

# Licensing Panel (Licensing Act 2003 Functions)

Date: **2 March 2022**

Time: **10.00am**

Venue

Members: **Councillors:** Deane, O'Quinn and Simson

Contact: **Clare Chapman**  
Democratic Services Officer  
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# AGENDA

## 1 TO APPOINT A CHAIR FOR THE MEETING

### WELCOME & INTRODUCTIONS

## 2 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

**NOTE:** Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

## 3 WILD PARK LOCAL LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

7 - 58

Contact Officer: Corinne Hardcastle  
Ward Affected: Moulsecoomb & Bevendean

Tel: 0127329

**4 MOONLIGHT LICENSING PANEL (LICENSING ACT 2003  
FUNCTIONS)**

**59 - 114**

*Contact Officer: Kerrie Denton*  
*Ward Affected: Central Hove*

Date of Publication - Tuesday, 22 February 2022

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### **FURTHER INFORMATION**

For further details and general enquiries about this meeting contact Clare Chapman, (01273 291065, email [penny.jennings@brighton-hove.gov.uk](mailto:penny.jennings@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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- Do not re-enter the building until told that it is safe to do so.





# Licensing Panel (Licensing Act 2003 Functions)

**Agenda Item**  
Brighton & Hove City Council

<b>Subject:</b>	<b>Review of a Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>Wild Park Local 46 Barcombe Road Brighton BN1 9JQ</b>		
<b>Premises Licence Holder:</b>	<b>Mahendra Kumar Patel</b>		
<b>Date of Meeting:</b>	<b>2 March 2022</b>		
<b>Report of:</b>	<b>Executive Director for Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Emma Grant</b>	<b>Tel: (01273) 292381</b>
	<b>Email:</b>	<b>emma.grant@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Moulsecoomb and Bevendean</b>		

## FOR GENERAL RELEASE

### 1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 To review a Premises Licence for Wild Park Local under the Licensing Act 2003.

### 2. RECOMMENDATIONS:

2.1 That the Panel review the licence granted to the premises known as Wild Park Local under the Licensing Act 2003.

### 3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

3.1 Existing licence attached at Appendix A.

3.2 Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.

3.3 An application was received by the Licensing Authority on 6 January 2022 from Sussex Police, to review the licence granted to the premises known as Wild Park Local, 46 Barcombe Road, Brighton, BN1 9JQ.

3.4 The grounds for the review relates to the following Licensing objectives:

- The Protection of Children from Harm

Full details of the grounds for the review are in Appendix B.

3.5 At this hearing the licensing authority must:

- Consider the application made in accordance with Section 51
- Consider any relevant representations
- Take such steps (if any) as are considered appropriate for the promotion of the Licensing objectives. These steps are
  - to modify the conditions of the licence
  - to exclude a licensable activity
  - to remove the designated premises supervisor from the licence
  - to suspend the licence for a period not exceeding 3 months, or
  - to revoke the licence.

And for this purpose, the conditions of a premises licence are modified if any of them are altered, omitted or any new condition is added. It may provide that the modification or exclusion have effect for a specified period not exceeding 3 months. The determination, if not completed at the hearing, shall be within 5 working days of the hearing. Such determinations do not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

#### **Representations received**

- 3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.7 One representation has been received from the Licensing Authority on the grounds of the Protection of Children from Harm supporting the application submitted by Brighton and Hove Police seeking the revocation of the licence.
- 3.8 Full details of the representation are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

### **4. COMMENTARY ON THE LICENSING POLICY**

4.1 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

#### **1. Introduction**

##### **1.1**

This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. This policy takes effect from 4 February 2021. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding



applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club; The provision of regulated entertainment;
- The provision of late night refreshment.

### **1.1 The licensing objectives are:-**

- (a) Prevention of crime and disorder;
- (b) Public safety;
- (c) Prevention of public nuisance;
- (d) Protection of children from harm.

### **1.3 Scope**

**1.3.1** Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations; i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

### **3.3 The Matrix Approach**

The Licensing Authority will support:

**3.3.1** Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports mixed use venues encouraging a wider age balance.

**3.3.2** A “matrix” approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

**Matrix approach for licensing decisions in a Statement of Licensing Policy**

	<b>Cumulative Impact Area</b>	<b>Special Stress Area</b>	<b>Other Areas</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes (midnight)
<b>Café</b>	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes (midnight)
<b>Night Club</b>	No	No	No
<b>Pub</b>	No	Yes (11pm)	Yes (midnight)
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes (favourable)
<b>Off-licence</b>	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
<b>Members Club (club premises certificate)</b>	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes

**Notes on matrix**

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to:

1. Each application will be considered on individual merit
2. Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
3. Departure from the matrix policy is expected only in exceptional circumstances
4. Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.

5. Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
6. The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
7. Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafes, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing on our website [www.brighton-hove.gov.uk/licensingact](http://www.brighton-hove.gov.uk/licensingact).
8. In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.
9. Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The licensing authority will have regard to Noise Council guidance.
10. Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6

## **7 Protection of Children from Harm**

The following details and measures are intended to address the need for the protection of children from harm; this includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, eg in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

**7.1.1** Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those

recommended by police, trading standards officers and their partners in the Licensing Strategy Group (eg passport, photo driving licence or pass card).

**7.1.2** It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 7.1.4 below.

**7.1.3** To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-

- a. Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
- b. Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises
- c. Further take-up of proof of age schemes will be promoted
- d. In-house, mystery shopper type schemes operated by local businesses will be supported
- e. Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked

**7.1.4** The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is commonly provided;
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

**7.1.7** Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police and BCRP undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

**7.1.8** Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

## **8 Integration of Strategies**

**8.1.1** The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by:-

- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
- Liaising and consulting with Public and Alcohol Programme Board
- Liaising and consulting with the East Sussex Fire & Rescue Service
- Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
- Liaising and consulting with the Planning authority
- Liaising and consulting with the Highways authority
- Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice

**8.1.2** In line with statutory requirements and the council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.

**8.1.3** This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.

**8.1.4** The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

**8.1.5** Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

**8.1.6** The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

## **8.2 Other regulatory regimes**

**8.2.1** This policy avoids duplication with other regulatory regimes wherever possible. The following notes are made with regard to specific regimes:

### **Health and Safety**

Certain premises will be the subject of health and safety enforcement by the local authority or the Health and Safety Executive (HSE). If other existing law already places certain statutory responsibilities on an employer or operator of premises, for example the Management of Health and Safety at Work Regulations 1999, it will not be necessary to impose the same or similar duties on the premises licence holder or club. However, existing duties will not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment, and where additional and supplementary measures are necessary to promote the licensing objectives, necessary, proportionate conditions will need to be attached to a licence.

### **Fire Safety**

Premises and their operators will be regulated by general duties under current fire safety regimes and the Regulatory Reform (Fire Safety) Order 2005 rather than licensing provisions.

### **Noise**

Statutory and public nuisances are dealt with by the local authority's Environmental Health department under the Environmental Protection Act 1990, Noise Act 1996 and associated legislation. Noise from commercial premises may often fall under review powers set out in licensing provisions and closure powers in anti-social behaviour provisions.

### **Equality Act 2010**

The Public Sector Equality Duty obliges public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between persons who share protected characteristics and persons who do not share it. The local authority's equality and inclusion policy produced under these obligations shall include reference to this statement of licensing policy.

### **Community relations**

Integration of corporate strategies with licensing policy will include the Inclusive Council Policy which recognises the council's role, as a community leader, to promote community cohesion and good relations between diverse communities. Measures to address prevention of crime and disorder recognise the need to improve wellbeing and safety of all the communities in the city. Licensing policy supports the Crime and Disorder Reduction Partnership's crime reduction strategy. In particular it seeks to confront and reduce racist, homophobic, transphobic and religiously motivated crimes, incidents and anti-social behaviour.

## **Anti-Social Behaviour, Crime and Policing Act 2014**

Contains powers to close premises that are causing nuisance or disorder. These powers can be exercised by the council or Police and they replace the closure powers in the Licensing Act 2003. The Act also contains powers to issue Community Protection Notices in respect of persons or businesses committing anti-social behaviour which is spoiling a community's quality of life.

## **Litter and Smoking**

CityClean contractors have Clean Neighbourhoods powers to enforce premises operators' responsibilities to keep frontages clear of litter.

## **Gambling Act 2005**

In relation to casinos and bingo clubs, the principal purpose is gaming. The sale of alcohol and the provision of entertainment in such premises is incidental to gaming and in determining whether to permit entertainment that constitutes regulated entertainment under the act, gaming license committees and / or the Gambling Commission will have taken into account relevant government guidance. Accordingly, it is felt that the licensing objectives will have been, or will be in the main, adequately considered by such committees and duplication of conditions should be avoided when considering applications under the 2003 Act where relevant representations have been made.

## **8.3 Enforcement**

**8.3.1** The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition, the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

**8.3.2** Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategy
- Drugs and alcohol strategies – local alcohol harm reduction strategy
- Objectives of the Security Industry Authority
- The Anti-Social Behaviour Act 2003/ASBPC Act 2014
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009
-

## 9 Reviews

**9.1.1** Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy – Appendix B.

**9.1.2** Where style of operation of a premises leads to applications concerning likelihood of racist, religiously motivated, homophobic or transphobic crimes or incidents, the review process should also support the community safety policy. Action should be proportionate and licences would normally be suspended or revoked in these circumstances to deter further incidents.

### 5. FINANCIAL & OTHER IMPLICATIONS:

#### Financial Implications:

- 5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

*Finance Officer Consulted Michael Bentley*

*Date: 04/02/2022*

#### Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

*Lawyer Consulted: Rebecca Sidell*

*Date: 11/02/2022*

#### Equalities Implications:

- 5.3 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

#### Sustainability Implications:

- 5.4 Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.



## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A – Part A of Premises Licence
2. Appendix B – Review Application
2. Appendix C – Representation
3. Appendix D – Map of area

### **Documents in Members' Rooms**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 5<sup>th</sup> edition. Public Health Intelligence. January 2019

### **Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.





# Brighton & Hove City Council

## **APPENDIX A**

### **Schedule 12 Part A**

**Regulation 33, 34**

## **Premises Licence Brighton and Hove City Council**

**Premises Licence Number**

**1445/3/2021/02540/LAPRMV**

### **Part I – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Wild Park Local pka Londis  
46 Barcombe Road  
Brighton  
BN1 9JQ

**Telephone number** 01273 686405

**Licensable activities authorised by the licence**

Sale by Retail of Alcohol

**Times the licence authorises the carrying out of licensable activities**

Monday - Saturday	08:00 - 23:00
Sunday	10:00 - 22:30
Christmas Day	12:00 - 15:00
Christmas Day	19:00 - 22:30
Good Friday	08:00 - 22:30



## Brighton & Hove City Council

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

Alcohol is supplied for consumption off the Premises.

### Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mahendra Kumar Patel

**REDACTED TEXT**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

**REDACTED TEXT**

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

**REDACTED TEXT**



## Brighton & Hove City Council

### Annex I - Mandatory conditions

#### S 19; mandatory conditions where licence authorises supply of alcohol

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, 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
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 licence 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.

### 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:
  - (b) “permitted price” is the price found by applying the formula—



## Brighton & Hove City Council

$$P=D+(D \times V)$$

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 this 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.



## Brighton & Hove City Council

(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.

### **Annex 2 - Conditions consistent with the Operating Schedule:**

#### **General:**

1. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.
2. No beer, lager, cider or perry with an ABV over 6% shall be sold at the premises save that this shall not apply to premium beer, lager, cider or perry with an ABV over 6% such as craft or speciality brands or brands produced by a micro-brewery, or brands produced to commemorate a national or local event.

#### **For the prevention of crime and disorder:**

3. a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
- b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- c) CCTV footage will be stored for a minimum of 31 days.
- d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.



## Brighton & Hove City Council

- g) Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable.
  - h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
4. a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a fortnight.
- b) The logbook should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.
- c) Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. This will include refusals at point of sale and at point of delivery or click & collect. The log will be kept for a minimum of twenty-four (24) months.

**For public safety:** None

**For the prevention of public nuisance:** None

**For the protection of children from harm:**

5. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving license with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the license or conditions attaching to it.
6. Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises.
7. a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive induction training. This training will take place prior to the selling of such products:





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- ❖ The lawful selling of age restricted products
  - ❖ Refusing the sale of alcohol to a person who is drunk
  - ❖ Refusing the sale of alcohol for consumption off the premises to people who may have alcohol dependency issues
- b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.
- c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

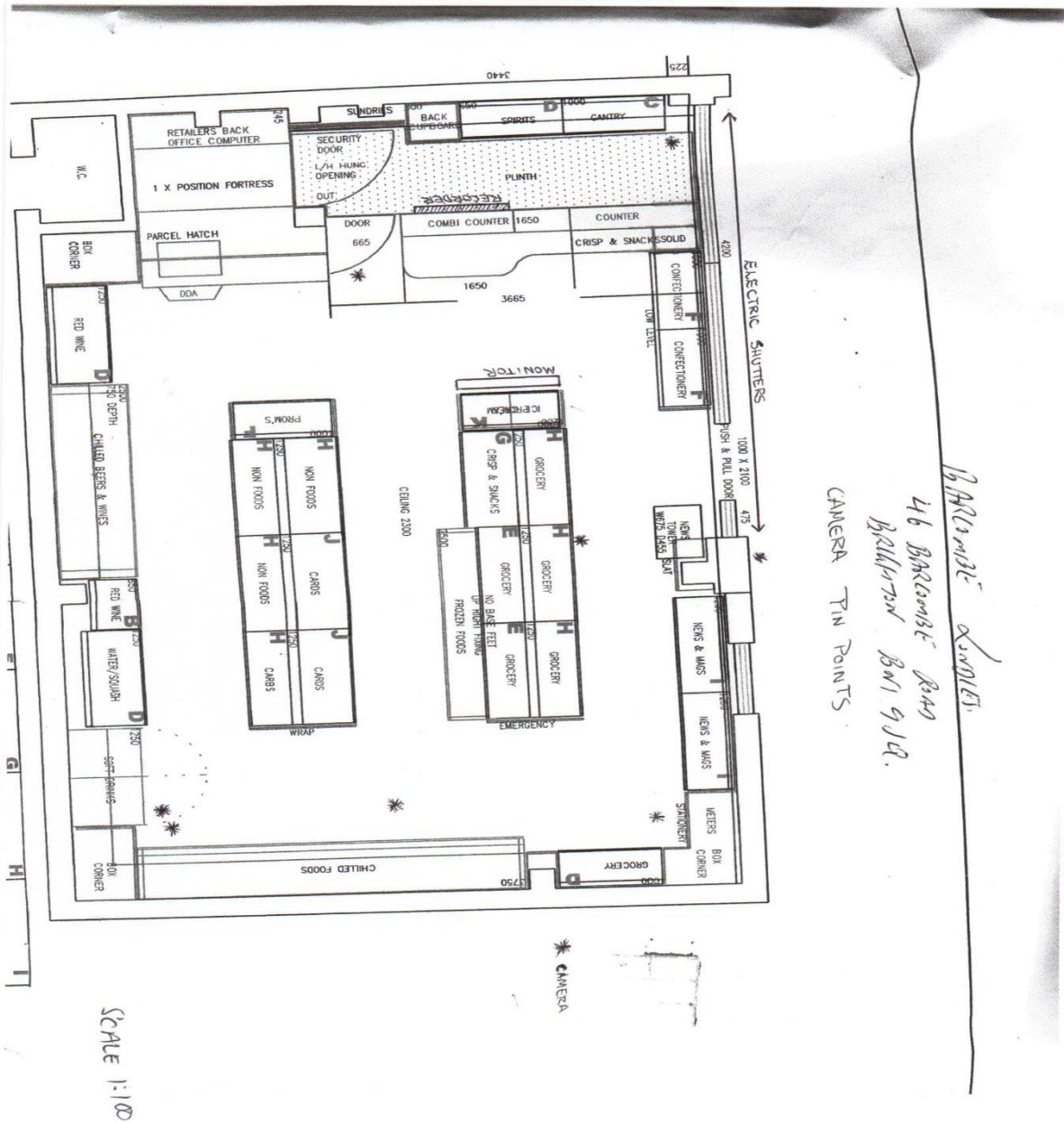
### **Annex 3 – Conditions attached after a hearing by the licensing authority**

N/A



# Brighton & Hove City Council

## Annex 4 – Plans



## **APPENDIX B**

### **Application for the review of a premises licence 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 Chief Supt Justin Burtenshaw, Divisional Commander, Brighton and Hove Police on behalf of Chief Constable Jo Shiner.**

*(Insert name of applicant)*

**Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.**

#### **Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Wild Park 46 Barcombe Road,	
<b>Post town</b> Brighton	<b>Post code (if known)</b> BN1 9JQ

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mahendra Kumar PATEL
---

<b>Number of premises licence or club premises certificate (if known)</b> 1445/3/2021/02540/LAPRMV
---

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 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**

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

**Surname**

**First names**

**Please tick yes**

I am 18 years old or over

**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**

Name and address Sussex police, Brighton & Hove licensing, 1 <sup>st</sup> floor, police station, John street, Brighton, BN2 OLA
Telephone number (if any) Ext 550809
E-mail address (optional) Brighton.licensing@sussex.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 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 yes**

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

If yes please state the date of that application

**Please state the ground(s) for review**

Sussex Police would like to bring the above premises to review due to the fact that Brighton and Hove licensing have conducted two underage test purchases at this premises and they both have been failed.

Sussex Police would therefore contend that the licensing objective of the Protection of Children from harm has been undermined.

Following a PCSO visit in 2020, concerns were raised to the Brighton and Hove Sussex Police Licensing team that the premises refusals log last entry was over a year ago to the date of their visit. Although the use of a refusal log was not a condition on the premises licence, this raised concerns over the Identification checking procedures and use of the Challenge 25 policy within the premises.

17<sup>th</sup> June 2021

Brighton Licensing conducted an underage alcohol test purchase, where a member of staff sold a bottle of Rose Wine to a 16 year old female.

A Fixed Penalty Notice (FPN) was issued to the member of staff and a walk around of the premises highlighted they had no conditions under annex 2 on their current premises licence.

9<sup>th</sup> July 2021

A meeting was held at John Street Police station with the DPS and his daughter, plus Donna Lynsdale from BHCC trading standards and licensing.

During the meeting, the Designated Premises Supervisor (DPS) was issued with a formal written letter and actions to prevent a sale occurring again were discussed and again a document signed by the DPS.

Example document attached as Appendix A.

During the meeting the DPS stated he did not visit the premises anymore and it was only his wife and son who worked there with his daughter helping in the evenings. Due to this information, words of advice were given to change the DPS and a decision was made that due to outside factors, the daughter would be the recommended DPS moving forward.

Both the current DPS and his daughter were shown some conditions that Brighton and Hove Licensing would like to propose they add to the licence voluntarily following the failure.

The conditions were discussed in the meeting and the DPS left the meeting with no doubt that the failed test purchase was a serious matter, and this was our stepped approach.

22<sup>nd</sup> July 2021

An email was sent by Hannah Staplehurst to the DPS' daughter asking for an update as no communication had been received since the meeting on the 9<sup>th</sup> July.

23<sup>rd</sup> July 2021

The Minor Variation was submitted to add conditions to the Licence following the failed Test purchase.

21<sup>st</sup> October 2021

The premises was visited as part of an under age test purchase, however it was closed.

09<sup>th</sup> December 2021

The premises was visited again to re-test for underage alcohol sales. A male cadet 16 years old selected a single can of Country Choice, Dry Apple Cider and a couple of confectionary items then proceeded to the tills.

The member of staff scanned the items, money was exchanged, and the cadet left the store.

The plain clothes officer, then identified herself and informed the member of staff she had just sold alcohol to a person underage

Once uniformed officers had arrived, Licensing officer Hannah Staplehurst retrieved the can of Apple Cider and returned it to the store to show the members of staff.

The seller was the same lady who had previously sold and has been issued a notice of intention to prosecute.

Hannah Staplehurst and Donna Lynsdale from BHCC conducted a licence check. During the check a number of breaches were found (please see Part A attached as Appendix B with the premise licence conditions).

Condition 2 - Alcohol above 6% ABV was found on the in the fridge – HCC Black at 7.55%

Condition 4 – No incident or refusal log could be found.

Condition 6 – No challenge 25 posters were on display. However, some were found and were being put up as we left.

Condition 7 – No training logs were made available for inspection.

10<sup>th</sup> December 2021

As the DPS was not present at the time of the failed test purchase, Hannah Staplehurst emailed the DPS to ensure she had been informed of the incident and that was several breaches of the premises licence.

The email stated if she wished to discuss the breaches to email Hannah Staplehurst or to call the licensing office.

