



Crawley Borough Council

Licensing Sub-Committee

Agenda for the **Licensing Sub-Committee** which will be held in **Committee Room A - Town Hall**, on **24 January 2024** at **10.30 am**

Pre-meeting (for councillors only) begins at 09.45 am in meeting room 1.3

A handwritten signature in black ink, appearing to be 'J. D.', written in a cursive style.

Chief Executive

Membership:
Councillors

Z Ali, I T Irvine and A Nawaz

Please contact Democratic Services if you have any queries regarding this agenda.
democratic.services@crawley.gov.uk

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Town Hall
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Crawley
West Sussex
RH10 1UZ

The order of business may change at the Chair's discretion

Part A Business (Open to the Public)

1. **Appointment of Chair**

2. **Apologies for Absence**

3. **Disclosures of Interest**

In accordance with the Council's Code of Conduct, councillors are reminded that it is a requirement to declare interests where appropriate.

4. **Application to Vary the Premises Licence - Mon Ami, 20 Broad Walk, Northgate, Crawley, RH10 1HQ**

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To consider report HCS/075 of the Head of Community Services (*report to follow*).

The application to vary the premises licence is available to view on the Council's website [here](#).

5. **Supplemental Agenda**

Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.

This information is available in different formats and languages. If you or someone you know would like help with understanding this document please contact the Democratic Services team on 01293 438549 or email: democratic.services@crawley.gov.uk

LICENSING SUB-COMMITTEE (HEARINGS) PROCEDURE RULES

These Rules are divided into two sections relating to the format of the meeting:

- **Section A:** Procedures for In-Person Meetings.
- **Section B:** Procedures for Virtual Meetings.

SECTION A: PROCEDURES FOR IN-PERSON MEETINGS

1. SCOPE OF THESE RULES

- 1.1. These Rules apply specifically to Licensing Sub-Committee Hearings under the Licensing Act 2003 ('the Act') and the *Licensing Act 2003 (Hearings) Regulations 2005* ('the Regulations').
- 1.2. These Rules should be read in conjunction with paragraphs 9 (Declarations of Interest), 16 (Councillors' Conduct) and 17 (Disturbance by Public) of the General Committee Procedure Rules as appropriate.
- 1.3. In these Rules all references to "party" and "parties" is a reference to all persons to whom a Notice of Hearing must be given pursuant to Regulation 6 of the Regulations.

2. CONSULTATION PERIOD AND SUBMISSION OF RELEVANT REPRESENTATIONS/DOCUMENTATION

Consultation Period and Relevant Representations

- 2.1. The Council encourages that all representations made in relation to an application/notice be submitted by e-form on the Council's website or by e-mail to [licensing@crawley.gov.uk](mailto:licensing@ Crawley.gov.uk) (rather than by post or other means) to reduce the risk that they may not be received or considered by the Council. The Council's website will clearly state this.
- 2.2. When submitting representations/documentation parties are encouraged to provide a contact email address.

Submission of Documentation Supporting an Application, Notice or Representation

- 2.3. All parties must use their best endeavours to submit any documentation in support of their application, notice or representation which they wish to be included within the Notice of Hearing electronically to [licensing@crawley.gov.uk](mailto:licensing@ Crawley.gov.uk).
- 2.4. The Council encourages parties to follow these principles when drafting submissions in support of their application, notice or representation:
 - a) Focus on the promotion of one or more of the four Licensing Objectives as defined by the Act.
 - b) Make reference to the relevant parts of the Council's Licensing Policy Statement and Section 182 Guidance.
 - c) Be relevant.
 - d) Be evidence-led not based on speculation.

- 2.5. Parties should endeavour to submit all additional documentation they wish to be considered by the Sub-Committee (which was not included in the Notice of Hearing) no later than 48 hours before the Hearing so that it can be circulated to all other parties. All submissions and supporting documentation/evidence should be submitted by email to [democratic.services@Crawley.gov.uk](mailto:democratic.services@ Crawley.gov.uk).

Submission of CCTV and Audio Evidence

- 2.6. Any video evidence submitted before a Hearing which a party wishes the Sub-Committee to view should be submitted in MP4 format. Parties are asked to ensure that any recording is edited to only contain relevant matters which relate to their representation. Parties are encouraged to submit any video evidence with a description of how, when and where the video was recorded and a summary of its contents.
- 2.7. Parties should endeavour to submit any video evidence they wish to rely upon at least 72 hours before the Hearing to allow sufficient time for it to be made available to the other parties.

3. NOTICE OF HEARING, AGENDA DOCUMENTS, NOTICE OF INTENTION TO ATTEND AND CANCELLATION OF THE HEARING

Notice of Hearing and Agenda

- 3.1. A Notice of Hearing (in the form of an agenda) will be sent via email to all parties at least ten clear working days before the meeting. The Notice will also be published via the Council's website in line with normal procedure. The Notice will include:
- a) Details of the date and time of the Hearing.
 - b) The report of the Council's Licensing Officer.
 - c) The application/notice.
 - d) Any relevant representations/notices received.
 - e) Any other supporting documentation submitted.
 - f) A copy of these Licensing Sub-Committee (Hearings) Procedure Rules.
 - g) A "Parties' Notice of Intention" form.

Notice of Intention to Attend

- 3.2. All parties wishing to participate in the Hearing must register their wish to participate and provide their own email address and the email address(es) of any representatives/witnesses they wish to speak at the meeting. This **must** be done by returning the "Parties' Notice of Intention" form via email to the Council at democratic.services@Crawley.gov.uk no later than five working days before the day of the Hearing.
- 3.3. Applicants are encouraged to attend the Hearing although they may choose not to attend and instead allow the decision to be considered on the basis of the written representations, and for the decision to be taken based on the information available at the Hearing.

Cancellation of the Hearing

- 3.4. If the application is withdrawn or an agreement is reached between the applicant and those who have submitted a representation, the Hearing will be cancelled as there will be no business to be considered. However, should the withdrawal or agreement be confirmed less than 24 hours before the Hearing is due to take place, the meeting will not be cancelled on that basis.

4. SPECIFIC LICENSING SUB-COMMITTEE (HEARINGS) RULES

- 4.1. **Establishment of a Sub-Committee:** A Sub-Committee will only be arranged when there is a requirement for a Hearing as defined in the Act.
- 4.2. **Membership:** A Sub-Committee will consist of a panel of three Councillors drawn from a pool of four Councillors who have confirmed that they are available to attend the scheduled Hearing. (The purpose of having four is to ensure that there is a reserve Councillor available to substitute for one of the other three Councillors in the event that one of the others cannot attend due to unforeseen circumstances.) The pool of four Councillors will be drawn from the Councillors appointed to the Licensing Committee. Endeavours will be made for the Sub-Committee membership to be drawn from different political parties where possible, although this is not a requirement in law.
- 4.3. **Quorum:** The quorum of a Sub-Committee will be three.
- 4.4. **Appointment of Chair:** A Chair will be elected from the membership of the panel.
- 4.5. **Officer Attendance:** A Council legal advisor ('Legal Clerk'), Democratic Services Officer and Licensing Officer will usually attend a Sub-Committee for the sole purpose of providing advice on law and procedure.
- 4.6. **Sub-Committee Pre Meeting:** The Sub-Committee will usually meet with the Democratic Services Officer and Legal Clerk in advance of a Hearing. The purpose of this meeting will be to identify any matters upon which the Sub-Committee may require clarification (see Paragraph 3.1 – Order of Business), to ensure the Sub-Committee members have all the documentation for the Hearing, and to remind themselves of the Hearing Procedure. During any pre-meeting **no** decisions will be made and **no** discussions will take place regarding the substantive merits of the application or representations.
- 4.7. **Minutes:** The minutes of the Sub-Committee remain the responsibility of the Licensing Committee and will be brought before a minimum of ten Committee Members for their approval at a Licensing Committee meeting. Only a member of the relevant Sub-Committee is permitted to question the accuracy of the minutes. Once the minutes have been agreed, they shall be signed by a member of that Sub-Committee, which would normally be the Chair of the Panel.
- 4.8. **Procedure at the Meeting:** The procedure to be followed at Sub-Committee meetings is outlined later in these Rules.
- 4.9. **Additional Information:** When making their presentation/s, parties may only introduce documentary or other information produced either before the Hearing or, with the consent of all the other parties, at the Hearing.

- 4.10. **Duration of Representations:** Each party will be given an equal amount of time to make representations. The amount of time will be at the Chair's discretion based on the number of parties present.
- 4.11. **Exclusion of the Public/Retiring for Deliberation:** By virtue of Regulation 14 of the Regulations, the Sub-Committee shall exclude from all or part of the Hearing any member of the public and/or any other person present at the Hearing if it believes that the public interest in doing so outweighs the public interest in allowing the person(s) in question to remain.

This exclusion will be used when the Sub-Committee retires for its deliberations.

5. HEARING PROCEDURE

- 5.1. **Order of Business:** Each Sub-Committee will usually follow the procedure below. However, a Sub-Committee may decide to vary the order of business below if it considers it appropriate, after it has first sought and considered any views of the parties present.
- 5.2. The Sub-Committee will appoint a Chair for the duration of the meeting.
- 5.3. The Chair will explain the Hearing Procedure.
- 5.4. The Chair will ask all parties present to introduce themselves.
- 5.5. The Legal Clerk will ask if any of the parties at that point have an application to make (for example for an adjournment).
- 5.6. The Sub-Committee will consider and decide on any applications made.
- 5.7. The Legal Clerk will inform the meeting whether, during any pre-meeting, the Sub-Committee sought clarification on any aspect of the application.
- 5.8. The Council's Licensing Officer will present the report which details the application and relevant representations.
- 5.9. The Sub-Committee may ask the Licensing Officer any questions in relation to the report.
- 5.10. In the order listed below, each party will present their application/representation to the Sub-Committee, including, with the permission of the Sub-Committee, presenting evidence from any witness they have brought with them.

Hearings of an application for a review of a premises licence or club premises certificate	All other Hearings
1. The Applicant for the review	1. The Applicant
2. Those who made a relevant representation in respect of the application, in this order: <ul style="list-style-type: none"> a) Any responsible authorities (as defined in the Act) other than the Applicant. If more than one, in the order determined between themselves, or as decided by the Sub-Committee in the absence of an agreement. b) Any other person. If more than one, in the order determined between themselves, or as decided by the Sub-Committee in the absence of an agreement. 	2. Those who made a relevant representation in respect of the application, in this order: <ul style="list-style-type: none"> a) Any responsible authorities (as defined in the Act). If more than one, in the order determined between themselves, or as decided by the Sub-Committee in the absence of an agreement. b) Any other person. If more than one, in the order determined between themselves, or as decided by the Sub-Committee in the absence of an agreement.
3. The licence/certificate holder	

- 5.11. After each party's presentation (including any evidence from witnesses):
- a) the Sub-Committee will lead a discussion on the issues raised, including asking any questions of the presenting party and/or their witnesses, and the Legal Clerk will ensure that any such requests are satisfactorily addressed; and
 - b) each other party (in the order set out above) may, with the permission of the Sub-Committee, ask questions of the presenting party and/or their witnesses.
- 5.12. Any closing statements will be made in the same order as described in 3.10 above.
- 5.13. The Sub-Committee shall retire in private for its deliberation (along with the Legal Clerk, to provided legal advice, and the Democratic Services Officer, for minuting purposes) to consider the application and other representations made, both written and oral.
- 5.14. When the Sub-Committee returns from its deliberations, the Legal Clerk will summarise any legal advice given during the Sub-Committee's deliberations.
- 5.15. The Sub-Committee's decision will be given by the Chair (or the Chair may invite the Legal Clerk to do so).
- 5.16. A full written version of the decision will be provided to all parties within the timeframe prescribed by the Act.

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Premises: MON AMI, 20 BROADWALK, NORTHGATE,CRAWLEY, WEST SUSSEX, RH10 1HQ

REPRESENTATION BY THE LICENSING AUTHORITY AS A RESPONSIBLE AUTHORITY OBJECTING TO THE VARIATION OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003

I correspond in connection with the above application to vary the Premises Licence in respect of the above. I make this representation on behalf of the Licensing Authority as a Responsible Authority on the following grounds.

The premises has failed to promote the following Licensing Objectives under the Licensing Act 2003 and has not heeded the advice, warnings and guidance afforded to them on a repeated basis in relation to compliance with the Licensing Act 2003, premises licence conditions and compliance with the Smoke Free (Premises and Enforcement) Regulations 2006.

It is the view of the Licensing Authority that the premises is failing to promote the following Licensing Objectives:

The prevention of crime and disorder The premises has repeatedly breached its premises licence conditions contrary to the Licensing Act 2003 and the Premises Licence Holder/Designated Premises Supervisor [REDACTED] has both smoked in a smokefree premises and as the person in operational control, has permitted the smoking of shisha by others in an enclosed and/or substantially enclosed premises which is both a workplace and area to which the public have access contrary to the Health Act 2006, and related Smokefree Regulations, including the Smokefree (Enforcement and Premises) Regulations 2006

The protection of children from harm Children are permitted unrestricted access to a premises where licence conditions are being breached and smoking is taking place in a

Public Safety As above

Overview

On the 8th September 2023, Crawley Borough Council, as the Licensing Authority, received an Application for a new Premises Licence, in respect of "Mon Ami" at 20 Broadwalk, Northgate, Crawley, West Sussex, RH10 1HQ.

