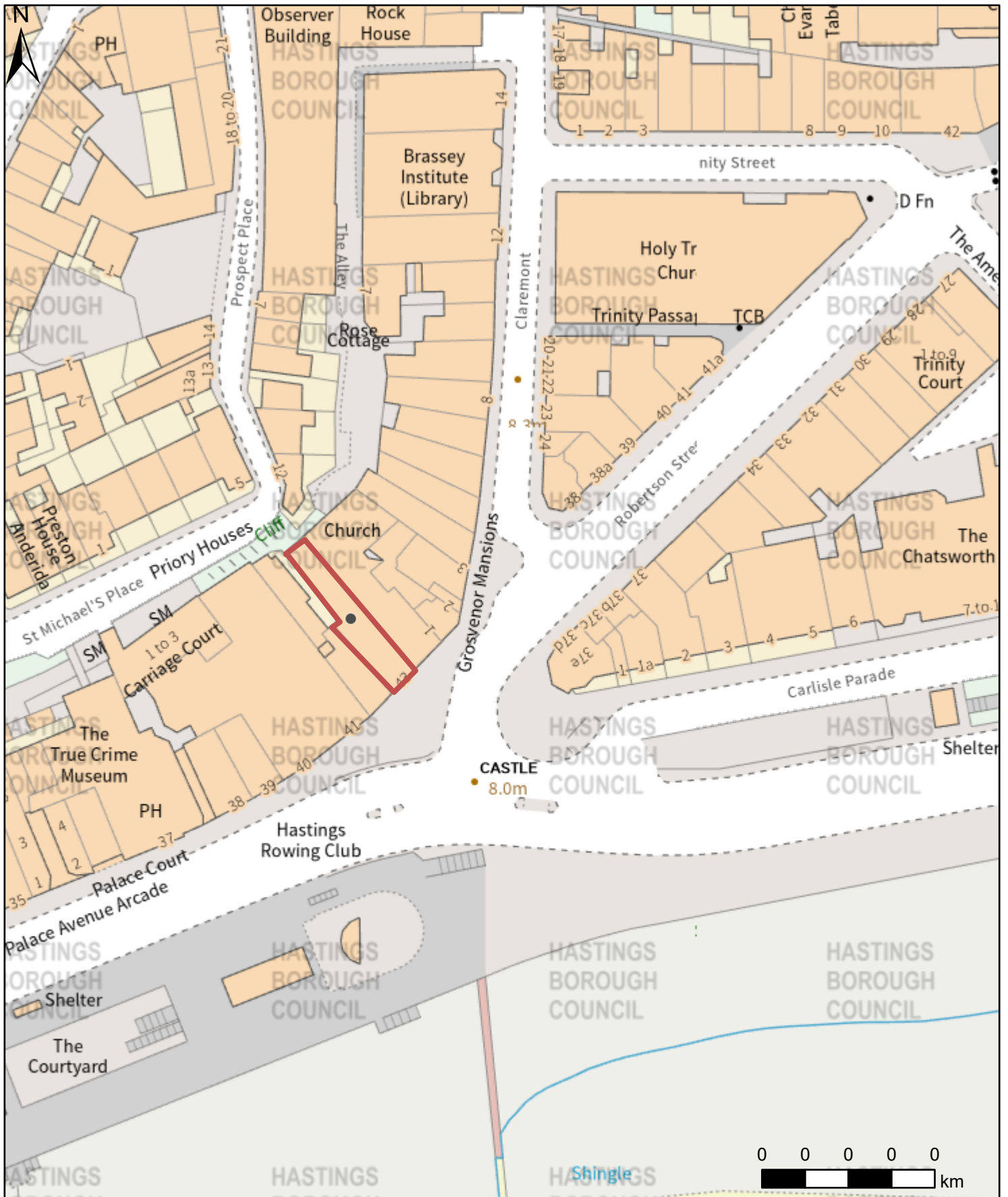
PC MENDES' BWV footage shows MOMINUR swearing and shouting upon officers initially entering the premises. MOMINUR is detained by officers but he remains abusive and argumentative. At 20:07hrs, PC MENDES is then seen to run out of the premises into the street where Saddiqur RAHMAN (27yrs) is seen to be shouting and being aggressive towards PC CL088 LAWS. Saddiqur RAHMAN (27yrs) is then seen to tell officers "DON'T TOUCH ME" at the door to the premises despite him blocking officers from re-entering the premises under the Warrant. A short while later, Saddiqur RAHMAN (27yrs) is seen to scuffle with officers inside the premises which resulted in his arrest).

