

Appendix C.1 (Licensing Authority Appendix A)

Appendix A – Email sent on 28 March 2021 following licensing visit

From: Donna Lynsdale

Sent: 28 March 2021 14:31

To: Redacted

Cc: Brighton.Licensing@sussex.pnn.police.uk

Subject: Moonlight, 171 Church Road, Hove BN3 2AB - 2021/84071/LICPRM/EH

Importance: High

Dear Redacted

Licensing Act 2003 – Breach of Conditions

Moonlight, 171 Church Road, Hove BN3 2AB

Premises Licence Number: 1445/3/2009/02426/LAPREV

I am writing to you in your capacity as the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) for the above premises following allegations we have received of street drinking, anti-social behaviour that is happening in your area and breaches of your licence conditions.

On 22 March 2021, accompanied by my colleague, PC Bernascone from Police Licensing, we carried out a full Licensing Inspection. Below are my findings and details of breaches of your premises licence:

You had on display the first page of Part A (which was not the latest issue) and the first page of Part B of your premises licence.

All licensed premises are issued with a premises licence. This consists of Part A and Part B and sets out all the licensable activities that may take place at these premises.

Part A is to be kept on the premises along with a copy of the plans showing the layout of the premises and the area of the premises which is licensed. Part A and the plans do not need to be displayed and may be kept in an office at the premises. When asked by an authorised officer, you must be able to produce these.

Part B must be displayed in a prominent position inside the premises and each page must be displayed separately.

Annex 2 – Conditions consistent with the Operating Schedule

Prevention of crime and disorder

- 1) Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy and will be changed when British Summer Time starts and ends.

The member of staff present was unable to operate the CCTV system. I am aware that PC Bernascone had a conversation with you regarding this.

Protection of Children from Harm

- 6) All staff members engaged to work will attend the recognised training in age restricted products / identifying false ID delivered by Trading Standards as soon as practicable after they start working at the premise and a place on the course must be booked with Trading Standards within 3 months.
- 7) Records of all training in relation to alcohol will be maintained and on the premises at all times and signed by the person receiving it. Such records will be made available to the police or authorised officers of the Licensing Authority for inspection.

At the time of our visit there were no training records available. I acknowledge that you have since sent through training tests that you carry out with your staff. Please ensure these are completed and signed and available for future visits. I have also sent a training book that you may also wish to use.

I would like to remind you that it is an offence under S141 of the Licensing Act 2003 to sell alcohol to a person who is drunk;

- (1) A person to whom subsection (2) applies commits an offence if, on relevant premises, he knowingly—
 - (a) sells or attempts to sell alcohol to a person who is drunk, or
 - (b) allows alcohol to be sold to such a person.
- (4) A person guilty of an offence under this section is liable on summary

I also remind you that non-compliance with conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislations states that:-

- (1) A Person commits an offence if –**
 - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or**
 - (b) he knowingly allows a licensable activity to be carried on.**
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.**

Irrespective of the permission's and restrictions attached to any premises licence, all licensed premises are required to operate with regard to the 4 licensing objectives, which are;

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

Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy which includes, issuing of formal warnings, followed by potential prosecution. You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

During the visit it was noted that you had on sale alcohol without English labelling. You are not allowed to sale any food or drink product without English labelling. I asked for them to be removed from sale until they are labelled in English.

Also you had on sale 1 x 'Jumbo Sausage Roll' with a Use By '19 MAR', 1 x 'Lamb Samosa' with a Use By '20.03.21', 3 x 'Lamb Samosa' with a Use By '21.03.21', 1 x 'Chicken Samosa' with a Use By '21.03.21', and 1 x 'Vegetable Samosa' with a Use By '21.03.21'. These were removed from sale. I have passed my findings on to our Food Officers.

A copy of this email has also been sent to Police Licensing.

Should you wish to discuss this further, please contact me on the below telephone number. Please note that I am on annual leave until Wednesday 7 April 2021.

Yours sincerely

Donna Lynsdale | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities
Brighton & Hove City Council, 2nd Floor, Bartholomew House, Bartholomew Square, Brighton BN1 1JP
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CORONAVIRUS - WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS

Use soap and water or a hand sanitiser when you:

- Get home or into work
- Blow your nose, sneeze or cough
- Eat or handle food



Protect yourself & others

For more information go to nhs.uk/coronavirus