The application was submitted by a licensing consultant, on behalf of the individual applicant, [REDACTED], of [REDACTED].

The Operating Schedule that formed a part of the application, described the premises as, "*Mon Ami Lounge is a forthcoming cafe/bistro that will feature a diverse menu including burgers, flatbread pizzas, fish, and various other culinary delights*".

The application specified the proposed trading hours as 07:00 hours until 23:00 hours on Sunday through to Wednesday, and 07:00 hours to 01:00 hours on Thursday through to Saturday.

The application also sought to authorise the licensable activity "Supply of Alcohol" 11:00 hours - 22:30 hours Sunday to Wednesday, and between 11:00 hours to 00:30 hours the following day Thursday to Saturday.

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It also sought to authorise the licensable activity “Late night refreshment” (hot food) between 23:00 hours and 01:00 hours, Thursday to Saturday.

On the 27th September 2023, Sussex Police, in their capacity as a Responsible Authority under the Licensing Act 2003, submitted a representation to the application for a new Premises Licence on the grounds of the Prevention of Crime and Disorder, and the Protection of Children from Harm Licensing Objectives. In their representation, Sussex Police recommended a number of licence conditions be attached to the Premises Licence in order to promote the Licensing Objectives. A copy of this representation is included at **Appendix A**.

The second proposed condition in the Police representation stated that “The sale, supply, and consumption of alcohol on the premises, shall be restricted to patrons seated at tables, and ancillary to them partaking of a table meal.”

On the 4th October, the then Licensing Consultant for the applicant, [REDACTED], of ESI LICENCING AND LEGAL CONSULTANCY LTD, [REDACTED], confirmed via email that the applicant, [REDACTED] agreed to the conditions proposed by Sussex Police. A copy of this email is included at **Appendix B**.

The Premises Licence issued under the Licensing Act 2003 was granted on the 7th October 2023, with the agreed conditions and a layout plan, including condition numbered 2 on the Premises Licence stating that “*the sale, supply, and consumption of alcohol on the premises, shall be restricted to patrons seated at tables, and ancillary to them partaking of a table meal*”. A copy of this is included at **Appendix C**.

On the social media pages of the premises, Mon Ami indicated that it intended to open on 13th October 2023 as a “Grand Opening” and thereafter had commenced trading.

On 3rd November 2023, [REDACTED], Food Inspector, visited the premises, which was open and trading, with a view to carrying out a food inspection but noted that the premises was not ready to offer food. A copy of this email is included at **Appendix D**.

Earlier in the day on 17th November 2023, as part of routine licensing checks, publicly available social media posts displayed by Mon Ami, 20 Broadwalk, Northgate, Crawley, West Sussex, RH10 1HQ, were viewed by Council Authorised Officers. These showed customers smoking Shisha inside the premises at the rear and apparently consuming alcoholic drinks without any table meals visible or in evidence. The only food seen was a single plate of fruit. Screenshots of social media sites taken at the time to support these observations are included at **Appendix E**.

At 14:52 hours on 17th November 2023, Senior Licensing Officer [REDACTED] visited the premises, and spoke to the Premises Licence Holder / Designated Premises Supervisor (DPS), [REDACTED], the person through whom all alcohol sales are authorised, who on arrival was smoking Shisha from a Shisha pipe in the rear of the premises.

Another person was also seen to be smoking Shisha from a Shisha Pipe in the rear of premises, specifically in the area resembling a conservatory with 4 walls, and a roof, a rear door and windows, which at the time of the visit were closed. [REDACTED] formed the view that the premises was a smokefree premises, being that it was open to the public and people were seen working in the premises and that the smoking of shisha and other tobacco products should not be taking place. He also determined that at the time of the visit, no windows or doors were open, that the premises was substantially enclosed, and that offences were being committed under the Smokefree Regulations.

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Under the Smokefree (Premises and Vehicles) Regulations 2006 the smoking of shisha and tobacco products is not permitted in premises that are enclosed or substantially enclosed. Smoke free Regulations were made using powers under the Health Act 2006 and means that smoking is not permitted in a premises which is open to the public (a public place) and/or a workplace which is enclosed or substantially enclosed public places or workplaces and that “No Smoking” signage should be displayed to indicate this. The law is enforced by Local Authorities.

[The Smoke-free \(Premises and Enforcement\) Regulations 2006 \(legislation.gov.uk\)](http://legislation.gov.uk)

Enclosed and substantially enclosed premises.

2.—(1) For the purposes of section 2 of the Act, premises are enclosed if they—

(a) have a ceiling or roof; and

(b) except for doors, windows and passageways, are wholly enclosed either permanently or temporarily.

(2) For the purposes of section 2 of the Act, premises are substantially enclosed if they have a ceiling or roof but there is—

(a) an opening in the walls; or

(b) an aggregate area of openings in the walls,

which is less than half of the area of the walls, including other structures that serve the purpose of walls and constitute the perimeter of the premises.

(3) In determining the area of an opening or an aggregate area of openings for the purposes of paragraph (2), no account is to be taken of openings in which there are doors, windows or other fittings that can be opened or shut.

(4) In this regulation “roof” includes any fixed or moveable structure or device which is capable of covering all or part of the premises as a roof, including, for example, a canvas awning.

██████████ as the Premises Licence Holder and DPS was advised regarding the viewed social media posts in respect of the premises, which showed people smoking in an enclosed area at the rear and alcohol being served without food (a table meal as per the premises licence conditions) and that they appeared to also show breaches of the Smoke Free Regulations as well as breaches of the conditions attached to the Premises Licence issued under the Licensing Act 2003. ██████████ accepted that the social media posts showed the smoking of shisha in the premises but argued that the premises is “fully ventilated” and the roof could open. He appeared unaware of the Smokefree Regulations.

██████████ agreed with ██████████ that the social media posts showed alcohol being sold without food (a table meal) and appeared surprised when ██████████ advised that this was a breach of the Premises Licence conditions.

██████████ claimed that he was unaware of any of the Premises Licence conditions, particularly Condition 2 which stated that that “the sale, supply, and consumption of alcohol on the premises, shall be restricted to patrons seated at tables, and ancillary to them partaking of a table meal”. The meaning of this was discussed, and ██████████ stated that the “the kitchen is not ready yet.” ██████████ appeared not to understand the requirements of Condition 2. He was informed by ██████████ that the premises could not sell alcohol without a table meal, as per the conditions agreed with Sussex Police. ██████████ advised ██████████ to remove the social media posts as they showed the premises trading in breach of the premises licence and Smokefree Regulations.

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██████████ noted that there were no food menus on display or apparently available in the premises. When asked when the kitchen would be ready by ██████████, ██████████ corrected himself to say that they had previously been serving food “until now” but had lost their chef and were looking for another. When looking around the premises, ██████████ noted that there were shisha pipes on some tables and no food menus in evidence and no smokefree signage was in evidence.

██████████ was repeatedly advised that the smoking of Shisha was not permitted indoors as it was a premises which should be smoke free and was substantially enclosed. ██████████ stated that the rear area was not classed as indoors or enclosed (in his view) as it was fully ventilated, and the roof could be retracted and opened. At the time of this visit, ██████████ observed that the rear roof comprising of several glass panels appeared closed.

The requirements of the Smoke Free (Premises and Enforcement) Regulations 2006, were explained to ██████████ in detail, in that for the premises to be suitable to smoke Shisha, there must either not be a roof, or, if there is a roof, then 50% of the sides should be missing and should not be substantially enclosed as was currently the case. He was advised that any opening that was capable of being closed (such as a door or window) was not classed as “open” and could not be counted. ██████████ explained the consequences of breaching the premises licence and smokefree Regulations. An advice sheet explaining this, and the penalties for breaching the Smokefree Regulations was provided to him. A copy of this advice sheet is included at **Appendix F**.

Following this visit, on the same day, 17th November 2023 ██████████ sent a formal warning email setting out the issues identified, and breaches observed, to ██████████ as the Premises Licence Holder /Designated Premises Supervisor. The email was also copied to the West Sussex Police Licensing Team. A copy of this letter is included at **Appendix G**.

On 23rd November 2023, Food Inspector, ██████████, visited the premises to assess the premises in relation to food hygiene matters. During this inspection, ██████████ noted that the premises kitchen was only partly open, and a basic menu was produced to him, but was not visible elsewhere in the premises. The chef present, a ██████████, confirmed that they were still only offering small starter plates and not full meals yet. A copy of this menu and his initial inspection report is included at **Appendix H**.

In addition, ██████████ observed staff and customers smoking on the premises within areas that were fully enclosed contrary to Smoke free Regulations, and that the premises roof appeared fully closed. He warned the persons in charge.

Following his inspection on 23rd November 2023, ██████████ sent ██████████, the owner of the premises, a formal email repeating the previous advice in relation to the Smoke-free (Premises and Enforcement) Regulations 2006, in short, explaining that all smoking activity must cease immediately in the premises. A copy of this email is included at **Appendix I**.

At 20:15 hours on 1st December 2023, ██████████, Senior Licensing Officer and ██████████, Health, Safety and Licensing Manager for Crawley Borough Council, visited the premises to confirm that licensable activity was being carried on in accordance with the premises licence (Section 179, Licensing Act 2003). The visit was captured on Body Worn Camera.

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The following matters were initially observed:

- All parts of the premises were substantially enclosed, including the roof.
- The premises was open to the public as a licensed premises, and also operating as a workplace.
- In the window at the entrance of the premises, only advertising material relating to alcoholic beverages, including cocktails was seen, with no reference to the need for such to be with a table meal, nor was there a food menu on display. The display board on the Highway outside of the premises stated "Mon Ami Cocktail Bar, 241 Cocktails".
- No menus (food or otherwise) were seen on display in the premises nor on any table in the premises.
- Only alcoholic and non-alcoholic beverage, and shisha menus were seen in the vicinity of the bar, and these included prices.
- Whilst the kitchen was illuminated, no food preparation appeared to be taking place. ██████ stated that they didn't have a chef on duty, but a person was preparing "snacks only," such as fruit plates.
- Shisha was being smoked, using shisha pipes, in the rear of the premises.
- The roof to the rear of the premises was entirely closed.

During the visit, a number of persons present in the rear of the premises were seen to be smoking Shisha via shisha pipes. Alcoholic drinks were also seen being consumed by customers, without any food or table meals being taken as required by Condition 2 of the Premises Licence. Some "snack plates" in the form of a small plate of humous and flat bread, and fruit platters appeared to have been served to customers.

Customers were spoken to regarding the smoking of shisha in the premises, the flavour of the Shisha being smoked, and to confirm what they were drinking. This included alcoholic beverages without a table meal, in breach of the premises licence conditions.

██████ as the Premises Licence Holder and Designated Premises Supervisor was present along with the owner of the premises ██████. Both were spoken to regarding the clear breaches of the Smoke Free regulations, and the breaches of the condition attached to the Premises Licence. The owner explained that their chef had left them, and that they had a new helper/chef who was serving snacks only.

It was noted that there were no food menus available in the premises on display, and none were available when requested by Officers with ██████ stating that they were "still being worked on" and not available. He admitted that no table meals were available, only snacks.

██████, the owner, explained that they had been unaware of the conditions agreed with Sussex Police, and that their former Licensing Agent had not informed them of requirement for customers to have a table meal to be able to consume alcohol, and that they could not simply have alcohol by itself or without the benefit of a table meal. He further explained that they had subsequently appointed a local Licensing Agent to act on their behalf, and that they had applied for a variation of the premises licence, to amend conditions, to allow for the sale and supply of alcohol without food. It was observed that the premises licence variation application site notice was displayed in the window of premises.

The current premises licence specifies the following (as well as other licence conditions to which this review relates)

"The sale, supply, and consumption of alcohol on the premises, shall be restricted to patrons seated at tables, and ancillary to them partaking of a table meal."

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The application to vary the premises licence seeks to release this and other licence conditions:

1. To modify existing condition in Annex 2 Condition 2: "The sale, supply, and consumption of alcohol on the premises, shall be restricted to patrons seated at tables, and ancillary to them partaking of a table meal" to read, "The sale, supply, and consumption of alcohol on the premises, shall be restricted to patrons seated at tables, service will be by waiter/ess only."
2. To add Condition - There is to be no Vertical drinking permitted, food will be available throughout the time that alcohol is being served.

Officers explained to [REDACTED], the owner and [REDACTED], the Premises Licence Holder/Designated Premises Supervisor, that until such time as any variation was granted, they had to operate in accordance with their current Premises Licence and licence conditions issued under the Licensing Act 2003. They both stated that they would not serve any more alcohol unless with a table meal.

