

PREMISES LICENCE

Premises licence number

HOP50284

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

OCEAN SPICE RESTAURANT (GROUND & FIRST FLOOR)
43 WHITE ROCK

Post Town
HASTINGS, EAST SUSSEX

Post Code
TN34 1JL

Telephone number 01424 439493

Where the licence is time limited the dates
NOT APPLICABLE

Licensable activities authorised by the licence

FILMS; INDOOR SPORTING EVENTS; LIVE MUSIC; RECORDED MUSIC; MAKING MUSIC; DANCING; LATE NIGHT REFRESHMENT, SUPPLY OF ALCOHOL

The times the licence authorises the carrying out of licensable activities

FILMS; INDOOR SPORTING EVENTS; MAKING MUSIC; DANCING; SUPPLY OF ALCOHOL:
MONDAY-SATURDAY: 10:00-02:00 SUNDAY: 11:00-02:00

FOR THE ABOVE: EASTER MONDAY, CHRISTMAS EVE, CHRISTMAS DAY,
BOXING DAY & 27TH DECEMBER: 10:00-02:00
DECEMBER 31ST: 10:00-02:00 JANUARY 2ND

LIVE MUSIC; RECORDED MUSIC: MONDAY-SATURDAY: 10:00-00:00 SUNDAY: 11:00-00:00

FOR THE ABOVE: EASTER MONDAY, CHRISTMAS EVE, CHRISTMAS DAY,
BOXING DAY & 27TH DECEMBER: 10:00-01:00
DECEMBER 31ST: 10:00-01:00 JANUARY 2ND

IF APPLICABLE AN ADDITIONAL HOUR TO THE STANDARD AND NON STANDARD TIMINGS ON THE DAY WHEN BRITISH SUMMER TIME COMMENCES.
IN THE EVENT OF THE TRANSMISSION OF ANY INTERNATIONAL SPORTING EVENT WHICH FALLS OUTSIDE THE STANDARD HOURS TIMING TO COMMENCE ONE HOUR BEFORE THE START OF THE EVENT AND TO END ONE HOUR AFTER THE END OF THE EVENT.

LATE NIGHT REFRESHMENT (ON THE PREMISES & TAKEAWAY) MONDAY – SUNDAY 23.00 – 02.00

The opening hours of the premises

MONDAY-SATURDAY: 10:00-02:30 SUNDAY: 11:00-02:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