PC DEVLIN's BWV footage shows MOMINUR shouting "YOU'RE LUCKY I WOULD HAVE KNOCKED HIM OUT" and "I WILL FUCK YOU". Also, at 19:55hrs, MOMINUR says "MY FINGER'S BROKEN ALREADY" as if to insinuate he has a pre-existing injury. MOMINUR is very angry and aggressive. However, after a sort while he calms down and the handcuffs are removed. During this point, MOMINUR admits "YOU HAVE A JOB TO DO". The BWV

later shows Saddiqur RAHMAN (27yrs) and Saddiqur RAHMAN (53yrs) being argumentative and shouting at officers. PC UPJOHN's BWV footage shows the incident in the street. Saddiqur RAHMAN (27yrs) is seen shouting at PC CL088 LAWS to "ARREST ME" whilst also shouting. Saddiqur RAHMAN is warned about his behaviour by PC LAWS. At 21:10hrs, Saddiqur RAHMAN (27yrs) is seen being arrested within the premises. He refuses to put his hands behind his back and can be seen tensing his arms. Officers are heard to explain to Saddiqur RAHMAN (27yrs) about how he will be removed from the premises. As this happens, he shouts at officers continuously, calling them "FUCKING IDIOTS" and telling officers to "SHUT UP".

PC FRENCH's BWV footage shows PC FREEMAN and PC ELLIOTT walking MOMINUR to the van and appears to be trying to protect said officers from Saddiqur RAHMAN (27yrs) who was trying to obstruct the transport of MOMINUR. Saddiqur RAHMAN (27yrs) could be heard shouting "IF YOU TOUCH ME AGAIN, I'LL KNOCK YOU OUT". At 20:07hrs, on PC FRENCH's BWV, Saddiqur RAHMAN (27yrs) and Saddiqur RAHMAN (53yrs) can be seen being abusive and in the face of officers.

This page is intentionally left blank



© Crown Copyright and database rights [2023]. OS [100021328]. Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are not permitted to copy, sub-license, distribute, sell or otherwise make available the Licenced Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.



Ocean Spice

This page is intentionally left blank



Immigration Enforcement

Immigration representation in support of an application for the review of a premises licence

On behalf of the Secretary of State, Home Office (Immigration Enforcement) makes representations in support of the following application for the review of a premises licence, relating to the prevention of crime and disorder objective, including the prevention of illegal working and immigration crime in licensed premises.

IE wishes to make representations on an application for a review of a premises licence.

Details of Premises:			
Premises Licence Holder:			
Siddiqur Rahman			
Name and Address of Premises:			
Ocean Spice, 43 White Rock, Hastings			
Post Town:	East Sussex	Post Code:	TN34 1JL

Representations are being made for the following reasons:

The Licensing Act 2003 outlines 4 objectives that are to be upheld, the Home Office (Immigration Enforcement) is concerned regarding the prevention of crime and disorder.

Home Office (Immigration Enforcement) considers that Siddiqur Rahman is not taking suitable measures to prevent crime and disorder. The business has employed illegal workers which is prohibited under the Licensing Act 2003 and the Immigration Act 1971 (as amended).

Employing illegal workers in the UK has the following impact on the community and society as a whole: -

- It deprives HMRC and the Government of revenue by non-payment of tax and national insurance.
- It exploits the undocumented by paying them less than the minimum wage and provides no employment or income protection.
- It encourages those without permission to work to seek similar employment.
- It allows a business to unfairly undercut other businesses by employing cheap labour.
- Illegal workers are often housed in cramped and unsatisfactory conditions by the employer as part of their working arrangement.

Immigration Enforcement supports the review from Sussex Police regarding Ocean Spice, 43 White Rock, Hastings, East Sussex, TN34 1JL.

On 08 September 2022 immigration officers in support of Sussex Police visited Ocean Spice, 43 White Rock, Hastings, East Sussex, TN34 1JL. As officers entered the premises staff members shouted 'immigration' into the kitchen and officers witnessed one employee an Asian male, dressed in kitchen apparel, white apron, blue chef's top and a cap exit the rear door of the kitchen. The male was not encountered and absconded.

Three individuals in total were found in the premises. Uddin Ahmed Bader held Indefinite Leave to Remain. Siddiqur Rahman a British National and Md Nurul Muttakin.

When officers encountered Muttakin and questioned him. Muttakin stated he was a student and was only working 20 hours. A Biometric Residence Permit of Muttakin was presented to officers which indicated that Muttakin was granted valid leave until 07 October 2024 with work restricted to 20 hours per week. Muttakin stated he worked in the kitchen, doing odd bits and was paid in cash weekly. Officers were unable to ascertain the identity of the fourth individual who escaped, it is likely that his behavior was linked to him not having the right to work.