[REDACTED], the premises owner and [REDACTED], the Premises Licence Holder/DPS were insistent that the premises was not enclosed, due to the retractable roof and appeared to disregard the Officers' repeated advice. The Smoke Free regulations were again explained to them, and they agreed that they would not permit any more smoking of shisha inside of any part the premises, nor sell any further shisha. Both also confirmed that they would not sell alcohol without a table meal being provided in order to avoid further breaches of the premises licence.

At 22:05 hours on 1st December 2023, [REDACTED], and [REDACTED] revisited the premises in company with two Police Constables, to confirm that licensable activity was being carried on in accordance with the Premises licence (Section 179, Licensing Act 2003), and to confirm that the owner and the Premises Licence Holder/Designated Premises Supervisor were adhering to the assurances they had given earlier that evening regarding compliance with the Licensing Act 2003, premises licence conditions and Smokefree Regulations.

The Premises Licence Holder/Designated Premises Supervisor, [REDACTED] and the owner, [REDACTED] were still present, and it was noted that new customers were now present in the premises, and that they were smoking Shisha inside the enclosed premises. No food menus of any sort were in evidence. Enquiries with persons present also confirmed that they were drinking alcohol, and that no table meals were being taken. Officers observed several tables without any food whatsoever and which had alcoholic beverages which were being consumed by customers.

Three customers sitting at Table 42 were seen to have just alcoholic drinks on their table, and no table meals present. [REDACTED], the Premises Licence Holder/DPS, provided [REDACTED] with a receipt that confirmed that these customers had only purchased alcoholic drinks. This receipt is included at **Appendix J**.

Both [REDACTED] and [REDACTED] refused to listen to the advice of attending Officers and took no steps to address the premises licence breaches identified and appeared to continue to sell alcohol without a table meal whilst Officers were present. They also did not take steps to stop the smoking of Shisha in the premises by those present. Both had been spoken to under caution by [REDACTED] during the earlier visit and were reminded that they remained under caution at the second visit. When asked what steps they planned to take to address matters, they advised that they would defer to their Licensing Consultant. [REDACTED] warned both, that the matters could lead to legal action being taken. Officers left the premises still trading, shisha being smoked, and alcohol being served without a table meal.

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Following these visits, on 8th December 2023, [REDACTED] emailed [REDACTED], the Premises Licence Holder and DPS, advising him that Council, as the Licensing Authority, was considering its position in relation to the matters identified and raised during the licensing visits, in relation to the Licensing Act 2003, and Smoke-free (Premises and Enforcement) Regulations 2006 and Health Act 2006. It was made clear that this may include legal proceedings and a Review of the Premises Licence, and that their “compliance and co-operation” was advised. The email was copied to their appointed Licensing Agent, [REDACTED], and to the West Sussex Police Licensing team. A copy of this email is included at **Appendix K**.

On 10th December 2023, an email response was received from Licensing Agent, [REDACTED], in response to visits to, and warning letters sent to the premises owner and premises licence holder/DPS Mon Ami. This email contained a letter acknowledging receipt of the previous correspondence sent in regard to the aforementioned matters at Mon Ami, regarding the allegations of breaches of the premises licence and smokefree legislation. In this letter, the Licensing Consultant, [REDACTED] outlined advice given to his clients in regard to the Licensing Act 2003, and Smoke-free (Premises and Enforcement) Regulations 2006. A copy of this email and letter are included at **Appendix L**.

On 12th December 2023, [REDACTED] sent an email in response to the Licensing Consultant, [REDACTED] email of 10th December 2023, challenging the advice and interpretation given by him to his clients and challenging the content of his letter, and set out the Council’s position in regard to it, once again including requirements of Smoke-free (Premises and Enforcement) Regulations 2006 and Health Act 2006. [REDACTED] response detailed the potential sanctions available, in the event of further non-compliance. This email was copied to [REDACTED], the Premises Licence Holder and DPS, their advising barrister, and the West Sussex Police Licensing team. A copy of this email is included at **Appendix M**.

A further visit was carried to the premises on 21st December 2023 in the early evening by [REDACTED] and [REDACTED], Senior Licensing Officer as part of routine licensing checks. The visit was captured on Body Worn Camera.

Prior to entering the premises, on the window, there was a variety of information including an alcoholic and non-alcoholic drinks menu, but no food menu or smoke free signage visible. On entering the premises, no menus of any sort were seen on the front tables. The Premises Licence Holder, [REDACTED] and [REDACTED] were present and showed where the new menus were in place, located adjacent to the kitchen. They were advised to display the availability of food in a more prominent location given that alcohol should only be sold as ancillary to a table meal.

On going to the rear of the premises, an area Officers considered to be substantially enclosed, a number of people were seen to be smoking shisha, and confirmed when asked by Officers that this was the case. Customers were also seen consuming food and drinking alcohol. When asked, [REDACTED] demonstrated with till records, that alcohol had been sold with food.

It was noted by [REDACTED] that there had been some changes to the roof in the rear part of the premises, but it still comprised of 4 walls, retractable windows and a new metal frame/roof structure appeared to be in place. [REDACTED] formed the view that this area remained substantially enclosed and advised [REDACTED], the DPS and Premises Licence Holder again that this was contrary to the Smokefree Regulations. However, both men disputed this and challenged the right of [REDACTED] being in the premises, further that she should not be engaging with customers. [REDACTED] explained her remit and that engaging with customers was standard practice in order to check compliance and provide reassurance.

Agenda Item 4

██████████ and ██████████ accepted that the front of premises was substantially enclosed, but not at the rear of the premises and challenged ██████████ assertion that the premises was substantially enclosed as they had spoken to "Building Control and been to London to see shisha places", stating that shisha and smoking was allowed in the rear part of the premises and that they would not be taking steps to stop people smoking in the premises. ██████████, the DPS/Premises Licence Holder was cautioned and continued to debate the point.

2 small no smoking stickers were pointed out to the Officers adjacent to the entrance of the premises and adjacent to the bar, but these were not immediately obvious to Officers and therefore members of the public may not be able to see them, and ██████████ recommended that there should be more prominent signage at the point of entry and in other locations in the premises in the front and rear parts of the premises being entirely or substantially enclosed to inform that the area is smokefree and smoking is not permitted.

The Local Authority is a Responsible Authority under the Licensing Act 2003 and makes a representation to the application to vary the premises licence.

The Premises Licence Holder/DPS has demonstrated that they have repeatedly failed to comply with premises licence conditions and persistently breached Smokefree law and regulations and have failed to act upon repeated advice afforded to them by Officers. It is the view of the Licensing Authority that the Premises Licence Holder/DPS has failed to comply with the current premises and the Authority is not satisfied that any variation to the premises licence will be complied with and is not satisfied that the following Licensing Objectives are being promoted.

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

The Licensing Authority has no confidence in the management nor Premises Licence Holder/Designated Premises Licence Holder and in turn staff under his direction will comply with the requirements of the Licensing Act 2003, Smokefree Regulations, nor other regulatory requirements such as proposed by the application to vary the Premises Licence.

Regards,

Kareen Plympton
Health Safety and Licensing Manager
Crawley Borough Council
The Boulevard
Crawley
RH10 1UZ



Sussex Police
Serving Sussex

www.sussex.police.uk

Licensing Officer,
Alcohol & Premises Licensing,
Planning & Environmental
Services Department,
Town Hall,
The Boulevard,
Crawley,
RH10 1UZ

Neighbourhood Licensing Team

27th September 2023

RE: APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR MON AMI, 20 BROAD WALK, NORTHGATE, CRAWLEY, WEST SUSSEX, RH10 1HQ.

Dear [REDACTED],

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds of the licensing objectives of the Prevention of Crime and Disorder and the Protection of Children from Harm.

Sussex Police have no objection to the principal of the application, however while the operating schedule provided identifies a number of steps to address the licensing objectives, it is considered that additional measures are necessary. Sussex Police propose the following additional conditions which should not prove onerous on the day-to-day operation of the premises:

- 1 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 license is in operation.
 - The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
 - CCTV footage will be stored for a minimum of 31 days.
 - 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.

Sussex Police, Neighbourhood Licensing Team
Centenary House, Durrington Lane, Worthing,
West Sussex. BN13 2PQ
Telephone: 01273 404030

Agenda Item 4 Appendix a

- The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - 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. The CCTV system will have internet connectivity, to facilitate the uploading of requested footage to Sussex Police Digital media system.
 - Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
 - 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.
- 2 The sale, supply, and consumption of alcohol on the premises, shall be restricted to patrons seated at tables, and ancillary to them partaking of a table meal.
 - 3 Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway beyond the outside licensed area (or any permitted outside tables and chairs area) of the premises whilst smoking or otherwise congregating outside of the premises.
 - 4 An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The logbook should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence. The logbook will record the following:
 - a) all crimes reported to the venue.
 - b) all ejections of patrons.
 - c) any complaints received.
 - d) any incidents of disorder.
 - e) any faults in the CCTV system.
 - f) any refusal of the sale of alcohol and the name of the member of staff.
 - g) who refused the sale.
 - h) details of any officer of a responsible authority who visits the premises, including their name, job title and the responsible authority they represent.

The log will be kept for a minimum of twenty-four (24) months and shall be kept on the premises and made available to officers of any responsible authority upon request.

5 The Premises Licence Holder shall ensure that all staff members (including family members, friends and people who are helping out on a casual or informal basis) 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

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.

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, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram, official photographic identity cards issued by EU states bearing a hologram or ultraviolet feature.

Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises, including the point of sale and the area where the alcohol is displayed.

If the applicant is agreeable to the proposed conditions, Sussex Police can resolve this representation subject to these conditions being attached to the premises licence.

Please contact this office on the number below or via email to ws_licensing_wor@sussex.police.uk should you wish to discuss this representation.

Yours sincerely,

[Redacted signature]

[Redacted name]
[Redacted address]

Sussex Police

This page is intentionally left blank

From: [Esi Licence Ltd.](#)
To: [REDACTED]; [Licensing](#)
Cc: [WS Licensing WOR](#)
Subject: Re: Mon Ami Police Representation
Date: 04 October 2023 15:54:49
Attachments: [image001.gif](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)

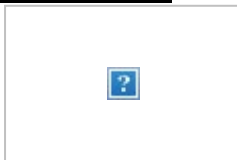
Good afternoon,

We are pleased to inform you that the applicant agrees to the conditions proposed by Sussex Police.

Should you require further information, please do not hesitate to contact.

Kind regards,

[REDACTED]



ESI Licensing and Legal Consultancy Limited

Office: +44 (0) 20 8460 0606

Address: 84 Hayes Lane, Bromley, Kent, BR2 9EE

Website: <http://www.esi.london/> **E-Mail:** licence@esi.london



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Please consider the environment before printing this e-mail

From: [REDACTED]@sussex.police.uk>
Date: Wednesday, 27 September 2023 at 14:34
To: "licensing@ Crawley.gov.uk" <Licensing@ Crawley.gov.uk>, Esi Licence <licence@eurosafetyinternational.co.uk>
Cc: WS_Licensing_WOR <WS_Licensing_WOR@sussex.police.uk>
Subject: Mon Ami Police Representation

Good Afternoon,

Please find attached the representation from Sussex Police in relation to the application for a premises licence for Mon Ami, 20 Broad Walk, Northgate, Crawley, West Sussex, RH10 1HQ.

Sussex Police have no objections in principle to the application but seek to ensure the measures proffered are clear and enforceable.

If the applicant is able to agree to these conditions Sussex Police may be able to resolve this representation. If this is the case please can this agreement be confirmed in writing via 'reply all'.

If however you wish to discuss the matter further please do not hesitate to contact this office either via email WS_Licensing_WOR@sussex.police.uk or the phone number below.

Please note due to current staffing levels it may not be possible to respond to phone calls immediately.

Regards,

[REDACTED]

Police Licensing Officer

Direct Dial: [REDACTED]

Licensing office: 01273 470 101 ext [REDACTED]

[REDACTED]@sussex.police.uk

Neighbourhood Police Licensing Team
West Sussex Division, Centenary House, Durrington Lane,
Worthing, West Sussex, BN13 2PQ

You can report crime and incidents online at

<https://www.sussex.police.uk/report-online>

We want to know your views - see what's new and give us your feedback and suggestions at www.sussex.police.uk

If you have received this message in error, please contact the sender as soon as possible - you may not copy it, or make use of any information contained in it for any purpose, or disclose its contents to any other person. Messages sent and received by Sussex Police are not private and may be the subject of monitoring.