A reply was received from the DPS asking for clarity around notices or emails of Teepee (test purchase)

12<sup>th</sup> December 2021

PC Hancox emailed the DPS and her brother a link for the CCTV from the 9<sup>th</sup> December 2021, however also stated if they could not use the link a disc or USB would be required.

16<sup>th</sup> December 2021

Hannah Staplehurst emailed the DPS clarification around Teepee being a test purchase, the circumstances of the fail and as there was a number of breaches, Sussex Police Licensing are minded to call a premises review.

17<sup>th</sup> December 2021

A reply was received from the DPS.

Please see appendix C which shows the email trail between the DPS and Hannah Staplehurst.

22<sup>nd</sup> December 2021

Hannah Staplehurst made a phone call to the Premises licence holder following no response from the DPS or her brother regarding CCTV. I left a contact number and was informed someone would call me back.

23<sup>rd</sup> December 2021

PC Hancox visited the shop, the member of staff who had made both the sales to our minors was working behind the counter and the DPS was there talking to her. PC Hancox spoke to the DPS about the lack of CCTV following her request on the 12<sup>th</sup> December 2021.

The DPS insinuated she had been too busy with her job and thought her brother would have been dealing with it.

Whilst PC Hancox was in the store, the DPS rang her brother who stated the CCTV could be sent as a link but he could put it on a disc which would be ready for



collection on Wednesday 29<sup>th</sup> December.

29<sup>th</sup> December 2021

PC Hancox and Hannah Staplehurst visited the premises to collect the CCTV and ensure the breaches had been rectified.

We were handed a disc for the CCTV and breaches were found during our licence check.

Condition 2 – HCC Black was still on display at 7.55%

Condition 4 – Refusal book was behind the counter but incomplete, large spaces between entries and only one entry for 2021. The DPS had also never signed the refusal log. Licensing officer Hannah Staplehurst signed the booked and crossed out the large spaces.

Condition 7 – No training logs were available for inspection.

Please see Appendix D for photos

Sussex Police do not feel this premises have responded to our stepped approach and have failed underage test purchases on two separate occasions involving the same member of staff.

This is a serious concern, undermining the licensing objective of protection of children from harm and further action should be considered.

Due to the presence of conditions, added on the 23<sup>rd</sup> July 2021, that are already aimed at preventing the sale of alcohol to underage persons and the lack of management action to adhere to the licence conditions, it is difficult to see what further conditions or other measures could be adopted. The recommendation of Sussex Police would be the revocation of the premises licence.

**If you have made representations before relating to this premises please state what they were and when you made them**

**N/A**

**Please tick yes**

- 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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent**  
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature (on behalf of the applicant)

**REDACTED TEXT**

Michelle Palmer-Harris

Date 05th January 2022.

Capacity Operations, Planning and Licensing Inspector

Force Licensing & Public Safety Manager on behalf of Chief Superintendent,  
Divisional Commander, Brighton & Hove Division

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5) FAO Insp M. Palmer- Harris/ H. Staplehurst Prevention Licensing Team John Street,	
<b>Post town</b> Brighton	<b>Post Code</b> BN2 0LA
<b>Telephone number (if any)</b> 01273 404 535 Ext 550809	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> Brighton.licensing@sussex.pnn.police.uk	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



**APPENDIX B1**  
**(POLICE REVIEW**  
**APPENDIX A)**



**Actions to Prevent Further Sales of Alcohol to Under Age**  
**Persons**  
**(Off-licence)**

**Actions for the Premises/ Staff to address:**

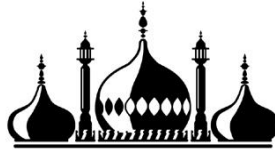
- Formal staff training by a Personal Licence Holder or the Designated Premises Supervisor for all sales staff, properly recorded and signed off after training. Regular (every 4 weeks) refresher training.
- Staff selling alcohol to be a minimum age of 21.
- If it is necessary for sales staff to be under 18, staff authorising their sales should be minimum age of 21.
- Signs clearly displaying a lack of tolerance towards underage drinking e.g. 'challenge 25'.
- Consider appointing additional Personal Licence Holders (PLH) or putting existing staff on the PLH course.
- Ensure refusals register is maintained & checked by DPS (This applies especially where it is electronically recorded via the till as it requires a concerted effort being made to check the print out). DPS should check each member of staff is refusing sales and not just the number of sales being refused by the store.
- If the company does not feel confident that the DPS is capable of meeting the requirements of the job they should consider replacing him / her with a more competent person. **Further sales of alcohol to U18 year olds may result in a review of the premises licence or of the DPS' personal licence.**
- Address possible intimidation of staff by introducing new procedures for them to summon help & by looking at staffing levels (numbers/age) at peak times. i.e. Thursday, Friday, Saturday 5pm to close.
- Conduct internal test purchases & reminders re under age sales & proxy sales should be undertaken
- Positive reinforcement of good practice to all staff.

Signed

Designated Premises Supervisor

Date:





# Brighton & Hove City Council

**APPENDIX B2**  
**(POLICE REVIEW**  
**APPENDIX B)**

## Schedule 12 Part A

Regulation 33, 34

### Premises Licence Brighton and Hove City Council

**Premises Licence Number**

**1445/3/2021/02540/LAPRMV**

#### Part I – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Wild Park Local pka Londis  
46 Barcombe Road  
Brighton  
BN1 9JQ

**Telephone number** 01273 686405

**Licensable activities authorised by the licence**

Sale by Retail of Alcohol

**Times the licence authorises the carrying out of licensable activities**

Monday - Saturday	08:00 - 23:00
Sunday	10:00 - 22:30
Christmas Day	12:00 - 15:00
Christmas Day	19:00 - 22:30
Good Friday	08:00 - 22:30



## Brighton & Hove City Council

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

Alcohol is supplied for consumption off the Premises.

### Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mahendra Kumar Patel  
**REDACTED TEXT**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

**REDACTED TEXT**

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

**REDACTED TEXT**





## Brighton & Hove City Council

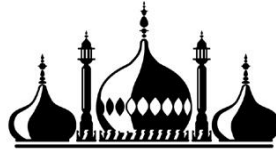
### Annex I - Mandatory conditions

#### S 19; mandatory conditions where licence authorises supply of alcohol

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, 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
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 licence 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.

### 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:
  - (b) “permitted price” is the price found by applying the formula—



## Brighton & Hove City Council

$$P=D+(D \times V)$$

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,

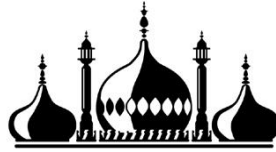
(ii) the designated premises supervisor (if any) in respect of such a licence, or

(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 this 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.



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(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.

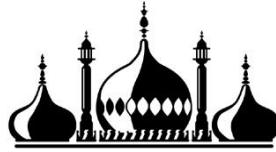
### **Annex 2 - Conditions consistent with the Operating Schedule:**

#### **General:**

1. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.
2. No beer, lager, cider or perry with an ABV over 6% shall be sold at the premises save that this shall not apply to premium beer, lager, cider or perry with an ABV over 6% such as craft or speciality brands or brands produced by a micro-brewery, or brands produced to commemorate a national or local event.

#### **For the prevention of crime and disorder:**

3.
  - a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
  - b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
  - c) CCTV footage will be stored for a minimum of 31 days.
  - d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
  - e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
  - f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.



## Brighton & Hove City Council

- g) Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable.
  - h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
4. a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a fortnight.
- b) The logbook should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.
- c) Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. This will include refusals at point of sale and at point of delivery or click & collect. The log will be kept for a minimum of twenty-four (24) months.

**For public safety:** None

**For the prevention of public nuisance:** None

**For the protection of children from harm:**

5. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving license with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the license or conditions attaching to it.
6. Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises.



## Brighton & Hove City Council

7. a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive induction training. This training will take place prior to the selling of such products:
- ❖ The lawful selling of age restricted products
  - ❖ Refusing the sale of alcohol to a person who is drunk
  - ❖ Refusing the sale of alcohol for consumption off the premises to people who may have alcohol dependency issues
- b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.
- c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

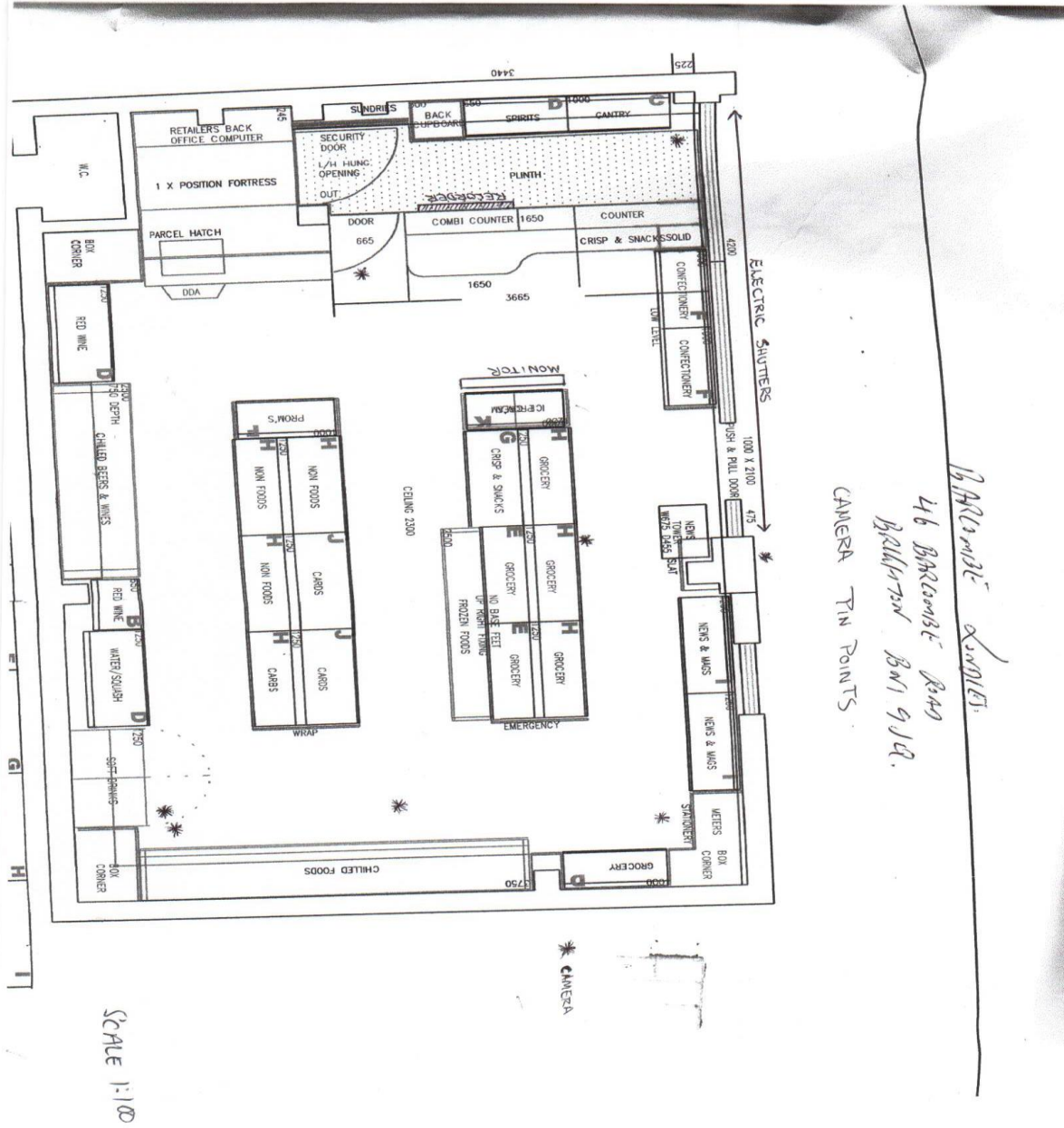
### **Annex 3 – Conditions attached after a hearing by the licensing authority**