It should be noted that during this visit officers were subject to significant and prolonged verbal abuse and intimidating behaviour.

Previously in November 2019 an enforcement visit was conducted to Ocean Spice, 43 White Rock, Hastings, East Sussex, TN34 1JL where two illegal workers were encountered.

Ismail Ibrahim Tai was encountered in the kitchen in white uniform. Tai entered the UK on a visit visa in 2010 and overstayed. Tai never held the right to work in the UK. When questioned Tai stated he had worked at the premises for 3 weeks and worked as a kitchen porter, washing dishes and assisted with kitchen prep. He admitted that he was paid £300 a week in cash with food and accommodation included. Tai acknowledged that he had no right to work and confirmed that the employer did not check any document or conduct right to work checks prior to being offered the job.

Mujib Ahmed was also encountered in the kitchen. When questioned by officers, Ahmed denied working at the premises although he was encountered whilst working and had food stains on his shoes. Home Office records show that Ahmed is an overstayer and did not hold the right to work in the UK.

Immigration officers were unable to conduct an illegal working interview with the employer as the continuously threatened and acted in an abusive manner towards the officers.

It should be noted that members of staff and the management in particular were hostile towards the police and immigration officers. The manager ripped apart the warrant and the Notice to Occupier documents. During this visit three members of the Rahman family who own this business, Siddiqur Rahman, Siddiqur the father and Monimur Rahman treated immigration officers in a threatening and abusive manner. These family members were verbally aggressive and attempted to physically block officers carrying out their duties. They resisted arrest and started fighting with officers and were eventually arrested for obstructing police and immigration officers.

There had been previous visits to the premises back in October 2018 where one individual was arrested. In January 2019 three individuals were encountered who had no right to work, and were escorted off the premises.

This business was issued with three civil penalties of all which remain unpaid. First civil penalty for £30,000 issued on 01 March 2019. Second civil penalty for £45,000 issued on 25 July 2019. The most recent civil penalty for £20,000 issued on 09 December 2019.

RIGHT TO WORK CHECKS AND THE PREVENTION OF CRIME AND DISORDER

The objective of the Licensing Act 2003 (the Act) is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.

There are four licensing objectives which underpin the Act, and which need to be taken into account and promoted throughout the licensing process.

The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm

Ocean Spice has been found employing illegal workers. This business has clearly failed to meet the prevention of crime and disorder objective. The license holder would have been aware of their responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application. It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents.

The employer could have protected themselves and prevented crime and disorder by completing a straightforward right to work check. In this case the employer had not seen any documents of the employees prior to commencing work. Should the license holder have attempted these checks, the worker would have failed at the first stage. This would have quickly and easily confirmed that had no right to work and the license holder could have protected themselves from employing an illegal worker.

All employers are dutybound by law to conduct these checks if they wish to avoid being penalised if found to have employed someone who is prohibited from working, and guidance can be found on the gov.uk website or by using a search engine. Additional information on how to conduct these checks is available online, this includes the Home Office's official YouTube page.

The family members who own the business acted in a threatening and aggressive manner towards the officers. This abusive behaviour has constantly happened every time immigration officers visited this premises. This behaviour was disruptive and not fitting of a responsible license holder who should be cooperating with responsible authorities. There have been multiple incidents of illegal working on the premises. The civil penalties issued have not deterred this business of employing illegal workers.

Whether by negligence or willful blindness illegal workers were engaged in activity on the premises. Section 182 guidance of the Licensing Act 2003 at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Details of Responsible Authority

Name and Address:

Home Office Immigration Enforcement
The Alcohol and LNR Licensing Team
40 Wellesley Road
Croydon
CR9 2BY

Email address
(optional):I.Alcoholreviews@homeoffice.gov.uk**Signatures****Signature of Responsible Authority****Home Office Immigration Enforcement****Date:****10 April 2024****Capacity:****Responsible
Authority**

MEMORANDUM



Date: 14.03.2024.
From: Bob Brown Snr Licensing Officer
To: Stuart Bryant. Licensing Lead Officer.
My Ref: BB/2024/OS 2024
Your Ref:

Review of Premises Licence. Ocean Spice, 43 White Rock, Hastings. TN34 1JL. (HOP50284)

I am employed as a Senior Licensing Officer (Part Time) for Hastings Borough Council, I have held this position since July 2022, previously I was the Licensing Manager for Hastings Borough Council from 5th February 2004 to 30th June 2020.

