

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.