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Brighton & Hove Licensing Unit

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Appendix B.1 (Police Breach - Appendix A)

29th March 2021

Mr Tony Gad
Moonlight
171 Church Road
Hove
BN13 2AB

Dear Mr Gad,

RE: Moonlight, 171 Church Rd.

I am writing to you in your capacity as Designated Premises Supervisor as well as the premises licence holder.

On Monday 22nd March 2021 I attended Moonlight in company with Donna Lynsdale from Council Licensing in order to carry out an inspection. Donna had informed me that the council had received allegations of street drinking and other anti-social behavior occurring in the vicinity of your premises.

The first thing we noticed that there was page one of Part B of the premises licence on display together with an out of date copy of page one of Part A of the Premises Licence. Both pages of the most up to date copy of Part B should be on display and Part A should be in the premises available for inspection.

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The male working in the store said he would call you. Whilst waiting I noticed that you had out of date food, namely samosas and a sausage roll, on display for sale in the fridges. I also saw that there was a number of foreign labelled cans of beer, namely Tyskie, Zubr and Perla. I made Donna aware and also told the staff member what I had found. We advised that the alcohol was taken off sale until it had the correct UK labelling, and that the food needed to be immediately removed from sale.

Once you arrived we explained the reasons for the visit and the issues we had found up to this point.

Although you were able to show me the CCTV and it appeared to be functioning correctly the member of staff admitted that he could not operate it. I advised you about this, and that it would be a breach of the following condition on your premises licence:-

- 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.**

We also requested training records but none could be located. This would be a breach of the following:-

- 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.**

I must advise you that it is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislation states that:-

(1) A person commits an offence if –

- (a) He/she 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/she 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 a fine, or to both.

The breaches raised above would both constitute noncompliance and unauthorised licensable activity.

This letter is being sent as an official warning of the breach.

A copy of this letter has also been forwarded to Council licensing who may wish to take their own enforcement action.

Yours sincerely

Andre BERNASCONE
PC CB328
Brighton Police Licensing