Premises Licence

Licensing Act 2003 - Part A

CRAWLEY BOROUGH COUNCIL

Licensing Section, Town Hall, The Boulevard, Crawley,
West Sussex, RH10 1UZ.
01293 438289

PREMISES LICENCE NUMBER

23/02900/LAPRE

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description:

Mon Ami
20 Broad Walk
Northgate
Crawley
West Sussex
RH10 1HQ

Where the licence is time limited the dates: Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol - On the Premises, Late Night Refreshment – Indoors

The times the licence authorises the carrying out of licensable activities:

Sale by Retail of Alcohol - On the Premises

Standard days & Timings

Sunday to Wednesday: 11:00 Hours to 22:30 Hours
Thursday to Saturday: 11:00 Hours to 00:30 Hours

Late Night Refreshment - Indoors

Standard days & Timings

Thursday to Saturday: 23:00 Hours to 01:00 Hours

The opening hours of the premises:

Standard days & timings:

Sunday to Wednesday: 11:00 Hours to 22:30 Hours
Thursday to Saturday: 11:00 Hours to 00:30 Hours

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

On the Premises

Part 2

23/02900/LAPRE – GRANT 07.10.2023

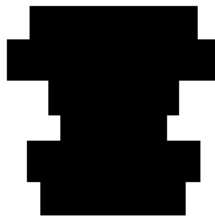
Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:



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

Not Applicable

Name and address of designated premises supervisor where the premises licence authorises the supply of alcohol:



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

Personal Licence number: [Redacted] Licensing Authority: Crawley Borough Council

State whether access to the premises by children is restricted or prohibited: N/A

Annex 1 –Mandatory Conditions

All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

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 Licence;
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.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange, or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise).
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective.
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage, or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
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 licences 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.
6. The responsible person must ensure that –
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;

- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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 the 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.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where
 - (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that Licensing Authority.

4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:
 - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the Operating Schedule

1. Digital Closed-Circuit Television (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 license is in operation.
 - The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
 - CCTV footage will be stored for a minimum of 31 days.
 - 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.
 - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - Subject to General Data Protection Regulation (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. The CCTV system will have internet connectivity, to facilitate the uploading of requested footage to Sussex Police Digital media system.
 - Any breakdown or system failure will be notified to the police immediately, & remedied as soon as practicable.
 - 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.
2. The sale, supply, and consumption of alcohol on the premises, shall be restricted to patrons seated at tables, and ancillary to them partaking of a table meal.
3. Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway beyond the outside licensed area (or any permitted outside tables and chairs area) of the premises whilst smoking or otherwise congregating outside of the premises.
4. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises, and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The logbook should be kept on the premises, and be available for inspection at all times the premises are open, by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence. The logbook will record the following:
 - a. all crimes reported to the venue.
 - b. all ejections of patrons.
 - c. any complaints received.
 - d. any incidents of disorder.
 - e. any faults in the CCTV system.
 - f. any refusal of the sale of alcohol, and the name of the member of staff who refused the sale.

- g. details of any officer of a responsible authority who visits the premises, including their name, job title, and the responsible authority they represent.

The log will be kept for a minimum of twenty-four (24) months, and shall be kept on the premises and made available to officers of any responsible authority upon request.

5. The Premises Licence Holder shall ensure that all staff members (including family members, friends and people who are helping out on a casual or informal basis) 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.

Further verbal reinforcement/refresher training covering the above, will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented, and recorded, signed, and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.

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 Identification (ID) to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID, proof of age cards bearing the "PASS" mark hologram, or official photographic identity cards issued by EU states bearing a hologram or ultraviolet feature.

Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises, including the point of sale and the area where the alcohol is displayed.

7. In the event that crime or serious disorder is, or appears to have been, committed on the premises, the management will immediately ensure that:
- a) The police and, where appropriate, Ambulance Service, are called immediately.
 - b) As far as is safe and reasonably practicable, all measures will be taken to apprehend any identified suspects pending the arrival of the police.
 - c) As far as is safe and reasonably practicable, all measures will be taken to preserve any identified crime scene pending the arrival of the police.
 - d) Any and all appropriate measures are taken to fully protect the safety of all persons present on the premises, at all times during operating hours.
8. Customers will be reminded by way of a notice at the entrance/ exit door to please leave the premises quietly and have consideration for the neighbouring properties.
9. All deliveries and waste collections to the premises will take place at a time as to not cause a disturbance to the nearby residents.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

Not Applicable

Annex 4 – Plans:

This licence is issued subject to the attached approved plan as signed and dated, and now forms a very important part of the 'authorisation'.

(Any alteration made to the premises or a substantial change to the approved plans which are currently in the possession of the Council may require a variation of the licence. You are advised to consult with this Licensing Authority before you make any proposed changes).

IMPORTANT:

This licence is issued subject to the Licensing Act 2003, and does not constitute an authorisation for any other purpose administered by Crawley Borough Council (the Council) and it may not be construed that the grant of this premises licence shall indicate the approval of any other authorisation administered by the Council.

This licence forms an authorisation which indicates the approved licensable activities applicable to the premises so mentioned, the times of these activities, the approved layout of the premises and the conditions by which the premises may lawfully operate.

You are advised that in accordance with Section 136 of the Licensing Act 2003, a person commits an offence if they carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation or knowingly allow a licensable activity to be so carried on.

Premise Licence Summary

Licensing Act 2003 - Part B

CRAWLEY BOROUGH COUNCIL

Licensing Section, Town Hall, The Boulevard, Crawley,
West Sussex, RH10 1UZ.
01293 438289

PREMISES LICENCE NUMBER

23/02900/LAPRE

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description:

Mon Ami
20 Broad Walk
Northgate
Crawley
West Sussex
RH10 1HQ

Where the licence is time limited the dates: Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol - On the Premises, Late Night Refreshment - Indoors

The times the licence authorises the carrying out of licensable activities:

Sale by Retail of Alcohol - On the Premises

Standard days & Timings

Sunday to Wednesday: 11:00 Hours to 22:30 Hours
Thursday to Saturday: 11:00 Hours to 00:30 Hours

Late Night Refreshment - Indoors

Standard days & Timings

Thursday to Saturday: 23:00 Hours to 01:00 Hours

The opening hours of the premises:

Standard days & timings:

Sunday to Wednesday: 11:00 Hours to 22:30 Hours
Thursday to Saturday: 11:00 Hours to 00:30 Hours

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

On the Premises

Name, (registered) address of the holder of the premises licence:

[REDACTED]









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

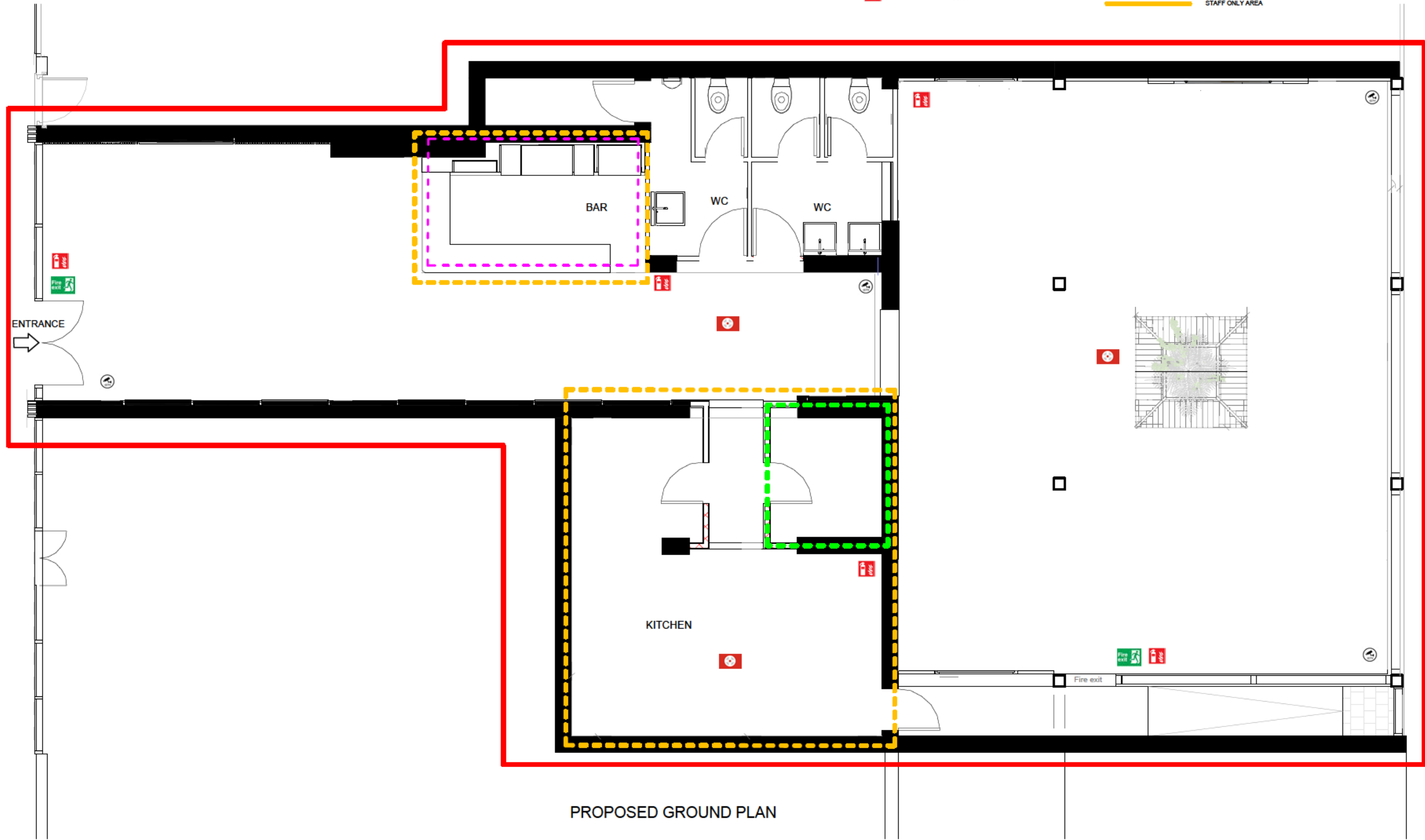
Not Applicable

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

[REDACTED]

State whether access to the premises by children is restricted or prohibited: N/A

-  Fire Exit
-  Fire Extinguisher
-  Smoke & Heat Detector
-  CCTV Camera
-  ALCOHOL BOUNDARY
-  ALCOHOL DISPLAY AREA
-  ALCOHOL STORAGE AREA
-  STAFF ONLY AREA



SCALE 1:100 

NOT FOR CONSTRUCTION

84 HAYES LANE, BROMLEY BR29EE T:0208460 06 06 M: 07786 308 409 E-Mail : licence@eurosafetyinternational.co.uk www.eurosafetyinternational.co.uk	CLIENT Monami Lounge Ltd	PROJECT Premises Licence	PROJECT NO.	DATE 29/07/2023	DRAWN BY ESI	DESCRIPTION Proposed Ground Plan	CLIENT ADDRESS 20 Broad Walk, Crawley, England, RH10 1HQ	SCALE 1:100 A3 SIZE
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From: [REDACTED]
Sent: 03 November 2023 13:29
To: [REDACTED]
Subject: Re: Food Hygiene Advice - Monami Lounge
Attachments: TempRecordSheet simple.doc

Dear [REDACTED],

Further to my visit to your business last Week, I write to advise that I will defer your inspection for at least another 7-Days, as I appreciate that you were not yet ready to offer food.

Please find attached as discussed, a temperature record template that allows for recording of a selection of all critical food temperatures.

You must make sure that your food safety management system is available at all times. I suggest that you use 'Safer Food Better Business' (SFBB). This can be downloaded at:

<https://www.food.gov.uk/sites/default/files/media/document/sfbb-caterers-pack.pdf> . This must be maintained in use and on site at all times.

As discussed, I recommend that all food handlers undertake 'Level 2 Food Hygiene Training', at max. 3-Yearly intervals. Details of appropriate courses as follows:

- 1). <https://www.highspeedtraining.co.uk/food-safety/training/level2-food-hygiene-safety-catering.aspx> ;
- 2). <https://www.virtual-college.co.uk/courses/food-hygiene-courses/level-2-food-hygiene-for-catering> ; and
- 3). <https://elearning.cieh.org/do?action=viewProduct&id=49>

I further recommend that you and your staff complete the free-of-charge allergen training course:
<https://allergytraining.food.gov.uk/>

Please do not hesitate to contact me if you require further assistance.