N/A



# Brighton & Hove City Council

## Annex 4 - Plans



**APPENDIX B3**  
**(POLICE REVIEW APPENDIX C)**

**Appendix C – Email trail**

**From:** REDACTED TEXT

**Sent:** 17 December 2021 11:18

**To:** Staplehurst, Hannah 27985 <Hannah.Staplehurst@sussex.pnn.police.uk>

**Cc:** REDACTED TEXT

**Subject:** RE: Wild Park

Good morning Hannah,

Thank you for this information. I'm trying to let this all sink in as to what has happened and we really don't want to lose our licence in any way.

Although I'm the one on the licence please can you liaise with my brother as I may not be able to respond so quickly.

**REDACTED TEXT**

Thank you

Kind regards

**REDACTED TEXT**

----- Original message -----

From: [Hannah.Staplehurst@sussex.pnn.police.uk](mailto:Hannah.Staplehurst@sussex.pnn.police.uk)

Date: 16/12/2021 15:29 (GMT+00:00)

To: **REDACTED TEXT**

Subject: RE: Wild Park

Dear **REDACTED TEXT**

Thank you for your email.

I am pleased to hear you had been made aware of the incident eventually.

I would advise that you are aware of this premises licence review as the chances are, we will be requesting the premises licence is revoked.

Any requests – for example CCTV of the incident, can be handled by your brother if he is at the premises, and by all means he can assist you.

However as the DPS, you need to be aware of your responsibilities and the impact this has had on the licence, just as we discussed in the meeting following the 1<sup>st</sup> failure.

You will be made aware once the formal paperwork has been submitted.

Kind Regards

Hannah

---

**From:** **REDACTED TEXT**

**Sent:** 16 December 2021 13:27

**To:** Staplehurst, Hannah 27985 <[Hannah.Staplehurst@sussex.pnn.police.uk](mailto:Hannah.Staplehurst@sussex.pnn.police.uk)>

**Subject:** RE: Wild Park

Hello Hannah,

I believe I found out about this incident later on the following day.

It's very difficult for me to look after this when I'm also working full time elsewhere so I'm not always at the business to liase with this.

Csn I ask if my brother can handle this case if possible.

I believe he's in premises most of the time.

Kind regards

**REDACTED TEXT**



From: [Hannah.Staplehurst@sussex.pnn.police.uk](mailto:Hannah.Staplehurst@sussex.pnn.police.uk)

Date: 16/12/2021 11:44 (GMT+00:00)

To: **REDACTED TEXT**

Subject: RE: Wild Park

Good Morning **REDACTED TEXT**,

Thank you for your email.

On the 9<sup>th</sup> December, Sussex Police licensing and Trading standards conducted a re test for under age purchases of alcohol.

Unfortunately, I am writing to inform you that Wild Park, Barcombe Road, of which you are DPS failed and a single can of apple cider was sold to a 16 year old.

As the same person made the sale on both occasions, this member of staff will be prosecuted and possibly summons to court.

Lastly, as there was a high number of condition breaches on this evening too, Sussex Police Licensing are minded to call a premises licence review.

If you would like to discuss any of the above, please email or call me. I am in the office 01273 404535 ext 550809.

Kind Regards

Hannah

---

**From:** **REDACTED TEXT**

**Sent:** 10 December 2021 17:42

**To:** Staplehurst, Hannah 27985 <[Hannah.Staplehurst@sussex.pnn.police.uk](mailto:Hannah.Staplehurst@sussex.pnn.police.uk)>

**Subject:** RE: Wild Park

Good Afternoon Hannah,

I am so so sorry but I have not received any notices or emails of teepee.

Please inform me with this as I have been out the country and also been at work.

Please contact me with details Please.

Kind regards

**REDACTED TEXT**

From: [Hannah.Staplehurst@sussex.pnn.police.uk](mailto:Hannah.Staplehurst@sussex.pnn.police.uk)

Date: 10/12/2021 13:29 (GMT+00:00)

To: **REDACTED TEXT**

Subject: Wild Park

Good Afternoon,

Please could I ask you to confirm you are aware of the 2<sup>nd</sup> failed Teepee at your premises, of which you are the DPS.

I also conducted a licence check of which there were a number of condition breaches.

I would like to inform you following our visit last night, that Sussex Police are minded to take enforcement action.

If you have any questions or would like to discuss this I am in the office this afternoon or back in again from next Wednesday.

Kind Regards

Hannah



Hannah Staplehurst

Police Licensing Officer, Brighton & Hove Licensing Unit

Telephone: 01273 404535 Ext 550809 - **Mobile:** 07500578358

**APPENDIX B4  
(POLICE REVIEW APPENDIX D)**

Appendix D



FINANCIAL YEAR - 2016 - 2017

Date	Time	Description of Minor (Approx. age, M/F)	Asked for ID	Product Requested	Staff Initials	Comments
06/04/16	14.38	male	yes	NO	LP	Did not get served
30/04/16	08.29	male	yes	NO	LP	Did not get served
16/6/16	18.30	female	yes	NO	LP	Refused
11/07/2016	15.08	female	yes	NO	LP	Refused - no serv
13/08/2016	13.18	male	yes	NO	K.M.B.	no served
2/11/2016	DOWNA	LYNSDALE TRADING STANDARDS/LICENSING				RM
26.10.2019	11.50	male	yes	NO	R.MAN	Did not get served
26.10.2019	9.43	male	yes	NO	R.MAN	Refused

Date	Time	Description of Minor (Approx. age, M/F)	Asked for ID	Product Requested	Staff Initials	Comments
25.11.2021	12.57	Female	yes	NO	K.M.B.	

Date	Time	Description of Minor (Approx. age, M/F)	Asked for ID	Product Requested	Staff Initials	Comments
06/04/16	14:35	Male	Yes	No	SP	
30/04/16	08:25	Male	Yes	No	SP	Did not get served
16/11/16	18:30	Female	Yes	No	SP	Did not get served
11/07/2016	15:05	Female	Yes	No	SP	Did not get served
13/08/2016	13:00	Female	Yes	No	SP	Did not get served
2/11/2016	Donna	WINDSORE TRADING STANDARDS LICENSING	Yes	No	SP	Did not get served
26-10-2019	11:50	male	yes	no	KMM	Did not get served
26-10-2019	9:45	male	yes	no	KMM	Refused

Date	Time	Description of Minor (Approx. age, M/F)	Asked for ID	Product Requested	Staff Initials	Comments
<del>6</del>						
25-11-2016	12:57	Female	Yes	No	KMK	
29-12-21	11:45	N. Stapleton		Brighton Licensing		



## **APPENDIX C**

Mrs Grant  
Licensing Authority  
Brighton & Hove City Council  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Date: 20 January 2022  
Our Ref: 2022/00163/LICREP/EH  
Phone: 01273 292494  
Email: [donna.lynsdale@brighton-hove.gov.uk](mailto:donna.lynsdale@brighton-hove.gov.uk)

## **EG CON ENDS 03.02.22 VALID PCH (A)**

Dear Mrs Grant

### **Licensing Act 2003**

**Representation in support of an application by Sussex Police seeing a review of the  
Premises Licence - 2022/00041/LAREV  
Wild Park Local, 46 Barcombe Road, Brighton BN1 9JQ**

I write to make a representation on behalf of the Council's Licensing and Trading Standards Team, in their capacity as a responsible authority, in relation to the above application made by Sussex Police seeking to review the Premises Licence for Wild Park Local, 46 Barcombe Road, Brighton BN1 9JQ.

This representation is made as the Licensing and Trading Standards Team have concerns that the licensing objective of the Protection of Children from Harm is not being upheld.

The history of this matter is explained in more detail in the application of Sussex Police.

The premises are situated in the electoral ward of Moulsecoomb and Bevendean. According to our Public Health Framework, for Assessing Alcohol Licensing 2019 is ranked (out of 21 wards) the second for 'alcohol suspected ambulance call outs', and sixth worst for 'clients in alcohol treatment'.

Sussex Police Licensing and Trading Standards work closely to deal with combating the sale of alcohol to children. This involves the sharing of intelligence, joint test purchase operations and in respect of Trading Standards, offering businesses support and training to assist them with complying with the law and to meet the Licensing Objective of Protecting Children from Harm.

Joint Police and Trading Standards Test Purchase Operations take place on an ongoing basis, targeting premises because of either intelligence that children are able to buy alcohol from the premises or because of alcohol related youth disorder in the vicinity.

On 17 June 2021 Sussex Police and Trading Standards conducted an underage alcohol test purchase to the above premises, where a member of staff sold a bottle of Rose Wine to a 16-year-old female.

Following this failed test purchase, on 9 July 2021 a meeting was held at John Street Police station with the Designated Premises Supervisor (DPS) and his daughter. During the meeting, the DPS was issued with a formal written letter and actions to prevent a sale occurring again were discussed and again a document signed by the DPS.

As the DPS was no longer in day-to-day control of the premises, an application was submitted to change the DPS to his Daughter. Also, a minor variation application was submitted to update the premises licence and add conditions.

