



Brighton & Hove Licensing Unit

Police Station
John Street
Brighton
BN2 0LA

Tel: 01273 470101 ext 550815

Email: brighton.licensing@sussex.pnn.police.uk

9th September 2021

Khaled MOHAMED
190A South Coast Road
Peacehaven
BN10 8JJ

Dear Khaled,

RE: My Yummie Pizza

I write with reference to the above premises of which you are chown as the Premises Licence Holder.

On the 9th of September 2021 at approximately 1300 hrs, I attended the premises in company with my colleagues PC Hancox and Hannah Staplehurst to conduct a licensing check.

During the check the following breaches of the late night refreshment licence were found.

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. The system shall be on and recording at all times the premises licence is in operation. Due to camera being broken the outside area is not covered by CCTV***

(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

Staff could not operate the CCTVso this could not be checked.

(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.

There could be no full and immediate cooperation as the CCTV could not be operated by the staff working at the time, or by Omar who arrived at the end of the check.

(e)The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

Date shown on the individual camera feeds was one hour fast. The date was correct.

(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.

As for condition 3(d), as the no members of staff could access or use the CCTV then no one could download footage without difficulty or delay

(g)Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

The external camera was not working and there was glitch on the camera covering the counter area whereby the footage was not live and was actually showing footage from one minute earlier.

(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. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The incident log will be inspected and signed off by the Premises Licence Holder (or a person with delegated authority) at least once a week. The log book 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.

The incident book could not be located. When it was eventually found it was discovered that the book had never been used, despite the premises having a serious incident that was reported to police at the end of August 2021.

5. SIA licensed door supervisors shall be employed on any occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.

No written risk assessment could be located. Omar stated he was SIA licensed, but as he is also manager of premises he cannot 'dual role' so would only be able to carry out SIA activity when he is not carrying out any other duties.

I have to advise you that it is an offence under 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 identified above would constitute carrying out unauthorised licensable activity.

During the check drugs swabs of the premises were taken. The results are as follows:-

Toilet cistern – Cocaine 3.24
Out of use Toilet – sink – Cocaine 4.40
Out of use toilet – Top of cistern – Cocaine 5.52
Out of use toilet – Toilet seat – Cocaine 6.14
Toilet – shelf – Cocaine 4.00
Toilet seat – Cocaine 5.67
Table 1 – Cocaine 1.15
Lead Till screen – Cocaine 1.15.

The manufacturer of the testing equipment's explanation of the readings are as follows:-

Alarms of between 1 and 2 times the alarm threshold can be classed as a "low" response. It could be attributed to cross contamination of the surface tested, background contamination, or greatly degraded historic contamination. It is not indicative of recent direct contact.

Alarms of between 2 and 3 times the alarm threshold can be classed as a "medium" response. It could be attributed to cross contamination of the surface tested or recent historic contamination that may have been left a number of days prior to the sample being taken.

Alarms of between 3 and 4 times the alarm threshold can be classed as a "high" response. This level of response would not be attributed to cross contamination and is indicative of recent and direct contact with measurable quantities of the narcotic identified by the machine.

Readings of 4.00 and above are estimated to relate to microgram amounts of contamination being transferred to the sample media. This level of contamination is not generally experienced in any other environment than somewhere that has been in direct contact with a bulk amount of the source narcotic, i.e. this level is not generally experienced as background contamination or through incidental cross contamination by being in close contact with other contaminated areas or persons.

The machine gives a maximum reading of 7. As you can see 5 of the readings were in the high category for Cocaine which indicates direct usage of drugs in those areas and shows that the premises has a serious issue with drugs use in the toilets

This letter is official notice of the breaches and to inform you that enforcement action is now being considered.

A copy of this letter has also been forwarded to council licensing and they may also look at taking their own enforcement action.

You can contact Police Licensing via the e-mail or telephone number at the top of this letter.

Yours sincerely

Andre BERNASCONE
REDACTED TEXT
Brighton Police Licensing