Part of my remit is to administer all matters related to the enforcement of the Licensing Act 2003, to do so I regularly undertake inspection and enforcement visits both on behalf of Hastings Borough Council and jointly with partner agencies, including the Police and Home Office Immigration Enforcement.

Geographically Ocean Spice is situated on the North side of White Rock, Hastings, just to the west of its junction with Claremont, Hastings.

Data trail for premises licence HOP 50284

On Tuesday 12th March 2024, an application for a review of premises licence HOP 50284, for Ocean Spice, 43 White Rock, Hastings was received by this licensing authority from Inspector Burroughs, Sussex Police on behalf of the Chief Constable. The application for review was properly made under the licensing objective "Prevention of Crime and Disorder". We hold the following information on the property;

November 2005 -The premises originally named The Smugglers Public House, operated by the Heritage Pub Company was transferred from the Magistrates Court system to Hastings Borough Council.

5TH February 2010 – The licence was transferred to Admiral Taverns still operating as The Smugglers PH.

The premises was then closed for a period of time.

10th February 2011 – The remises licence was transferred to Mr Siddiquir RAHMAN, he was also the Designated Premises Supervisor (DPS) for the premises. The premises was initially named as Spice Rock.

24th April 2014 – A full variation to the premises was granted with the first floor being added to the licence and the name Changed to Ocean Spice Restaurant.

10th December 2015 – Full new premises licence issued with conditions, Mr Siddiquir RAHMAN being both Premises Licence Holder (PLH) and DPS, he remained as DPS until 21.12.2023.

26th November 2019 – Hastings Borough Council received an application for the review of the premises licence for Ocean Spice, 43 White Rock, Hastings from HM Inspector of Immigration, Home Office, under Sec 51 Licensing Act 2003. The grounds for the review were under the Licensing Objective "Prevention of Crime and Disorder".

In that application for review, the Inspector commented about the history of the premises and the breaches of immigration rules on employment of staff found at the premises on more than one occasion.

During that review process a further representation was received from Insp Lovell, Sussex Police on behalf of the Chief Constable, this included a timeline of events at the premises and associated matters, he further stated that Sussex police supported the review brought by HM Immigration.

24th January 2020 – A licensing review hearing was held at Hastings Borough Council, all parties to the hearing gave evidence and as a result the Licensing Sub Committee decided to Revoke the premises licence.

The chair of the committee gave the following explanation for their decision;

“The reason for the decision was:

The committee has listened carefully to all submissions and believe that revocation is the only option available to the committee at this time. The licensing objectives have been seriously undermined.

Our role is to solely determine what steps should be taken in connection with the premises license, for the promotion of the crime prevention objective.

The committee was shocked to read the witness statements that the police and immigration services were subject to a hostile reception and a lack of cooperation. We are particularly shocked by the number of alleged violent incidents and although we are not here to pass judgment of guilt pertaining to those incidents, we can be mindful when making our decision.

Licensing guidance at para 11.27 states that, for employing a person who is disqualified from work by reason of their immigration status in the UK, should be treated particularly seriously.

There have been three occasions where the applicant has been deemed to have employed illegal workers over a prolonged period of time. We have seen no formal evidence of past appeals being lodged and the fines still remain outstanding.

Whilst we have been asked to consider certain conditions on the license, we believe any conditions wouldn't stop the licensing objectives from being undermined in the future because the premises would still be under the same organisational control.”

As a result of this hearing an appeal against the decision to revoke was lodged and court hearing set for 16th-18th November 2021.

26th October 2021- A consent order was signed between Mr Siddiqur RAHMAN and Hastings Borough Council. This order substitutes the decision of Hastings Borough Council made on the 24th January 2020. The consent order requires the Premises licence to be suspended for a period of two (2) months from the date of the order.

11th February 2022- The premises licence and summary for Ocean Spice re issued following the 2-month suspension agreed in the consent order.

22nd December 2023- A new DPS appointed for the premises, removing Mr Siddiqur Rahman and putting in his place Mr Ali Ahmed. Mr Siddiqur Rahman remaining as the Premises Licence Holder.

Hastings Borough Council fully support the review application made by Sussex Police, the management of the premises has a history of non-compliance over employment issues of persons not properly registered to work in the UK and a pattern of anti-authoritarian and hostile behaviour towards responsible Authorities. In addition, their history clearly shows very poor management interactions with the responsible Authorities and the evidence of violence by the Premises Licence Holder contained within this review application is totally unacceptable and not the type of actions we would expect to see from a responsible premises licence holder.



Bob Brown

Snr Licensing Officer.

This page is intentionally left blank