On 23 July I sent to the premises Challenge 25 Posters, Refusal and Incident Register and an Age Restricted Sales Training Book.

On 21 October 2021 the premises were visited as part of an underage test purchase, however it was closed.

On 9 December 2021 a further visit was carried out to re-test for underage alcohol sales. At the time of this visit a 16-year-old male purchased a single can of Country Choice, Dry Apple Cider. No Challenge was made. The seller was the same lady who had previously sold.

Also, at the time of this visit a licensing inspection was carried out. The premises were noted to be breaching some their conditions and was advised at the time. These breaches have been provided in the Review submitted by Sussex Police.

The Licensing and Trading Standards Team fully support the application of Sussex Police seeking to the revocation of the premises licence to promote the licensing objective of Protecting Children from Harm.

Yours sincerely

**REDACTED TEXT**

Donna Lynsdale  
Licensing and Fair-Trading Officer  
Licensing Team and Trading Standards



**APPENDIX D**





# Licensing Panel (Licensing Act 2003 Functions)

**Agenda Item**  
Brighton & Hove City Council

<b>Subject:</b>	<b>Review of a Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>Moonlight 171 Church Road Hove East Sussex BN3 2AB</b>		
<b>Premises Licence Holder:</b>	<b>Tony Amin Azer Gad</b>		
<b>Date of Meeting:</b>	<b>02 March 2022</b>		
<b>Report of:</b>	<b>Executive Director for Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sarah Cornell</b>	<b>Tel: (01273) 295801</b>
	<b>Email:</b>	<b>Sarah.Cornell@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Central Hove</b>		

## 1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 To review a Premises Licence for Moonlight under the Licensing Act 2003.

## 2. RECOMMENDATIONS:

2.1 That the Panel review the licence granted to the premises known Moonlight under the Licensing Act 2003.

## 3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

3.1 Existing licence attached at Appendix A.

3.2 Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.

3.3 An application was received by the Licensing Authority on 12 January 2022 from Sussex Police, to review the licence granted to the premises known as Moonlight, 171 Church Road, Hove, East Sussex, BN3 2AB

3.4 The grounds for the review relates to the following Licensing objectives:

- The Protection of Children from Harm

Full details of the grounds for the review are in Appendix B and a copy of the supporting evidence is attached in Appendix B1-B4.

3.5 At this hearing the licensing authority must:

- Consider the application made in accordance with Section 51
- Consider any relevant representations
- Take such steps (if any) as are considered appropriate for the promotion of the Licensing objectives. These steps are
  - to modify the conditions of the licence
  - to exclude a licensable activity
  - to remove the designated premises supervisor from the licence
  - to suspend the licence for a period not exceeding 3 months, or
  - to revoke the licence.

And for this purpose, the conditions of a premises licence are modified if any of them are altered, omitted or any new condition is added. It may provide that the modification or exclusion have effect for a specified period not exceeding 3 months. The determination, if not completed at the hearing, shall be within 5 working days of the hearing. Such determinations do not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

#### **Representations received**

3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

3.7 One representation in support of the review has been received from the Licensing Authority on the grounds of The Protection of Children from Harm supporting the application submitted by Brighton and Hove Police seeking the revocation of the licence.

One representation in opposition of the review has been received from a Local Resident on the grounds of The Protection of Children from Harm supporting the premises.

3.8 Full details of the representations are attached at Appendix C and D. A map detailing the location of the premises is attached at Appendix E.

## **4. COMMENTARY ON THE LICENSING POLICY**

4.1 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

### **1. Introduction**

#### **1.1**

This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home

Office under Section 182 of the act. This policy takes effect from 4 February 2021. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club; The provision of regulated entertainment;
- The provision of late night refreshment.

### **1.1 The licensing objectives are:-**

- (a) Prevention of crime and disorder;
- (b) Public safety;
- (c) Prevention of public nuisance;
- (d) Protection of children from harm.

### **1.3 Scope**

**1.3.1** Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations; i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

### **3.3 The Matrix Approach**

The Licensing Authority will support:

**3.3.1** Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of

evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports mixed use venues encouraging a wider age balance.

**3.3.2** A “matrix” approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

**Matrix approach for licensing decisions in a Statement of Licensing Policy**

	<b>Cumulative Impact Area</b>	<b>Special Stress Area</b>	<b>Other Areas</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes (midnight)
<b>Café</b>	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes (midnight)
<b>Night Club</b>	No	No	No
<b>Pub</b>	No	Yes (11pm)	Yes (midnight)
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes (favourable)
<b>Off-licence</b>	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
<b>Members Club (club premises certificate)</b>	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes

**Notes on matrix**

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to:

1. Each application will be considered on individual merit

2. Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
3. Departure from the matrix policy is expected only in exceptional circumstances
4. Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
5. Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
6. The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
7. Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafes, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing on our website [www.brighton-hove.gov.uk/licensingact](http://www.brighton-hove.gov.uk/licensingact).
8. In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.
9. Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The licensing authority will have regard to Noise Council guidance.
10. Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared

## **7 Protection of Children from Harm**

The following details and measures are intended to address the need for the protection of children from harm; this includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, e.g. in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

**7.1.1** Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Licensing Strategy Group (eg passport, photo driving licence or pass card).

**7.1.2** It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 7.1.4 below.

**7.1.3** To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-

- a. Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
- b. Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises
- c. Further take-up of proof of age schemes will be promoted
- d. In-house, mystery shopper type schemes operated by local businesses will be supported
- e. Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked

**7.1.4** The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is commonly provided;
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.



**7.1.7** Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police and BCRP undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

**7.1.8** Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

## **8 Integration of Strategies**

**8.1.1** The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by:-

- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
- Liaising and consulting with Public and Alcohol Programme Board
- Liaising and consulting with the East Sussex Fire & Rescue Service
- Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
- Liaising and consulting with the Planning authority
- Liaising and consulting with the Highways authority
- Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice

**8.1.2** In line with statutory requirements and the council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.

**8.1.3** This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.

**8.1.4** The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

**8.1.5** Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening.

Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

**8.1.6** The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

## **8.2 Other regulatory regimes**

**8.2.1** This policy avoids duplication with other regulatory regimes wherever possible. The following notes are made with regard to specific regimes:

### **Health and Safety**

Certain premises will be the subject of health and safety enforcement by the local authority or the Health and Safety Executive (HSE). If other existing law already places certain statutory responsibilities on an employer or operator of premises, for example the Management of Health and Safety at Work Regulations 1999, it will not be necessary to impose the same or similar duties on the premises licence holder or club. However, existing duties will not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment, and where additional and supplementary measures are necessary to promote the licensing objectives, necessary, proportionate conditions will need to be attached to a licence.

### **Fire Safety**

Premises and their operators will be regulated by general duties under current fire safety regimes and the Regulatory Reform (Fire Safety) Order 2005 rather than licensing provisions.

### **Noise**

Statutory and public nuisances are dealt with by the local authority's Environmental Health department under the Environmental Protection Act 1990, Noise Act 1996 and associated legislation. Noise from commercial premises may often fall under review powers set out in licensing provisions and closure powers in anti-social behaviour provisions.

### **Equality Act 2010**

The Public Sector Equality Duty obliges public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between persons who share protected characteristics and persons who do not share it. The local authority's equality and inclusion policy produced under these obligations shall include reference to this statement of licensing policy.

### **Community relations**

Integration of corporate strategies with licensing policy will include the Inclusive Council Policy which recognises the council's role, as a community leader, to promote community cohesion and good relations between diverse communities. Measures to

address prevention of crime and disorder recognise the need to improve wellbeing and safety of all the communities in the city. Licensing policy supports the Crime and Disorder Reduction Partnership's crime reduction strategy. In particular it seeks to confront and reduce racist, homophobic, transphobic and religiously motivated crimes, incidents and anti-social behaviour.

### **Anti-Social Behaviour, Crime and Policing Act 2014**

Contains powers to close premises that are causing nuisance or disorder. These powers can be exercised by the council or Police and they replace the closure powers in the Licensing Act 2003. The Act also contains powers to issue Community Protection Notices in respect of persons or businesses committing anti-social behaviour which is spoiling a community's quality of life.

### **Litter and Smoking**

CityClean contractors have Clean Neighbourhoods powers to enforce premises operators' responsibilities to keep frontages clear of litter.

### **Gambling Act 2005**

In relation to casinos and bingo clubs, the principal purpose is gaming. The sale of alcohol and the provision of entertainment in such premises is incidental to gaming and in determining whether to permit entertainment that constitutes regulated entertainment under the act, gaming license committees and / or the Gambling Commission will have taken into account relevant government guidance. Accordingly, it is felt that the licensing objectives will have been, or will be in the main, adequately considered by such committees and duplication of conditions should be avoided when considering applications under the 2003 Act where relevant representations have been made.

## **8.3 Enforcement**

**8.3.1** The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition, the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

**8.3.2** Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategy
- Drugs and alcohol strategies – local alcohol harm reduction strategy
- Objectives of the Security Industry Authority

- The Anti-Social Behaviour Act 2003/ASBPC Act 2014
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009

## 9 Reviews

**9.1.1** Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy – Appendix B.

**9.1.2** Where style of operation of a premises leads to applications concerning likelihood of racist, religiously motivated, homophobic or transphobic crimes or incidents, the review process should also support the community safety policy. Action should be proportionate and licences would normally be suspended or revoked in these circumstances to deter further incidents.

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

*Finance Officer Consulted Michael Bentley*

*Date: 21/02/22*

### Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:

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

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

*Lawyer Consulted: Rebecca Sidell*

*Date: 21/02/22*

### Equalities Implications:

- 5.3 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

### Sustainability Implications:

- 5.4 Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A – Part A of Premises Licence
2. Appendix B – Review Application & supporting evidence
2. Appendix C – Supporting Representation in support of the Police & appendices
3. Appendix D – Opposing Representation in support of the premises
4. Appendix E – Map of area
5. Appendix F – Supplementary Documentation (awaiting from Moonlight by end of week)

### **Documents in Members' Rooms**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 5<sup>th</sup> edition. Public Health Intelligence. January 2019

### **Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.





# Brighton & Hove City Council

## Appendix A

### Schedule 12 Part A

Regulation 33, 34

### Premises Licence Brighton and Hove City Council

**Premises Licence Number**

1445/3/2021/02945/LAPRMV

#### Part I – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Moonlight  
171 Church Road  
Hove  
East Sussex  
BN3 2AB

**Telephone number** 01273 723831

**Licensable activities authorised by the licence**

Sale by Retail of Alcohol

**Times the licence authorises the carrying out of licensable activities**

Every Day 00:01 - 00:00

**The opening hours of the premises** -

Every Day 00:01 - 00:00

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

Alcohol is supplied for consumption off the Premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Tony Amin Azer Gad

**Redacted**

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

N/A

**Name address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

**Redacted**

**Redacted**

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

Alcohol is supplied for off the Premises.