Kind Regards,

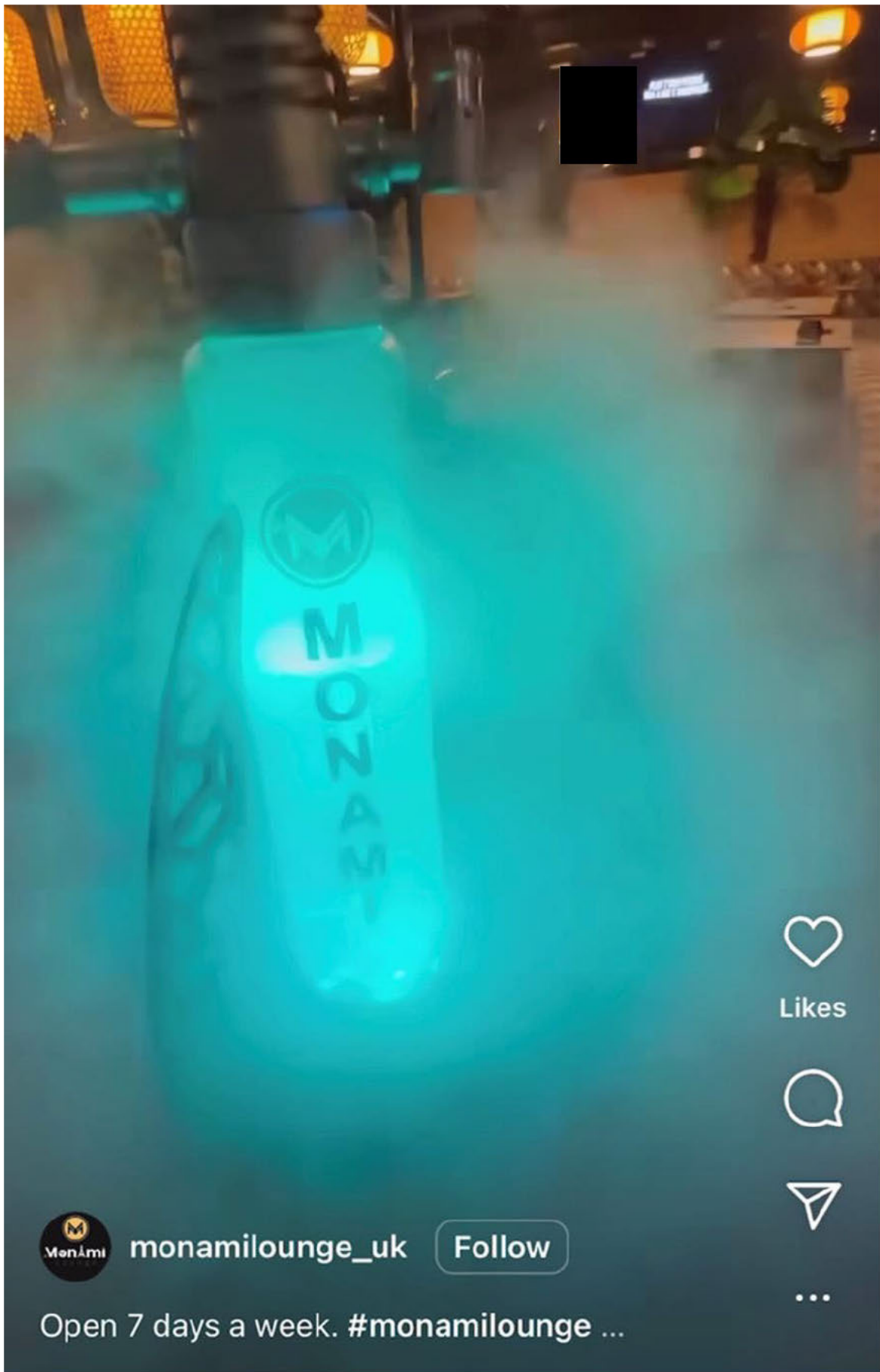
[REDACTED]
Environmental Health Practitioner
Crawley Borough Council

Tel. [REDACTED]
Mob. [REDACTED]

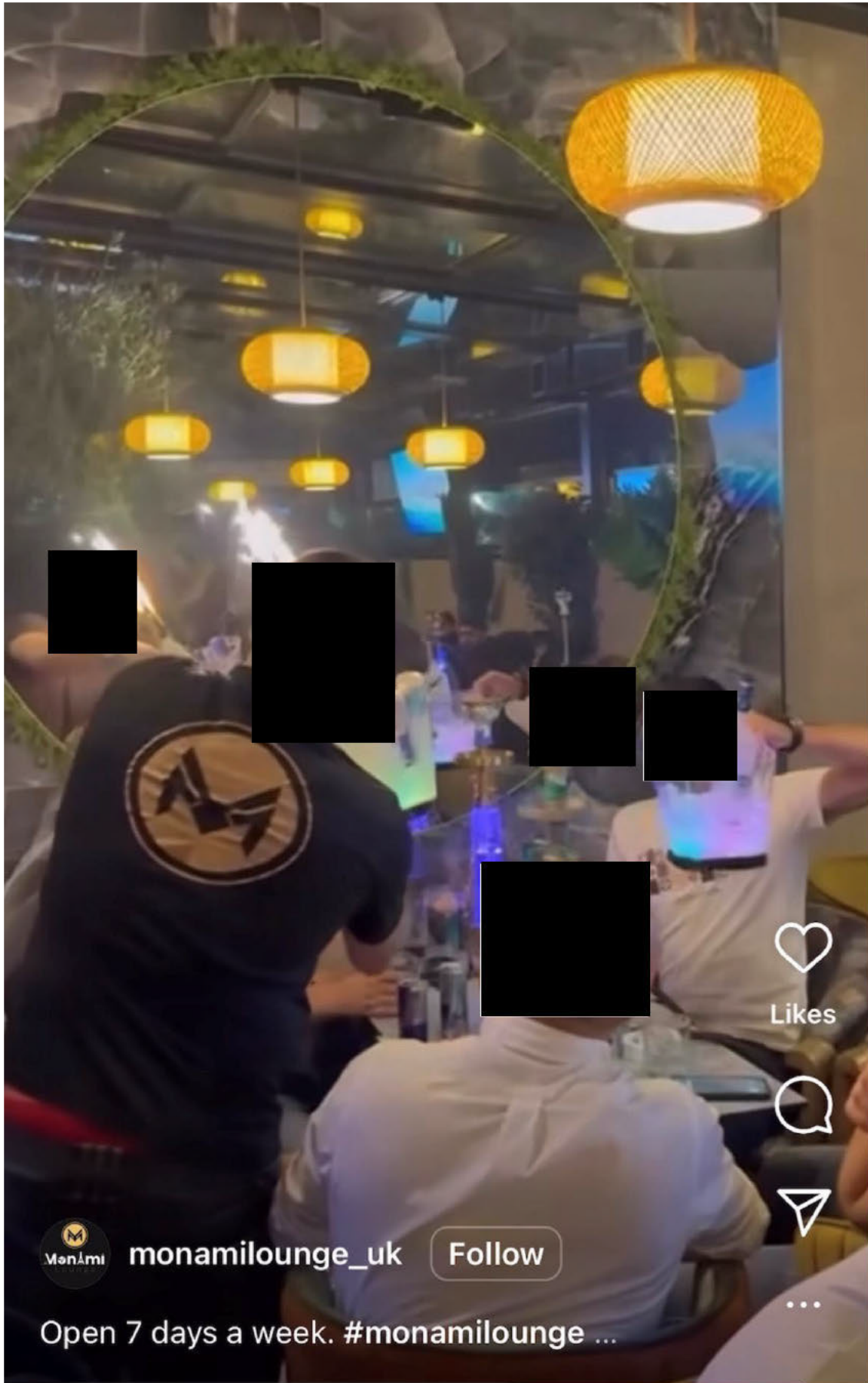
<http://www.crawley.gov.uk>

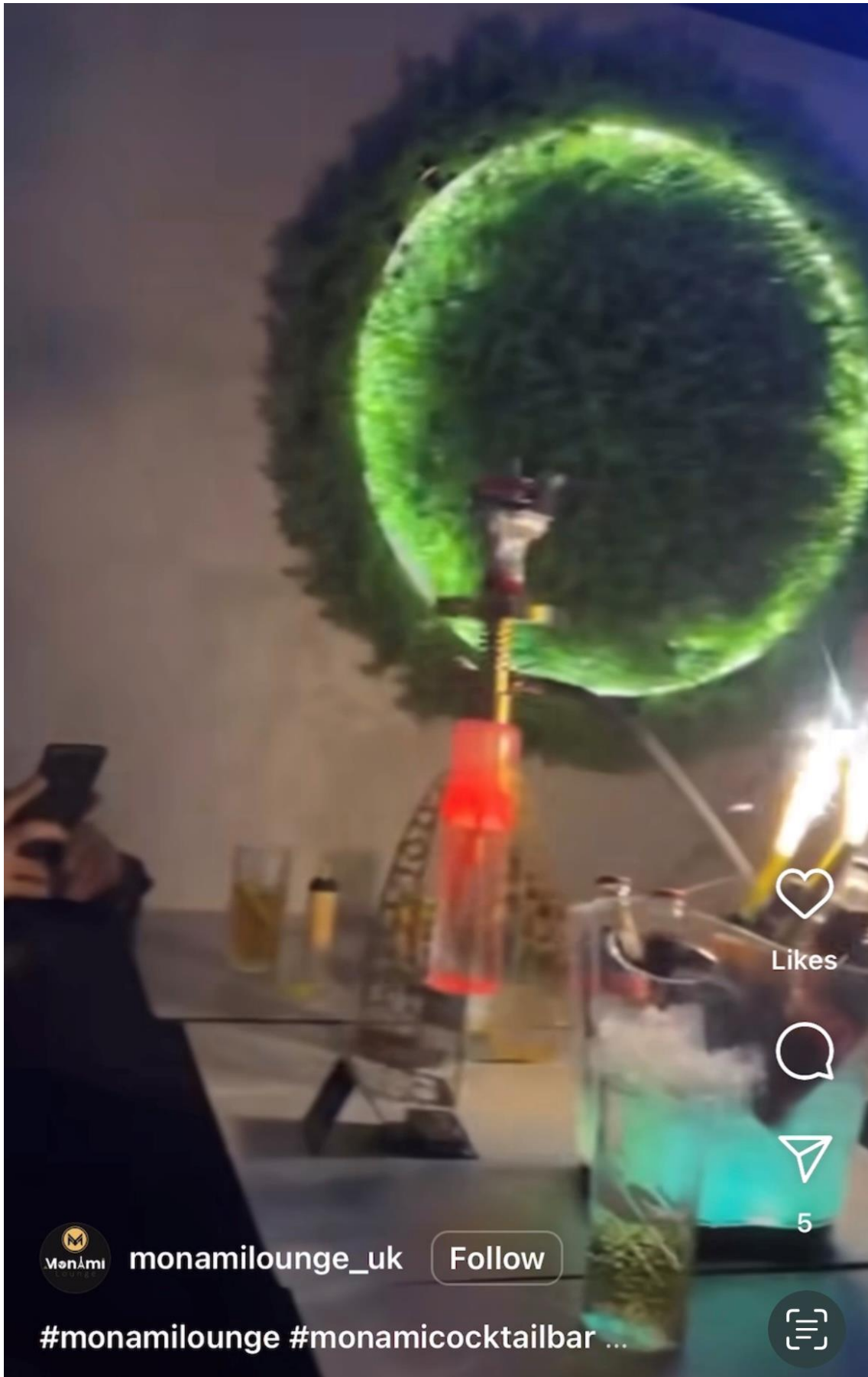
Usual work pattern: [REDACTED].

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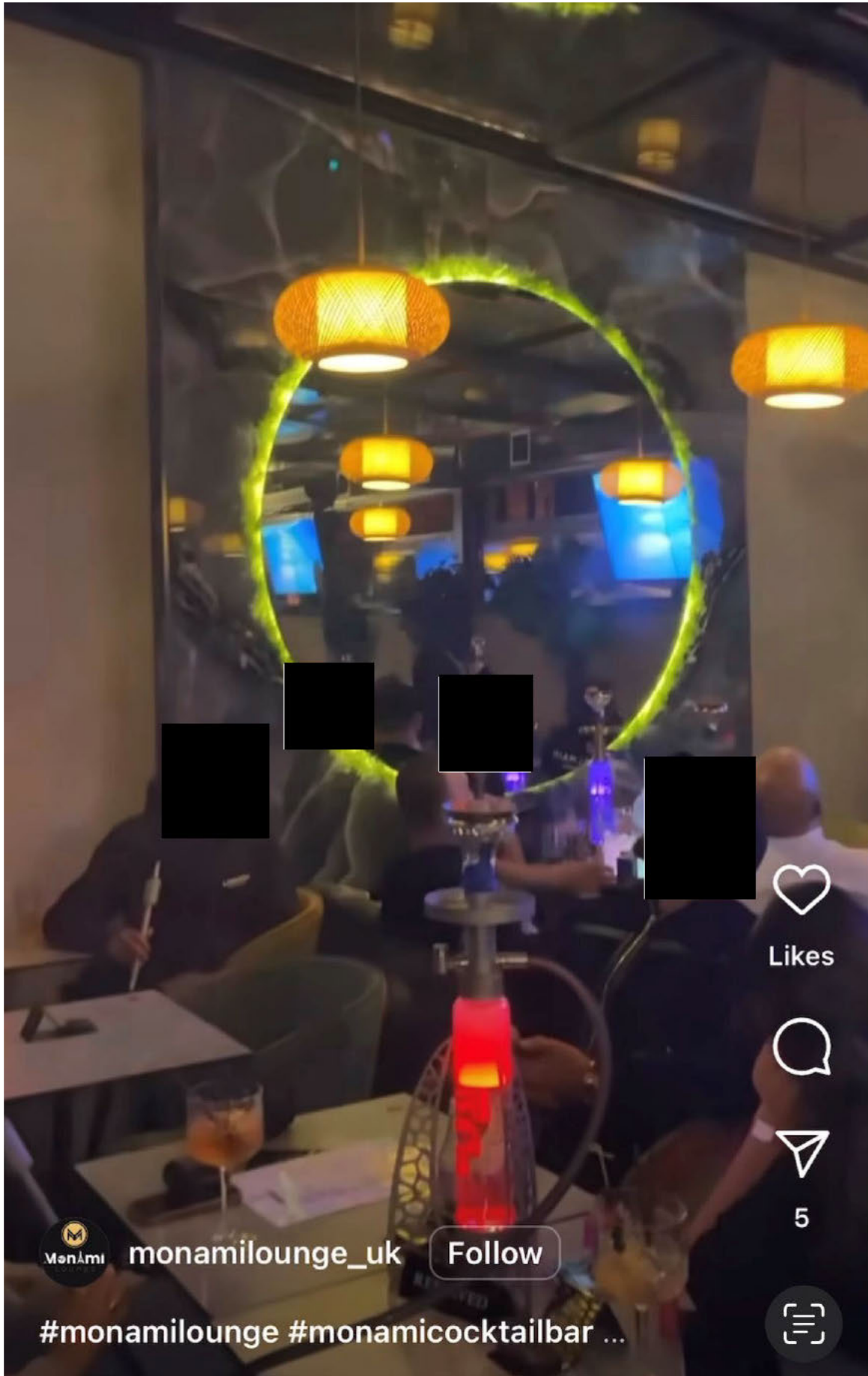