SALE BY RETAIL OF ALCOHOL FOR CONSUMPTION BOTH ON AND OFF THE PREMISES

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.**

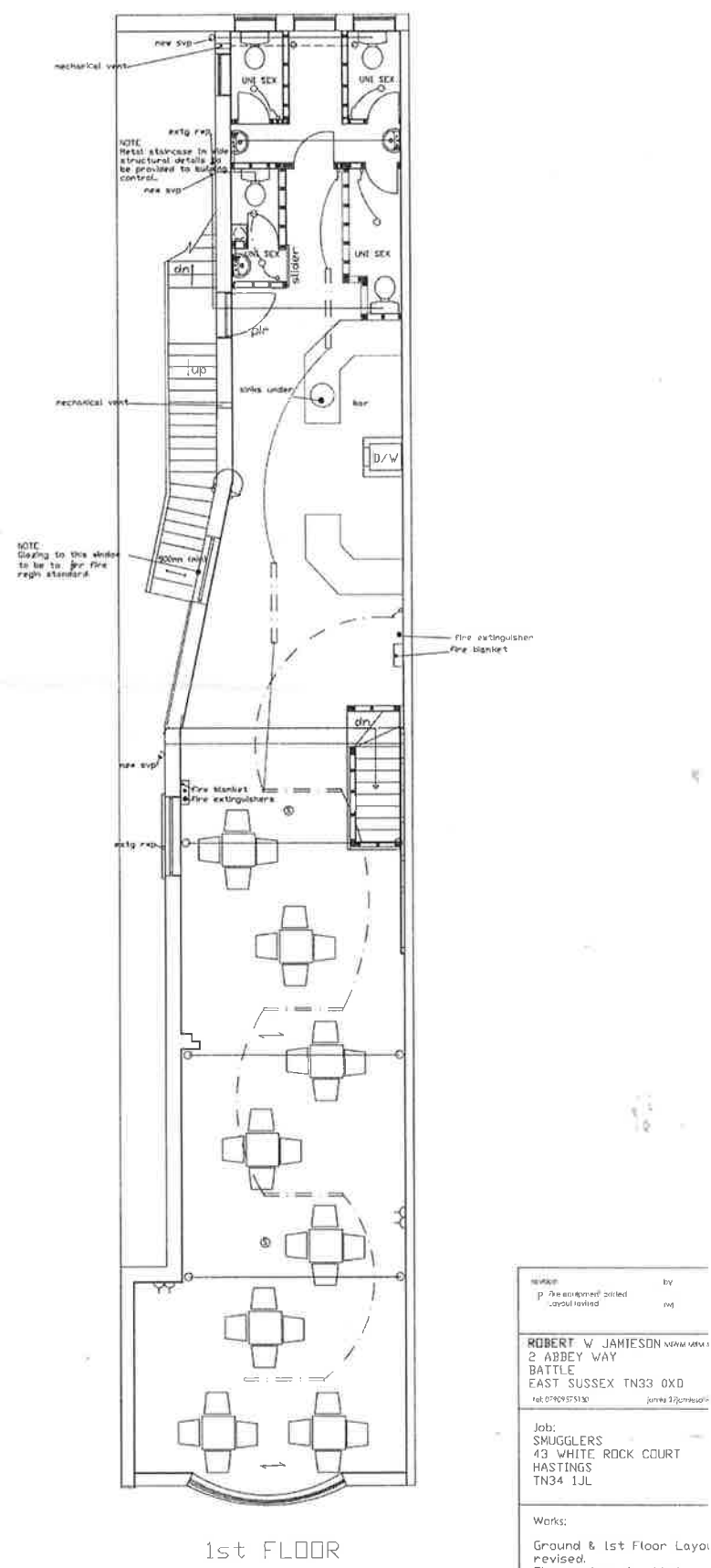
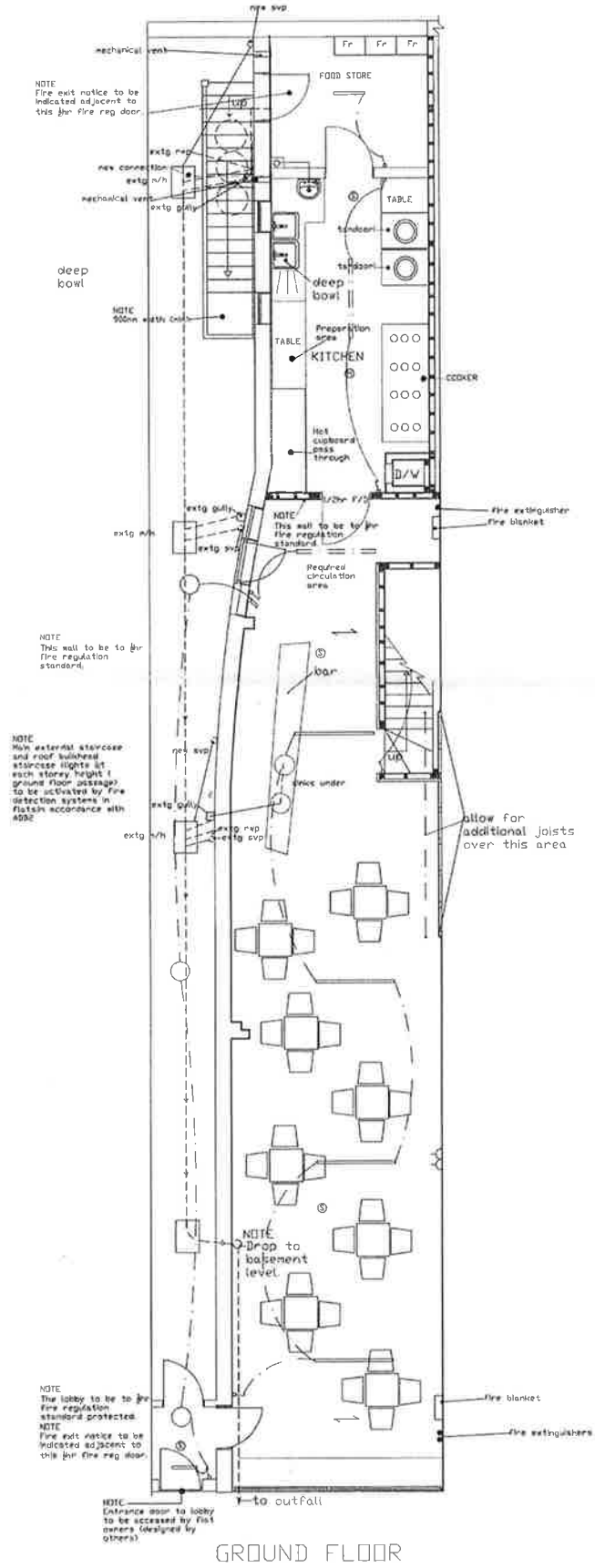
(Certificate has been supplied October 2015 and accepted, therefore removing this condition 13).