## Annex I - Mandatory conditions

### S 19; mandatory conditions where licence authorises supply of alcohol

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, 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
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 licence 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.

### 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:
  - (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 this 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.

## **Annex 2 – Conditions consistent with the Operating Schedule:**

### **General:**

1. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.

2. No beer, lager, cider or perry with an ABV over 6% shall be sold at the premises save that this shall not apply to premium beer, lager, cider or perry with an ABV over 6% such as craft or speciality brands or brands produced by a micro-brewery, or brands produced to commemorate a national or local event.

**For the prevention of crime and disorder:**

3.
  - a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
  - b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
  - c) CCTV footage will be stored for a minimum of 31 days.
  - d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
  - e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
  - f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
  - g) Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable.
  - h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
4.
  - a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a fortnight.
  - b) The logbook should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.
  - c) Any refusals made for alcohol service e.g., underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. This will include refusals at point of sale

and at point of delivery or click & collect. The log will be kept for a minimum of twenty-four (24) months.

5. At all times the premises is open to the public, the management will contract the back-up services of an approved mobile support unit (MSU) 24 hours a day, with a minimum of 2 SIA registered Door Supervisors operating from it. A copy of the MSU contract will be retained at the premises and made available for immediate inspection upon request by Sussex Police or Council Officials. The MSU will be accredited by the Brighton Business Crime Reduction Partnership (BCRP) or other similar organisation approved by Sussex Police should the BCRP not be in existence.

**For public safety:** None

**For the prevention of public nuisance:** None

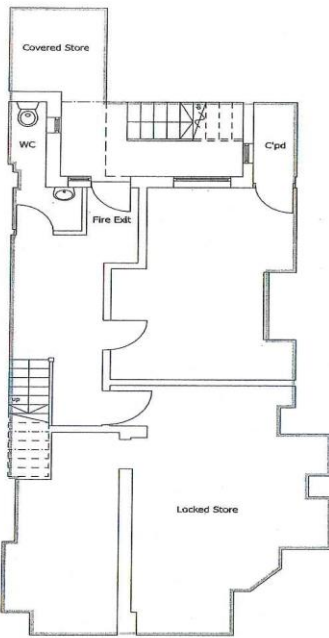
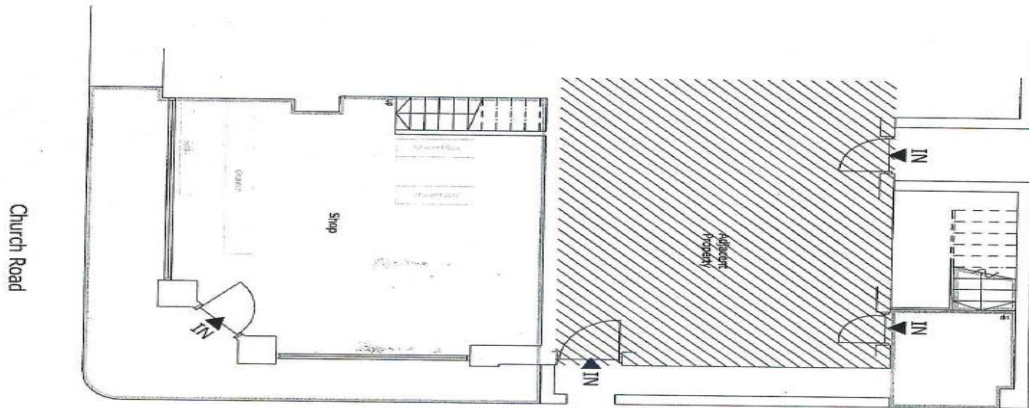
**For the protection of children from harm:**

6. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving license with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the license or conditions attaching to it.
7. Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises.
8. a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive induction training. This training will take place prior to the selling of such products:
  - ❖ The lawful selling of age restricted products
  - ❖ Refusing the sale of alcohol to a person who is drunk
  - ❖ Refusing the sale of alcohol for consumption off the premises to people who may have alcohol dependency issues
- b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.
- c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

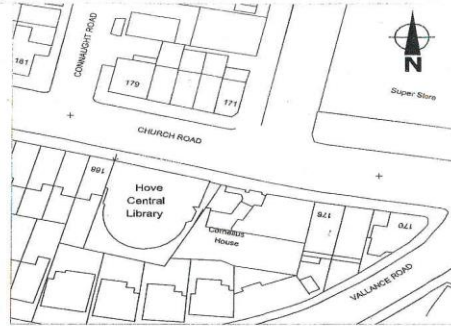
**Annex 3 – Conditions attached after a hearing by the licensing authority - N/A**

# Annex 4 – Plans

GROUND FLOOR PLAN



LOWER GROUND PLAN



S: JND AND LOWER GROUND FLOOR	Mr Gadd	207	Nov 09	RL
		1:100 @ A3		01



## **Appendix B**

### **Application for the review of a premises licence 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 Chief Supt Justin BURTENSHAW, Divisional Commander, Brighton and Hove Police on behalf of Chief Constable Jo SHINER**

*(Insert name of applicant)*

**Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.**

#### **Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>  Moonlight, 171 Church Road	
<b>Post town</b> Hove	<b>Post code (if known)</b> BN3 2AB

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>  Tony Amin Azer GAD
---

<b>Number of premises licence or club premises certificate (if known)</b> <b>I445/3/2021/02945/LAPRMV</b>
--

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 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**

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

**Surname**

**First names**

**Please tick yes**

I am 18 years old or over

**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**

Name and address Sussex police, Brighton & Hove licensing, 1 <sup>st</sup> floor, police station, John street, Brighton, BN2 OLA
Telephone number (if any) Ext 550809
E-mail address (optional) Brighton.licensing@sussex.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 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 yes**

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

If yes please state the date of that application

**Please state the ground(s) for review**

Sussex Police would like to bring the above premises to review due to Brighton and Hove Police Licensing conducting two underage test purchases at this premises at which on both occasions the member of staff served to persons under the age of 18.

Sussex Police would therefore contend that the licensing objective of the Protection of Children from harm has been undermined.

In March 2021, this premises were visited by PC Bernascone and BHCC licensing officer Donna Lynsdale, during the visit they found two breaches of the premises licence involving CCTV and the training logs. Please see Appendix A- Breach Letter sent following this visit.

In July 2021, Policing Licensing were asked to organise and run an alcohol test purchase operation by senior officers within Sussex Police due to the rising number of alcohol fuelled incidents involving young people occurring around Hove, including Hove Lawns to try and establish where underage persons were purchasing their alcohol.

11<sup>th</sup> August 2021

Brighton Licensing conducted an underage alcohol test purchase, where a member of staff at this premises sold a large bottle of Stella to a 15 year old male.

A Fixed Penalty Notice (FPN) was issued to the member of staff.

19<sup>th</sup> August 2021

A meeting was held at John Street Police station with the DPS and his sister.

During the meeting, the DPS was issued with a formal written letter and actions to prevent a sale occurring again were discussed. The DPS signed to confirm what was discussed. Example document attached as Appendix B.

They were both shown some conditions that Brighton and Hove Police Licensing would like to propose they add to the licence voluntarily following the failure.

The conditions were discussed in the meeting, with questions raised about acceptable ID's, training and providing CCTV. Words of advice were given.

The DPS left the meeting with no doubt that the failed test purchase was a serious matter, he was informed a retest would be done in the future and if this was failed again, Sussex Police would be minded to take enforcement action.

3<sup>rd</sup> September 2021

The Minor Variation was submitted by licensing consultant Geoff Cooper to add conditions to the Licence following the failed Test purchase.

09<sup>th</sup> December 2021

The premises was visited again to re-test for underage alcohol sales. A male volunteer 16 years old selected a bottle of Sol and proceeded to the tills, money was exchanged, and the volunteer left the store.

The plain clothes officer, then identified herself and informed the member of staff they had just sold alcohol to a person underage.

Uniformed officers arrived with Licensing officer Hannah Staplehurst and BHCC Licensing officer Donna Lynsdale, the bottle of Sol was retrieved and returned to the store to show the members of staff.

The seller didn't have any formal identification on his person, so there was a delay in acquiring the member of staff's details but once checks were made everything was in order.

A Community Resolution is to be issued to the member of staff, where he will be invited to partake in a Sussex Police and BHCC training session and complete an assessment to ensure he fully understands the licensing law around selling to underage persons and the consequences.

A walkaround licensing check was conducted. All licensing conditions were being adhered too except for the training log. We were shown the training log which displayed four names and signatures who had been trained on the 2<sup>nd</sup> December 2021.

However, the member of staff who had made the sale was not one of the signatures included within this document.

The DPS' brother and sister both arrived at the premises while Police Licensing were there and it was explained that the member of staff was new, and his training records had been sent to the accountants and was unavailable to be viewed.

However, no explanation could be given why the training log had not been signed the same time as any other paperwork.

10<sup>th</sup> December 2021

Licensing officer Hannah Staplehurst received a forwarded email from BHCC Licensing officer Donna Lynsdale with a document attached called "training and authority to sell alcohol" for the member of staff who made the sale from the premises. (Please see Appendix C).

Police Licensing also received communication from Licensing consultant Geoff Cooper who had been asked to contact Police Licensing on behalf of the DPS/PLH.

14<sup>th</sup> December 2021

An email was received into Police Licensing from the PLH/DPS informing us since the second failed test purchase, the actions he has taken (Appendix D).

Sussex Police do feel this premises have responded to our stepped approach and have worked with us to try and improve but they have still failed underage test purchases on two separate occasions involving two different members of staff. This is a serious concern, undermining the licensing objective of protection of children from harm and further action should be considered.

As conditions were added on the 3<sup>rd</sup> September 2021, Sussex Police have no further conditions to add to prevent the sale of alcohol to underage persons. It is difficult to see what further measures could be put into place to prevent future sales of alcohol to underage persons. Therefore, the recommendation of Sussex Police would be the revocation of the premises licence.