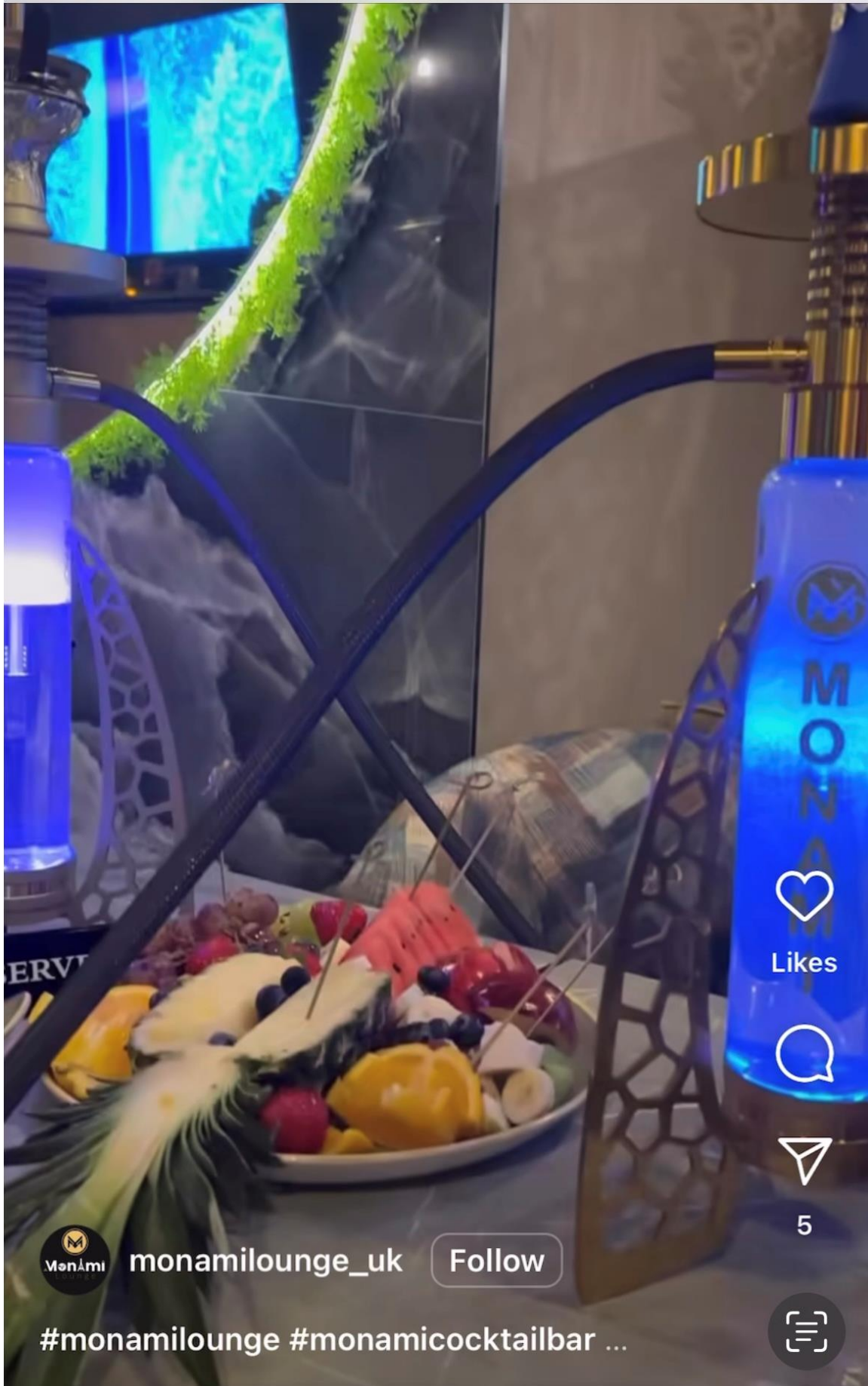












Where can customers smoke?

Waterpipes can be smoked in open air when there is no roof or ceiling above the smoker. They can also be smoked in some circumstances where there is a roof or ceiling, but only if at least 50 per cent of the walls of the structure are permanently open. Any opening that can be closed - for example by a door, window, or shutter - is counted as closed.

As with smoking a cigarette the smoking of shisha/water pipe is not permitted within substantially and fully enclosed public spaces or workplaces because of the Smoke Free laws. These smoking laws apply to waterpipes whether or not the shisha product being smoked contains tobacco or not. So, unless your business has access to a legal smoking area you will not be able to supply shisha in waterpipes.

What are the offences?

Failure to display a no smoking sign - up to £1,000 if prosecuted and convicted by a court or £200 fixed penalty notice on whoever manages or occupies the premises.

Smoking in a no smoking place - up to £200 if prosecuted and convicted or a penalty notice of £50 on the person smoking.

Failing to prevent smoking in a Smoke Free place - up to £2,500 maximum fine on whoever manages or occupies the premises if prosecuted and convicted.

What warnings do I have to display?

Any premises selling tobacco products must display large notices stating: "It is illegal to supply tobacco products to anyone under the age of 18." This notice should be displayed in areas where customers can receive tobacco.

The waterpipes themselves should be labelled with the same written and picture warnings that are on cigarette packs if they are supplied with a tobacco product in them.

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Community Services

Contact name: [REDACTED]
Email: [REDACTED]@crawley.gov.uk

Date: 17 November 2023
Direct line: 01293 [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED],

**RE: MON AMI, 20 BROAD WALK, NORTHGATE, CRAWLEY, RH10 1HQ – 23/02900/LAPRE
SMOKING IN A FULLY ENCLOSED PREMISES,
AND UNAUTHORISED LICENSABLE ACTIVITY**

I write to you in your position as the Designated Premises Supervisor (DPS), and Premises Licence Holder (PLH) of the above premises.

The above premises is authorised to conduct the licensable activity “Sale by retail of alcohol”, by virtue of Premises Licence 23/02900/LAPRE, which was granted on the 7th October 2023. This authorisation is subject to compliance with the Licensing Act 2003, the Licensing Objectives, and in accordance with the conditions of the premises licence.

Crawley Borough Council, as the Licensing Authority for the Borough of Crawley, have become aware of several videos posted on social media channels for the premises.

These videos show a number of people smoking Shisha pipes within the fully enclosed rear area of the premises. The videos also show alcoholic drinks on, and being served to, tables where customers are not eating.

I visited the premises this afternoon and asked a member of staff if I could speak with you. They accompanied me to the rear area of the premises where you were sat, smoking a shisha pipe. There was also another person sat further to the rear of the premises who was smoking a shisha pipe.

We spoke in the front area of the premises, where there was no smoke, or customers present, and I mentioned the online videos. I advised you that it was not permitted to smoke indoors, and you replied that it was not indoors. You suggested that the rear area was not indoors, despite it being a fully enclosed permanent structure. You stated that the roof could open, yet it was fully closed while smoking was taking place. You also indicated to a number of extractors, saying that it was fully ventilated.



Switchboard: 01293 438000
Main fax: 01293 511803
Minicom: 01293 405202
DX: 57 139 Crawley 1
www.crawley.gov.uk

Town Hall
The Boulevard
Crawley
West Sussex
RH10 1UZ

The Health Act 2006 regulates the circumstances in which smoking can take place in structures and premises, and I provided you with a sheet containing some guidance notes – as attached.

For the avoidance of doubt, in no part of the premises that make up the ground floor footprint of 20 Broad Walk, and as shown on the Approved Plan that forms a part of the above Premises Licence, would it be permissible to smoke.

You should stop all smoking within the premises immediately. Failing to prevent smoking in a Smoke Free premises is an offence, which on conviction is punishable by a fine of up to £2500.

When I asked you why no-one was eating in the videos where alcoholic drinks can be seen on tables, you stated that the kitchen was not ready yet. You then stated that you had been serving food, but that the chef had left, and you were trying to find another.

I advised you that you were not permitted to sell alcohol other than with a table meal. It was evident that you were unaware of this requirement despite it being a condition of the premises licence, which was agreed with Sussex Police on the 4th October 2023.

I must draw your attention to Condition 2 of Annex 2 of the above licence, which states:

2. The sale, supply, and consumption of alcohol on the premises, shall be restricted to patrons seated at tables, and ancillary to them partaking of a table meal.

To be clear, alcohol can only be served to customers who are taking a meal, and while they are taking that meal. They cannot continue to drink after they have finished their meal.

Should you sell alcohol other than with a table meal, it will be an unauthorised licensable activity, and in breach of your licence.

Section 136 of the Licensing Act 2003 states:

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 so carried on.

This offence, on conviction, is punishable by up to 6 months imprisonment, and/or an unlimited fine. Each individual sale of alcohol will be treated as a separate offence.

Until such time as you can satisfy the requirement for a table meal, you must not serve any alcohol.

Sussex Police have been advised of both above matters, and it is likely that they will conduct inspections to check for compliance.

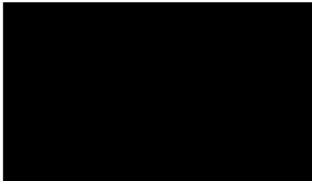
I would advise you to seek your own legal advice if you have any queries regarding the content of this letter.


I must point out that as the Premises Licence Holder, and the Designated Premises Supervisor, you are responsible for the lawful conduct of this business and are reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premises in breach of the conditions of a premises licence. The maximum penalty on conviction is six months imprisonment and/or an unlimited fine.

Further observations and visits to the premises may be carried out by officers of the Council and Sussex Police.

This letter should be treated as a formal written warning. If further offences are substantiated, we will consider legal action without further notice, and this may place the premises licence at risk.

Yours sincerely,

A large black rectangular redaction box covering the signature of the Senior Licensing Officer.


Senior Licensing Officer

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INSPECTION REPORT



Community Services
Crawley Borough Council, Town Hall, The Boulevard, Crawley RH10 1UZ

☐ Tel: 01293 438 [redacted] Fax: 01293 438604

Email: [redacted] @crawley.gov.uk

Report number
231123/[redacted]

Food Safety Act 1990 Primary / Secondary / Intervention
Health & Safety at Work etc Act 1974 Preventative Inspection / Revisit / Other
Public Health (Control of Disease) Act 1984 Investigation / visits
Other: Inspection / Visit

Business name: <u>Mon Ami Lounge</u> <u>20 Broad Walk, Crawley</u> <u>RH10 1HQ</u>	Proper office address:
Tel No. <u>01293 423 206</u>	Tel No.

Type of business..... Main use Cocktail Bar

Proprietor/FBO Monami Lounge Ltd Person(s) seen/interviewed [redacted]

Areas inspected: All areas/part of premises (specify areas)

Documents and/or other records examined (specify) HACCP (Food Safety Policy) temperature records, training

Samples taken - description, batch number etc: N/A & cleaning schedule

Key points discussed prefixed with: **C** for contraventions of the above legislation and should receive immediate attention
R for recommendations of good practice which you should implement

c1). Staff/customers are not allowed to smoke on the premises (people observed smoking in the rear lounge area). The rear lounge/conservatory area will be classed as 'substantially enclosed' and cannot therefore be used for smoking. Includes both tobacco & shisha.

c2). One kitchen fridge had been switched off & contained high risk ready-to-eat foods. Food temperatures of 12-14°C were recorded. You must ensure that refrigerated high risk food is kept ≤ 8°C at all times.