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.

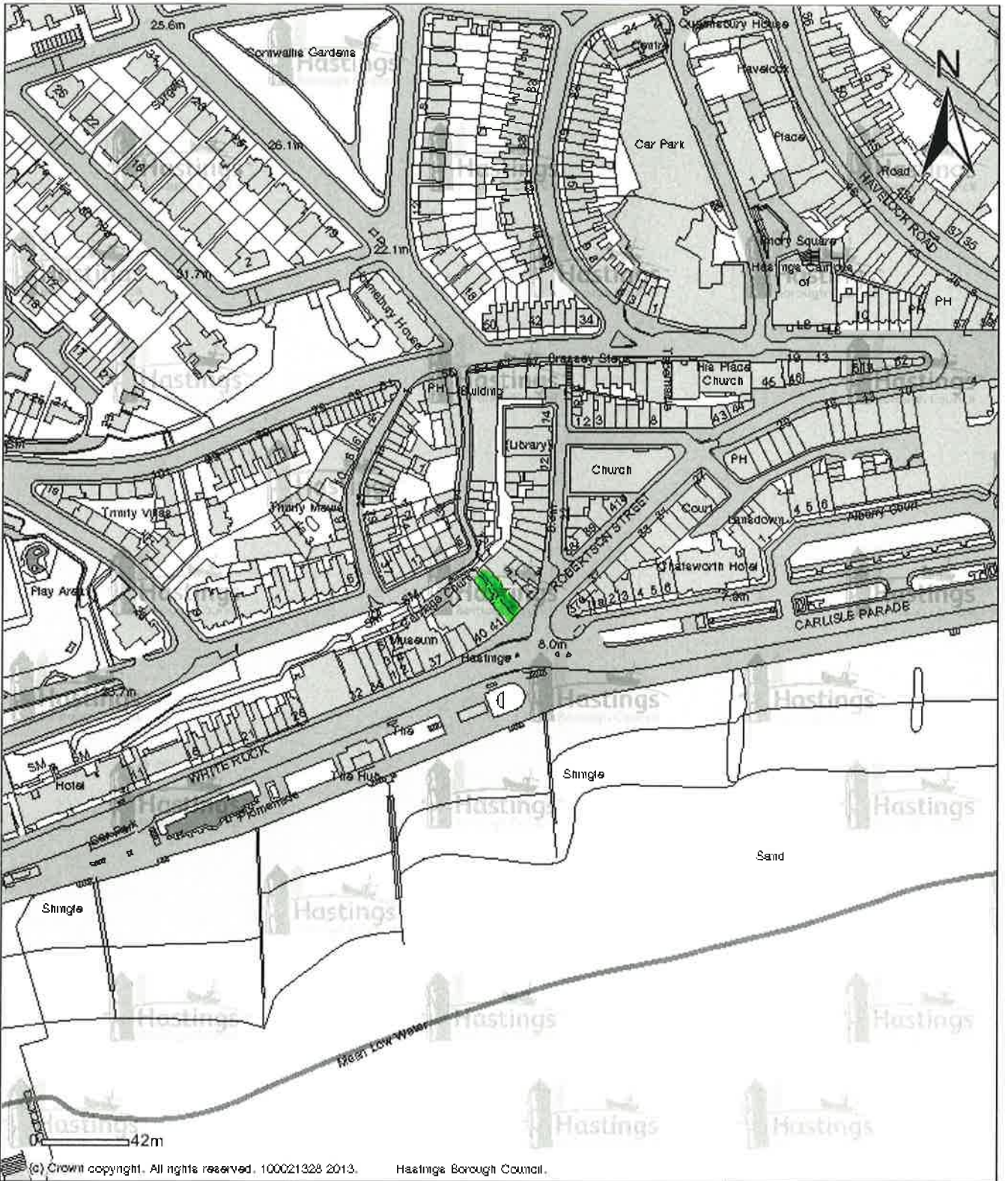
The Committee have had regard to the Council's own policy and guidance issued by the Secretary of State.

HASTINGS BOROUGH COUNCIL

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



REVISION	by
P. The equipment listed layout revised	rwj
ROBERT W JAMIESON <small>ARCHITECT</small>	
2 ABBEY WAY	
BATTLE	
EAST SUSSEX TN33 0XD	
tel: 01424 51330 fax: 01424 51331	
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	



(c) Crown copyright. All rights reserved. 100021328 2013. Hastings Borough Council.



Title:

Ocean Spice

Scale: 1:2500

Date: 19/12/2019

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence Number: 100021328 2012.