**If you have made representations before relating to this premises please state what they were and when you made them**

**N/A**

**Please tick yes**

- 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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent**  
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature (on behalf of the applicant)



Insp M.Palmer- Harris

Date 12<sup>th</sup> January 2022.

Capacity Operations, Planning and Licensing Inspector

Force Licensing & Public Safety Manager on behalf of Chief Superintendent,  
Divisional Commander, Brighton & Hove Division

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5) FAO Insp M.Palmer-Harris/ H. Staplehurst Prevention Licensing Team John Street,	
<b>Post town</b> Brighton	<b>Post Code</b> BN2 0LA
<b>Telephone number (if any)</b> 01273 404 535 Ext 550809	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> Brighton.licensing@sussex.pnn.police.uk	

#### Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



**Sussex Police**  
Serving Sussex

www.sussex.police.uk

## Brighton & Hove Licensing Unit

Police Station  
John Street  
Brighton  
BN2 0LA

Tel: 01273 470101 ext 550815

Email: [brighton.licensing@sussex.pnn.police.uk](mailto:brighton.licensing@sussex.pnn.police.uk)

### **Appendix B.1 (Police Breach - Appendix A)**

29<sup>th</sup> 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 22<sup>nd</sup> 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.

**Sussex Police Headquarters**  
Malling House, Church Lane, Lewes, E. Sussex, BN7 2DZ

Telephone: 101 | 01273 470101

Email: [brighton.licensing@sussex.pnn.police.uk](mailto:brighton.licensing@sussex.pnn.police.uk)

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



**Appendix B.2**  
**(Police Appendix B)**



**Actions to Prevent Further Sales of Alcohol to Under Age Persons (Off-licence)**

**Actions for the Premises/ Staff to address:**

- Formal staff training by a Personal Licence Holder or the Designated Premises Supervisor for all sales staff, properly recorded and signed off after training. Regular (every 4 weeks) refresher training.
- Staff selling alcohol to be a minimum age of 21.
- If it is necessary for sales staff to be under 18, staff authorising their sales should be minimum age of 21.
- Signs clearly displaying a lack of tolerance towards underage drinking e.g. 'challenge 25'.
- Consider appointing additional Personal Licence Holders (PLH) or putting existing staff on the PLH course.
- Ensure refusals register is maintained & checked by DPS (This applies especially where it is electronically recorded via the till as it requires a concerted effort being made to check the print out). DPS should check each member of staff is refusing sales and not just the number of sales being refused by the store.
- If the company does not feel confident that the DPS is capable of meeting the requirements of the job they should consider replacing him / her with a more competent person. **Further sales of alcohol to U18 year olds may result in a review of the premises licence or of the DPS' personal licence.**
- Address possible intimidation of staff by introducing new procedures for them to summon help & by looking at staffing levels (numbers/age) at peak times. i.e. Thursday, Friday, Saturday 5pm to close.
- Conduct internal test purchases & reminders re under age sales & proxy sales should be undertaken
- Positive reinforcement of good practice to all staff.

Signed

Designated Premises Supervisor

Date:



## **Appendix B.3 (Police Appendix C)**

### **Appendix C – Email trail**

**From:** Donna.Lynsdale@brighton-hove.gov.uk <Donna.Lynsdale@brighton-hove.gov.uk>  
**Sent:** 10 December 2021 08:08  
**To:** Hannah.Staplehurst@sussex.police.uk  
**Subject:** Appendix C - Moonlight training form

Hi Hannah

Have received the below from Moonlight.

Regards

**Donna Lynsdale** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities  
Brighton & Hove City Council, 2<sup>nd</sup> Floor, Bartholomew House, Bartholomew Square,  
Brighton BN1 1JP  
**T** 01273 292494 | **M** 07717 303114 | [donna.lynsdale@brighton-hove.gov.uk](mailto:donna.lynsdale@brighton-hove.gov.uk)

#### **Our customer promise to you**

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

#### **Rate your experience**

We are committed to providing you services in accordance with our [Customer Promise](#).

Please [tell us about your experiences](#) of using Brighton & Hove City Council services. It will take no longer than 5 minutes to complete.

#### **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](https://nhs.uk/coronavirus)

**From:** Redacted <Redacted>  
**Sent:** 09 December 2021 22:04  
**To:** Donna Lynsdale <[Donna.Lynsdale@brighton-hove.gov.uk](mailto:Donna.Lynsdale@brighton-hove.gov.uk)>  
**Subject:** Moonlight staff training form

Hi Donna,

Please see form below. Please can you share it with Hannah.

Many thanks

Redacted

## **Appendix B.4 (Police Appendix D)**

### **Appendix D – Email trail**

**From:** Redacted <Redacted>  
**Sent:** 14 December 2021 19:01  
**To:** Brighton.Licensing@sussex.police.uk  
**Subject:** Appendix D FAO: Hannah Staplehurst - Re: Moonlight

Hi Hannah,

I hope you keeping well.

Following the last purchase test, we have followed the following steps following the incident:

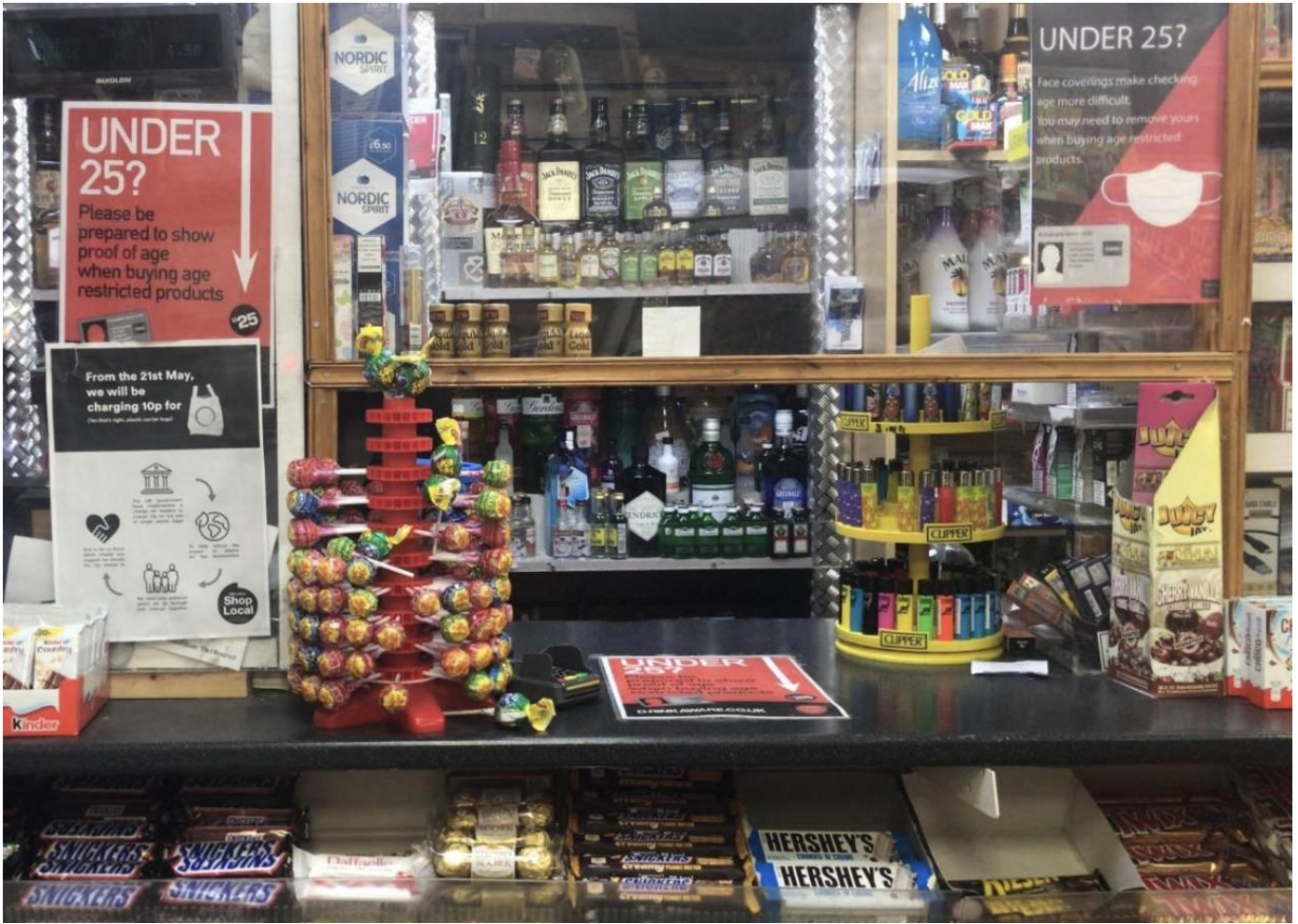
- 1) Warning and suspension from work was sent to the staff member who failed the test purchase
- 2) we had a meeting with all staff members to ensure the following is adhered to :
  - a. The lawful selling of age restricted products using the process outlined in the store
  - b. Refusing the sale of alcohol to anyone under the influence
  - c. Refusing the sale of alcohol for consumption off the premises to people who may have alcohol dependency issues
- 3) Moonlight signed up with a company called DG Training which offers **Licensed Premises Staff Training** course. We started with 3 staff members including Esam. I have attached invoice for proof and I will share the certificates with you once completed.
- 4) We have added extra posters to challenge 25 with posters which have the face mask on. ( photo attached)
- 5) Review of SOPs relating to sales of alcohol and cigarettes by all employees and ensure that sops are always maintained up to date.

We have acknowledged the fact that an error was made by one of the newly employed staff members and we have since taken further procedures and actions to avoid the reoccurrence of such incident in the future.

I am happy to provide evidence of the procedures we have put into place.

Please do not hesitate to contact me.