The following action is now being considered/has been taken by this department: Advisory e-mail regarding smoking area requirements.

It is agreed that the work outlined in this report will be completed by immediately & ongoing (Date)

Signed by ... [redacted]	Signed on receipt [redacted]	UPRN <u>23/00103/comm</u>
Block capitals [redacted]	Block capitals [redacted]	Risk factor <u>C</u>
Designation <u>EHO</u>	Job title <u>MANAGER</u>	Next due date <u>May 2025</u>
Accompanied by <u>/</u>	Date <u>23/11/23</u>	Grp Manager
Date <u>23/11/23</u>		
Time in <u>1245</u> Time out <u>1415</u>		

This report covers the areas inspected at the time of inspection of the officer's visit / inspection. It does not necessarily indicate compliance with any provision of the Food Safety Act 1990 or the Health and Safety at Work etc. Act 1974 or of any regulations made under these acts or any other law enforced by this officer.

Industry Guides, Approved Codes of Practice and Guidance Notes have been referred to where necessary

This report is a formal indication of conditions found and the action which is expected to be taken by the person responsible for the business detailed overleaf and of action that will be taken by the Environmental Services Division.

It is not a notice under the Food Safety Act 1990 or the Health and Safety at Work etc Act 1974. These may be issued separately as a result of this inspection. Any such action will be discussed with you before any notices are issued

In the event of any dispute with the content of this report you should contact the Group Manager whose contact details are given below

The Group Manager
Community Services
Crawley Borough Council,
Town Hall, The Boulevard,
Crawley RH10 1UZ

Direct dial telephone number: 01293 438000
Fax number: 01293 438604

More information concerning the legislation can be obtained from the following sources

Subject	Title	Where from
Food safety	For food safety advice and to view information on the food hygiene rating scheme, visit www.food.gov.uk Industry guide to good hygiene practice – Catering guide ISBN 0-900-103-00-0	Available from any good book seller
	Food industry guide to good hygiene practice – Retail guide ISBN 978-0-11-243285-2	
Health & Safety	Safety Representatives and Safety Committees Regulations 1977 Management of Health and Safety at Work Regulations 1999 Health and Safety (Consultation with Employees) Regulations 1996 To comply with the requirements of the above legislation you must draw the contents of this report to the attention of persons employed on those premises. HSE booklet "An introduction to health & safety". INDG 259. There are many other leaflets available www.hse.gov.uk (See guidance under "small firms")	Available from: HSE Books: 01787 881165. www.hsebooks.co.uk
Reporting of accidents	Please notify by Internet: visit www.riddor.gov.uk Telephone: call 0345 300 9923 (fatal and specified injuries only) Death, major injury or dangerous occurrence should also be notified without delay to this authority without delay by telephone on 01293 438218 during office hours or 01293 438000 at all other times.	

Premises History Assessed?: <input checked="" type="radio"/> Yes <input type="radio"/> No		Primary Authority Details: <i>N/A</i> <i>N/A</i>	
Last Inspection Date: <i>N/A - New business</i>			
Risk Rating: <i>/</i>			
Primary Authority Agreement in place? Yes <input type="radio"/> No <input checked="" type="radio"/>		Is Inspection Plan in place? Yes <input type="radio"/> No <input checked="" type="radio"/>	
Registered: <input checked="" type="radio"/> Yes <input type="radio"/> No	Date: <i>25/2/25</i>	Is it still valid: <input checked="" type="radio"/> Yes <input type="radio"/> No	Form to be sent: Yes <input type="radio"/> No <input checked="" type="radio"/>

Inspection Type: Primary/Secondary	Date of Inspection: <i>23/11/2023</i>	*NFHRS Yes <input type="radio"/> No <input type="radio"/> Not sure? <input type="radio"/>
Visit by Appointment? Yes <input checked="" type="radio"/> No <input type="radio"/>	Inspecting Officer: <i>Martin Jones</i>	Sticker Displayed? Yes <input type="radio"/> No <input type="radio"/>
Report Ref No: <i>231123/</i>		

Trading Name/s	<i>Moon Anis Lounge</i>		
Address *NFHRS (incl. postcode)	<i>20 Broad Walk Crawley. RH10 1HQ</i>		
Business Tel No.	<i>0737 972 9999</i>	Private Tel No.	
E-mail/website			

Nature of Business:	<i>Bar</i>
Manager/person responsible for day-to-day running of business:	
Opening Times	<i>1200 - 2300</i>
Special Consideration e.g. Language Spoken:	<i>/</i>

Person seen at time of visit & Status:	
Authorised to speak on behalf of company?	

Regard for COP Food Hygiene Scoring System: Part 1: Potential Hazard

Type of Food and Method of Handling :	
Low risk <input type="checkbox"/> Pre packed high Risk <input type="checkbox"/> Prep open high risk foods <input checked="" type="checkbox"/> Manufacturer high risk foods <input type="checkbox"/>	
Determine if Additional Score for Method of Processing (Thermal Processing / Vacuum Packing / Cook Chill)	Applicable? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Consumers at Risk:	No. of covers	Local Area	No. of Meals per day/week	Local Area	Outside Catering:	Yes	No <input checked="" type="radio"/>
	Supplying National/International						
	Supplying Region (Superstore/Airport Caterer)						
<input checked="" type="checkbox"/>	Supplying Local Area						
	Business Supplying Less than 20 Consumers each day						

Additional Score Establishment: Hospitals, Nursing Homes, etc., supplying > 20 vulnerable persons: (Number of residents/rooms; _____)

Yes No

Food Hygiene and Safety Procedures (FH practices/procedures/temperature control, etc.)

	Understanding/Compliance/Documentation
Suppliers/Traceability EC 178/2002 Article 18 Invoices seen?	No issues noted / Receipts / Invoices available for reference. Reputable suppliers used. Main Suppliers: Booker / Local supermarkets.
Imported Food Food from third countries POAO/NAOF	N/A
UK & EU Approved Premises Markings on POAO?	N/A / No contraventions noted.
Deliveries Checks	No contraventions noted / visual / documented checks in place. Temperature verification in place / recommended .
Stock control Rotation / shelf life	No contraventions noted. Food date coding in place / recommended . Good stock rotation.
Ambient Storage Refrigeration; adequate no., sufficient for purpose? Freezers: adequate no., sufficient for purpose?	No contraventions noted. All food well wrapped/packaged and correctly separated. Fridge/freezer temp. monitoring / verification / records in place / recommended . - One fridge had been accidentally un-plugged → food 58°C. Advice given A.T.C.
Control of Cross Contamination? FSA E.coli guidance	Good separation of work surfaces in place / not possible . Reliant on correct use of colour coded equipment noted.
Foods prepared in advance Yes/No How far in advance?	No contraventions noted. 24h
Cooking	Cook to >75C / 30-sec. Selection of foods temperature checked / recorded.
Cooling	N/A / Use blast chiller / Up to 90 min. at ambient, then freeze / refrigerate.
Freezing Down	N/A
Defrosting	Use microwave / in fridge overnight. N/A ^{or} Cook from Frozen
Reheating	N/A Cook to >75C / 30-sec. Selection of foods temperature checked / recorded.
Cold and/or Hot Display	N/A. Foods held at correct temperatures. Good temperature monitoring.
Deliveries	N/A Use Deliveroo / Just Eat / Uber. 10-15 minute radius. Insulated containers / food safe packaging in use / recommended.
Temperature Records: <input checked="" type="checkbox"/> N Calibration Records: <input checked="" type="checkbox"/> N Use of probe wipes: <input checked="" type="checkbox"/> N (probe wipes in date?)	No issues noted.

Structure (cleanliness, layout, condition of structure, etc.) **Agenda Item 4** Appendix h

	Understanding/Compliance/Documentation
Structure	
Design and layout incl. separation, flow, cross contamination risk (separate areas for raw?)	No contraventions noted / Space restricted / Satisfactory layout. Permits good hygiene practice. Good separation of work surfaces. Designated area for plating-up / RTE food.
Walls/Floors/Ceilings/Doors/Windows/Surfaces	No contraventions noted / Good overall standards, but more attention to low level cleaning detail required:
Lighting	No contraventions noted.
Ventilation Natural/Mechanical	No contraventions noted. Adequate mechanical / natural ventilation in place.
Equipment (incl. complex machinery)	No contraventions noted. No dual use of / complex equipment.
Hand washing facilities	
Location and number (rec. hot water max 45°C) Soap and hand drying facilities Non-hand operated taps?	Hot water <input checked="" type="checkbox"/> Cold water <input checked="" type="checkbox"/> Soap <input checked="" type="checkbox"/> Paper towels <input checked="" type="checkbox"/> No contraventions noted.
Food and Equipment washing facilities	
Dishwasher >80°C for 15 secs for utensils? <input checked="" type="checkbox"/> Sinks (washing equipment) <input checked="" type="checkbox"/> Method of disinfection Location Sinks (Food) <input checked="" type="checkbox"/>	No contraventions noted.
WC Facilities (Reg (EC) No 852/2004, Annex II, Chapter I, para 3)	
Adequate ventilation Direct opening to food room? Y/ N ? Separate or shared with public? Drainage facilities effective?	No contraventions noted. Separate/Shared. All OK.
Personal Hygiene, 852/2004, Annex II, Chapter VIII,	
Protective clothing (Disposable) Changing facilities Exclusion policy	No contraventions noted. <i>Staff & customers smoking in the customer seating area.</i>
Cleaning And Disinfection	
Cloths (Single or multiuse) Cleaning monitored and controlled/schedule (including ductwork/filter)	Name of Sanitiser / disinfectant <u>Clean Pro H2FA</u> BS EN 1276:2009 <input checked="" type="checkbox"/> BS EN 13697:2001 <input checked="" type="checkbox"/> Suitable cleaning schedule in place is recommended:
Pest Control	
Contractor used? Y/ N ? Documented? Y / <input checked="" type="checkbox"/> N Log examined? Pest Proofing	Self-manage. No pest issues noted. Have contract with

Waste management (Reg (EC) No 852/2004, Annex II, Chapter VI)	
Internal Waste Area/ External Waste Area/ Cleanliness/condition/ Disposal of waste oil Disposal of animal by-products - <i>N/A</i>	No contraventions noted.
Water supply (852/2004, Annex II, Chapter VII)	
Potable water supply? Ice Machine	No contraventions noted.

Part 3 Confidence in Management/Control Systems

Food Safety Management System based on HACCP Principles (852/2004 Article 5)	
Type of FSMS (SFBB + Other / None): <i>HACCP-based FMS</i>	Understanding/Compliance/Documentation No contraventions noted. No inadequate / good procedures. SFBB + Basic HACCP-based FMS needed / in place. Guidance + template to follow. <i>Full HACCP system in place. Have used 'Alpha Hygiene Centre' to assist in creating the policy + to provide L2 & L3 FH training.</i>
Acrylamide procedure in place <input checked="" type="radio"/> N / Not relevant	
Allergens procedure <input checked="" type="radio"/> N (Questions on next page)	
Satisfactory	<input checked="" type="radio"/> Yes No Review Needed Yes <input checked="" type="radio"/> No

Training (852/2004, Annex II, Chapter XIII)	
No. of staff & No. of food handlers	All / Some staff demonstrate adequate / good FH knowledge. L2 FH training / equivalent in place required/recommended . Staff trained in-house, online:
What supervision / instruction / training is given to staff? Language considerations taken into account?	<i>Chef & Manager have L3 FH training.</i>
What training has FBO/Manager received in application of HACCP principles?	
How is training documented?	Certs. Kept on file / displayed / online.

Process	Understanding/Compliance/Documents/Records
"Track Record", willingness to act on previous advice, enforcement history, compliance	No issues noted. Good / Variable / Poor history/track record. No formal enforcement required to secure prior compliance. <i>re: smoking on site as have been advised previously.</i>
Attitude of present management to hygiene and food safety, appreciation of hazards (HACCP) Technical knowledge, internal and external, available to company	No issues noted. Good / Variable / Poor attitude / appreciation of food hazards. <i>Good awareness of food safety issues, but reluctant to discontinue smoking on premises</i>
Satisfactory documented procedures and audits (external/internal)	No issues noted. Systems subject to internal/third party audit by NSF + Navitas + Safer Food Scores + Shield Safety + Surefoot Solutions.
If applicable have you discussed Eat Out Eat Well?	N/A
Additional score: N/A	When current confidence in management rating high i.e. 20/30 and significant risk of contamination with C botulinum and the micro-organism surviving any processing and multiplying; or of RTE food becoming contaminated with micro-organisms or their toxins e.g. E.coli 0157 or other VTEC, Salmonella sp or B cereus.

SKETCH / PLAN / FURTHER COMMENTS

See pictures.

ALLERGENS – Questions to ask FBO

Is FBO aware of the Food Information Regs 2014? Y/N

How do you manage your food allergens? Ask customers / check packaging labelling /

Which food allergies do you provide information about? All 14

How do they capture allergen information concerning brought-in food? Check food packaging / labelling info.