Tony







**TRAINING**  
**SALES INVOICE**

Tony Gad  
Moonlight  
171 Church Road  
Hove  
BN3 2AB

INVOICE NUMBER	Redacted
----------------	----------

INVOICE DATE	Redacted
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QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
3	LICENSED PREMISES STAFF TRAINING COURSES	35.00	105.00
	DISCOUNT	-15.00	-15.00
<b>TOTAL AMOUNT DUE</b>			<b>£90.00</b>

PAYMENT INSTRUCTIONS

CHEQUES SHOULD BE MADE PAYABLE TO Redacted

FOR BANK TRANSFERS THE FOLLOWING DETAILS SHOULD BE USED:  
SORT CODE Redacted ACCOUNT NUMBER: Redacted

PAYMENT TERMS STRICTLY 30 DAYS

DG TRAINING, 15 DALSCONE WAY, DUMFRIES, DG1 1QU  
t: Redacted m: Redacted w: www.dg-training.co.uk e: Redacted



### Appendix C

Ms Cornell  
Licensing Authority  
Brighton & Hove City Council  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Date: 25 January 2022  
Our Ref: 2022/00166/LICREP/EH  
Phone: 01273 292494  
Email: [donna.lynsdale@brighton-hove.gov.uk](mailto:donna.lynsdale@brighton-hove.gov.uk)

Dear Ms Cornell

#### **Licensing Act 2003**

#### **Representation in support of an application by Sussex Police seeking a review of the Premises Licence - 2022/00108/LAREV Moonlight Store, 171 Church Road, Hove BN3 2AB**

I write to make a representation on behalf of the Council's Licensing and Trading Standards Team, in their capacity as responsible authorities, in relation to the above application made by Sussex Police seeking to review the Premises Licence for Moonlight Store, 171 Church Road, Hove BN3 2AB.

This representation is made as the Licensing and Trading Standards have concerns that the licensing objective of Protection of Children from Harm is not being upheld.

The history of this matter is explained in more detail in the application of Sussex Police.

In March 2021, Licensing received complaints from local residents that that the premises were selling alcohol to the local street drinking community who were then causing anti-social behaviour in the area. On 22 March 2021, accompanied by my colleague, PC Bernascone from Police Licensing, we carried out a full Licensing Inspection. During this inspection there were a number of breaches identified and advice was given to the sales assistant at the time. On 28 March 2021, I sent an email to the Tony Gad, Designated Premises Supervisor (DPS), outlining the breaches found. A copy of this email is attached as Appendix A. Also following my inspection, a referral was made to the food officers advising them of the out-of-date food and products found without English labelling.

The premises are situated in the electoral ward of Central Hove. According to our Public Health Framework, for Assessing Alcohol Licensing 2019, Central Hove is ranked fourth out of 21 wards for 'alcohol suspected ambulance call outs', and sixth worst for 'clients in alcohol treatment'.

Sussex Police Licensing and Trading Standards work closely to deal with combating the sale of alcohol to children. This involves the sharing of intelligence, joint test purchase operations and in

respect of Trading Standards, offering businesses support and training to assist them with complying with the law and to meet the Licensing Objective of Protecting Children from Harm.

Joint Police and Trading Standards Test Purchase Operations take place on an ongoing basis, targeting premises because of either intelligence that children are able to buy alcohol from the premises or because of alcohol related youth disorder in the vicinity.

On 11 August 2021, Sussex Police and Trading Standards conducted an underage alcohol test purchase to the above premises, where a member of staff at this premises sold a large bottle of Stella to a 15-year-old male. A copy of my notes and findings following this visit can be seen at Appendix B. A further referral was sent to the food officers advising that products were still being sold without English labelling.

Following this failed test purchase, on 19 August 2021 a meeting was held at John Street Police station with the DPS, Tony Gad and his sister Mina Aziz. During the meeting, the DPS was issued with a formal written letter and actions to prevent a sale occurring again were discussed and a document signed by the DPS.

On 3 September 2021, a Minor Variation was submitted by licensing consultant Geoff Cooper to add conditions as suggested by the Police, to the premises licence following the failed Test purchase.

On 7 October 2021, a warning letter was sent by a food officer regarding the labelling of food products. A copy of this warning can be seen at Appendix C.

On 9 December 2021 a further visit was carried out to re-test for underage alcohol sales. At the time of this visit a 16-year-old male purchased a single bottle of Sol. No Challenge was made.

Also, at the time of this visit a licensing inspection was carried out. We were shown a training log which displayed four names and signatures who had been trained on the 2 December 2021. However, the member of staff who had made the sale was not one of the signatures included within this document. We were informed that the member of staff had only just started working at the premises and was still receiving his induction training. At the time of this visit it was noted that no products were identified without English labelling.

Despite advice, the provision of documentation for staff training being given and addition of conditions I am concerned that the premises has failed a further test purchase.

In the circumstances, the Licensing and Trading Standards Team fully support the application of Sussex Police seeking the revocation of the premises licence and consider that this is necessary to ensure that the licensing objective of the Protection Children from Harm are met.

Yours sincerely



Donna Lynsdale  
Licensing and Fair-Trading Officer  
Licensing Team and Trading Standards

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

**Appendix B** – Test Purchase Notes 11 August 2021

**Appendix C** – Warning Letter sent on 7 October 2021



## **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 legislation 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, 2<sup>nd</sup> Floor, Bartholomew House, Bartholomew Square, Brighton BN1 1JP  
T 01273 292494 | M 07717 303114 | [donna.lynsdale@brighton-hove.gov.uk](mailto:donna.lynsdale@brighton-hove.gov.uk)

### **Our customer promise to you**

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

### **Rate your experience**

We are committed to providing you services in accordance with our [Customer Promise](#).

Please [tell us about your experiences](#) of using Brighton & Hove City Council services. It will take no longer than 5 minutes to complete.

### **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](https://nhs.uk/coronavirus)



## **Appendix C.2 (Licensing Authority Appendix B)**

**Appendix B** - Test Purchase Notes 11 August 2021

### **11 August 2021 – Op Teepee**

**Premises:** Moonlight  
171 Church Road  
Hove  
BN3 2AB

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

Stella Artois Belgium Beer £2.99.

Sale made by member of staff 'Redacted'. Worked at premises for approximately 2 years. Said he had been trained but couldn't remember if he signed anything. No challenge was made. PND issued.

Also had on sale single cans of Perla - £1.85 or 4 for £6.50. Zubr 4 x pack. Both with no English Labelling. Referred to Food Officers.

Premises has a reasonable old licence, conditions need updating. Breaches as below:

### **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.

4 minutes fast.

#### **Protection of Children from Harm**

- 2) The premises will maintain a refusals book to record all incidences of age-related products being refused and refusals to persons who are drunk. This book will be readily available for inspection by Council or Police upon request.

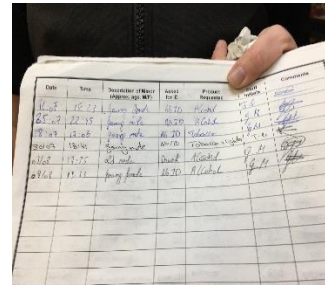
Had refusal register – last entry 08/08.

3) 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.

No training records on site.

PLH/DPS advised he be contacted to come to Police Station. Warning letter will be issued and will be presented with minor variation to update their existing licence conditions. Meeting arranged for 19 August 2021 – 11am – Police Station.

### Photos



Date	Type	Description (Name)	Price	P. Code	Serial	Comments
15.07	15.07	1.500ml	0.50	1.500		
25.07	22.05	1.500ml	0.50	1.500		
28.07	18.08	1.500ml	0.50	1.500		
08.08	18.08	1.500ml	0.50	1.500		
11.08	18.08	1.500ml	0.50	1.500		
11.08	18.08	1.500ml	0.50	1.500		



**Brighton & Hove  
City Council**

**Regulatory Services**  
Trading Standards  
Bartholomew House  
Bartholomew Square  
Brighton BN1 1JP

**Appendix C.3 (Licensing Authority Appendix C)**

Moonlight  
171 Church Road  
Hove  
BN3 2AB

Date: 7/10/21  
Our Ref: C02FHA171C/1  
Your Ref: Foreign Labelled  
Phone: 07974 300623

e-mail: [Kirsty.macdougall@brighton-hove.gov.uk](mailto:Kirsty.macdougall@brighton-hove.gov.uk)

Dear Tony Gad

**Food Information (England) Regulations 2014  
Food Safety Act 1990**

I am writing to you following my colleague Donna Lynsdale's visits on 11 August 2021 where she has found foreign labelled food. She has advised you on numerous occasions regarding the law and that the mandatory food information must be provided in the language easily understood by the consumers of the country where the food is marketed. Therefore, all food sold in your shop should be labelled in English. Without English labelling arguably your food could be deemed unsafe as any allergen information will not be in English and legible to the consumer.

After careful consideration of the evidence, I am satisfied that we would be able to prove the offences. However, I do not believe that it would be in the public interest to pursue this matter through the courts. I propose therefore to deal with this matter by way of a formal warning. I must therefore advise you that your activities will be monitored and if similar activity is discovered a similar decision may not be taken in the future.

Please contact me on 01273 292491 / 07795 336194 if you need any assistance or further information about complying with the legislation.

Thank you for your assistance in this matter.

Yours sincerely

Senior Fair Trading Officer

*If requested by a third party under the provisions of the **Freedom of Information Act 2000** the contents of this letter may be disclosed by Brighton & Hove City Council. For further advice please contact (01273) 291207 or search our website on [www.brighton-hove.gov.uk/foi](http://www.brighton-hove.gov.uk/foi)*

## Appendix D

From: Redacted <Redacted >  
Sent: 18 January 2022 12:09  
To: EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
Subject: Re: MOONLIGHT STORE // LICENSE REVIEW

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Hi Kerry,

Absolutely

Redacted

Thanks

Redacted

From: Redacted <Redacted >  
Sent: 13 January 2022 23:15  
To: EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
Cc: Redacted  
Subject: \*\*\* Awaiting response from Sarah \*\*\* MOONLIGHT STORE // LICENSE REVIEW

To whom it may concern,

I have been made aware of a licence review at my local off licence, moonlight store, church road, hove.

I would like to express my shock at this review.

As a regular customer of Moonlight store, having visited over 100 times since June of 2020, when I moved to the area, I can wholeheartedly say that their ID checks are much more thorough than what I have experienced from the Tesco superstore just next door.

As a 26 year old man, and a firm regular of the store, I am still ID'd every time I go in there to buy booze or ciggies.

Furthermore, around 5 months ago, I witnessed a group of youths asking people outside of the store to buy them alcohol, which I of course refused before walking into the store. When I walked in, the staff member said to me he could see them outside on the CCTV, and said he was watching vigilantly as to which customers engaged with the youths to ensure that no customers bought the youths the alcohol they were asking for.

I'm extremely surprised to hear that the store failed a recent mystery shopping incident, and can only assume that said mystery shopper looked over the age of 25, as I always get ID'd on my trips to the store.

Losing this store would be a huge hit for the local area. Many many residents and local businesses are reliant on moonlight.

I implore you to re asses this review, and ensure that moonlight keep their license.

I look forward to hearing your reply to my email.

Kind regards

Redacted

Redacted

Redacted



**Appendix E**