How is the information communicated to staff? Periodic briefings / staff training sessions. Allergen matrices in use.

How do they deal with menu changes? Periodic briefings / staff training sessions.

Any relevant comments email sheet to trading_standards@westsussex.gov.uk

RISK ASSESSMENT (Refer to Code of Practice when scoring)

1. Potential Hazard		2a: Food Hygiene and Safety (Handling and Procedures, Temperature Control)	3. Confidence in Management/Control Systems
a) Type of Food and Method of Handling			High: Documented HACCP 0
Handling low risk foods	5	Very good: High standard of compliance	0
Handling pre-packed high risk food < 20 meals a day	10	Good: High standard and some minor non-compliance	5
Preparation open high risk foods	30	Fair: Some minor contraventions	10
Manufacturers of high risk food	40	Poor: Some major non-compliance, more effort required to prevent fall in standards	15
Additional score if:		Bad: General failure to satisfy statutory obligations	20
b) Method of Processing		Very Bad: Almost total non-compliance	25
High risk activities e.g.		2b: Structural (cleanliness, layout, condition, lighting, ventilation, facilities etc (Format as 2a))	
Manufacture cook/chill food	20	Very good	0
Vacuum packing/Sous vide		Good	5
Small producers of cooked meat		Fair	10
Thermal processing		Poor	15
Any other case not listed above.	0	Bad	20
		Very Bad	25
c) Consumer at Risk			3a: Additional score
Supply <20 consumers per day	0		If score to 3 above 20/30 decide if significant risk of contamination
Businesses supplying local area	5		E.Coli 0 157/Other
Servicing substantial numbers	10		Vtec./Cl. Botulinum/Salmonella
Including outside area (superstore/airport caterer)	15		sp./Bacillus
Manufacture distributed nationally or internationally			Cereus
Additional score if produce / serve high risk foods to > 20 people in vulnerable group.	22		20

Category	Inspection Rating	Minimum Inspection Frequency
A	92 or higher	At least every 6 months
B	72 to 91	At least every 12 months
C	52 to 71	At least every 18 months
D	31 to 51	At least every 2 years
E	0 to 30	Alternative enforcement strategy

Scores	
1a)	30
Additional Score (1b)	0
1c)	5
Additional Score	0
2a) Hygiene	5
2b) Structure	10
3 Confidence in Man.	5
Additional Score (3a)	0
Total	55

NFHR using CoP scores 2a. Hygiene, 2b. Structure, 3. Confidence in Management

CoP Score	Score factor: No score >	Food Hygiene Rating	Description
0 to 15	5	5	Very good
20	10	4	Good
25 to 30	10	3	Generally satisfactory
35 to 40	15	2	Improvement necessary
45 to 50	20	1	Major improvement necessary
>50 (i.e. 51+)	--	0	Urgent improvement necessary

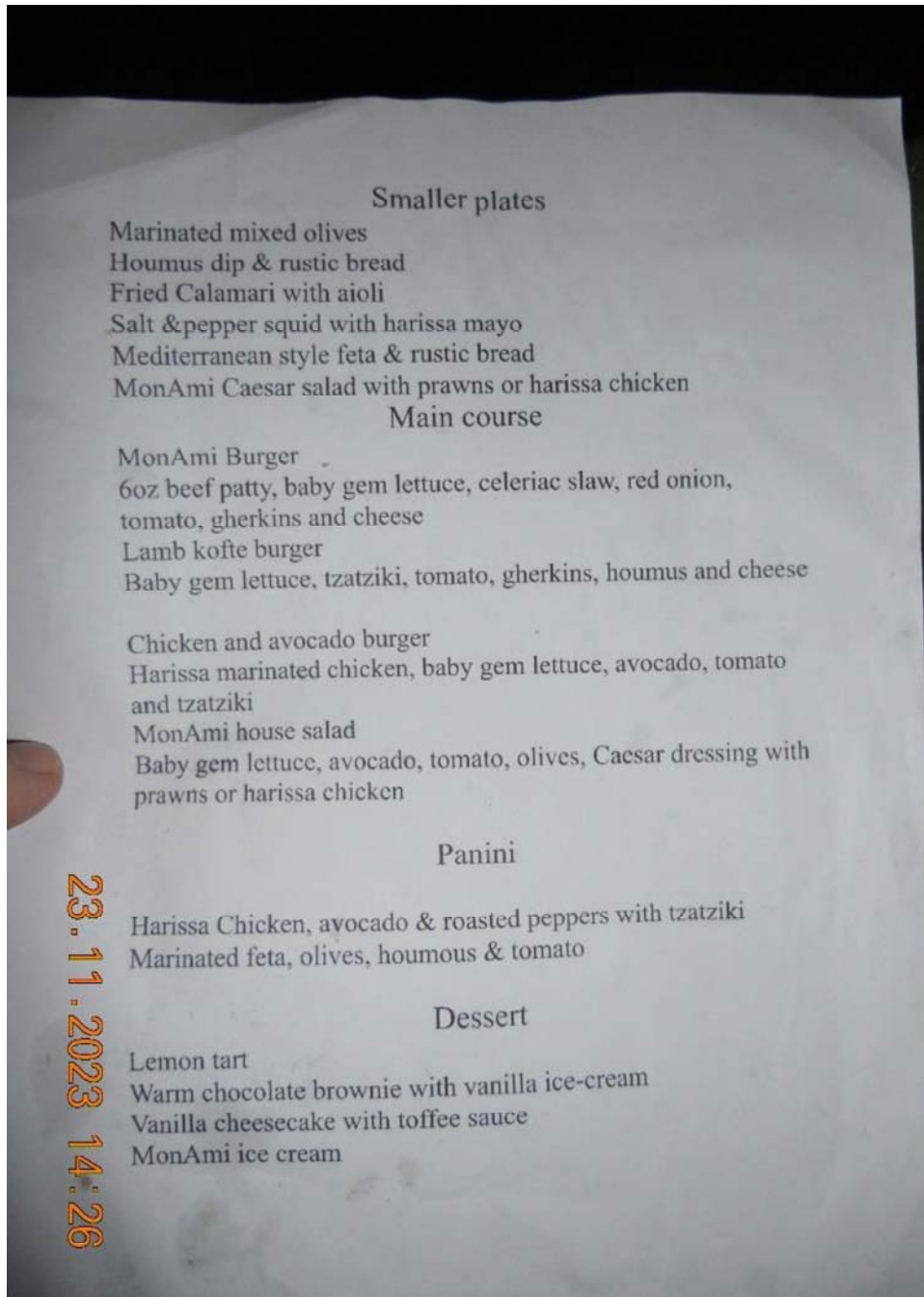
Officer to tick relevant FHR Status for Business:

Excluded Included Included and private Exempt Sensitive Exempt and private

Action taken: Report form Satisfactory REPSAT
 Recommendation REPUNS
 Report form Contraventions REPWAR
 Notice/s

Send FHR Letter and Sticker left on site / sent to:
 Name _____
 Address _____
 Notify Head Office if multi-site business

Previous rating A to E New Rating A to E C If revised downwards countersign: _____



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From: [REDACTED]
Sent: 23 November 2023 20:41
To: [REDACTED]
Cc: monamilounge@hotmail.com
Subject: RE: Food Hygiene Advice - Mon Ami Lounge

Dear [REDACTED]

Further to my visit to your business earlier today, (to conduct your first food hygiene inspection): Whilst good overall standards of food hygiene compliance were noted, I was concerned to note the presence of staff and customers smoking on the premises.

I write to advise that all areas inside the premises – including the glass-roofed lounge/conservatory area are ‘substantially enclosed’. I remind you therefore that, allowing smoking anywhere within the premises, is in contravention of the Smoke-free (Premises and Enforcement) Regulations 2006.

(Structures are considered to be ‘substantially enclosed’ if they have a ceiling or roof, but there are permanent openings in the walls which are less than half of the total wall area, including other structures that serve the purpose of walls and constitute the perimeter of the premises. **When working out the area of an opening, no account can be taken of openings in which doors, windows or other fittings can be opened or shut.** This is known as ‘the 50% rule’).

With immediate effect you must:

- 1). Not allow anyone to smoke anywhere indoors;
- 2). Remove ash trays from the premises; and
- 3). Display appropriate ‘No Smoking’ signage.

The Council will be monitoring your compliance in this area. **I remind you that both the business and individuals on-site could be subject to the issue of fixed penalty notices and/or prosecution if you cannot manage this effectively.**

Going forward, if you wish to provide a compliant smoking area, you must:

1. Make sure it's legal

Carefully check that the design of your smoking shelter will comply with the requirements of the Smoke-free (Premises and Enforcement) Regulations 2006. To comply with these Regulations the smoking shelter must not be wholly or substantially enclosed.

2. Seek Planning Permission

Contact our Planning and Development Department for their advice and the necessary forms to apply for planning approval, because in most cases any permanent structure that is built for smoking will need planning permission.

2. Building Regulations

Check to see if the shelter will need Building Regulation approval.

3. Consider Location

Carefully consider where you're going to put your shelter. Things you'll need to consider:

Agenda Item 4 Appendix i

- Could noise from people using the smoking shelter cause problems to people in neighbouring properties?
- Could there be light pollution to people in neighbouring properties if the shelter has lights for night time use?
- If the shelter is built with one of the open sides against a wall or a solid fence, it may not comply with the 50% rule.
- Is the proposed location of the shelter safe for users?
- Could the location cause problems with smoke entering nearby buildings through windows or vents?

Please do not hesitate to contact me if you require further assistance.

Kind Regards,

[REDACTED]
Environmental Health Practitioner
Crawley Borough Council

Tel. 01293 [REDACTED]

Mob. [REDACTED]

<http://www.crawley.gov.uk>

Usual work pattern: [REDACTED].

From: [REDACTED]
Sent: Thursday, November 9, 2023 8:26 AM
To: [REDACTED]@crawley.gov.uk>
Subject: Re: Food Hygiene Advice - Monami Lounge

Morning [REDACTED]
Thank you very much for your help, I appreciate that,
Just to let you know that every day we open at midday 12,
Many thanks, [REDACTED]

Sent from [Outlook for iOS](#)

From: [REDACTED]@crawley.gov.uk>
Sent: Friday, November 3, 2023 1:28:51 PM
To: [REDACTED]
Subject: Re: Food Hygiene Advice - Monami Lounge

Dear [REDACTED],

Further to my visit to your business last Week, I write to advise that I will defer your inspection for at least another 7-Days, as I appreciate that you were not yet ready to offer food.

Please find attached as discussed, a temperature record template that allows for recording of a selection of all critical food temperatures.

You must make sure that your food safety management system is available at all times. I suggest that you use 'Safer Food Better Business' (SFBB). This can be downloaded at:

<https://www.food.gov.uk/sites/default/files/media/document/sfbb-caterers-pack.pdf> . This must be maintained in use and on site at all times.

As discussed, I recommend that all food handlers undertake 'Level 2 Food Hygiene Training', at max. 3-Yearly intervals. Details of appropriate courses as follows:

Agenda Item 4 Appendix i

- 1). <https://www.highspeedtraining.co.uk/food-safety/training/level2-food-hygiene-safety-catering.aspx> ;
- 2). <https://www.virtual-college.co.uk/courses/food-hygiene-courses/level-2-food-hygiene-for-catering> ; and
- 3). <https://elearning.cieh.org/do?action=viewProduct&id=49>

I further recommend that you and your staff complete the free-of-charge allergen training course:
<https://allergytraining.food.gov.uk/>

Please do not hesitate to contact me if you require further assistance.

Kind Regards,

[REDACTED]
Environmental Health Practitioner
Crawley Borough Council

Tel. 01293 [REDACTED]
Mob. [REDACTED]

<http://www.crawley.gov.uk>

Usual work pattern: [REDACTED]

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MONAMI LOUNGE
20 BROADWALK
CRAWLEY RH10 1HQ

Table No:42
Date:01/12/2023 Time:20:53 No:11

2 STRAWBERRY DAQUIRI 20.00
1 VIRGIN MOJITO 8.00

* pina colada

Total: £28.00

THANK YOU

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From: [REDACTED]
To: [REDACTED]
Cc: [Licensing; \"WS_Licensing_WOR@sussex.police.uk\"; \[REDACTED\]; \[REDACTED\]](mailto:Licensing; \)
Bcc: [REDACTED]
Subject: RE: Mon Ami - Ongoing Matters
Date: 08 December 2023 14:58:00
Importance: High

Dear Sir,

**MON AMI, 20 BROAD WALK, NORTHGATE, CRAWLEY, RH10 1HQ –
23/02900/LAPRE**

I email further to correspondence sent to you from [REDACTED] (Senor, separately [REDACTED] [REDACTED] and my visits to your premises, in the company of [REDACTED] and on the second occasion, Sussex Police on Friday 01/12/23.

I wish to inform you that the Council as Licensing Authority is considering its overall position in relation to the matters identified and raised with you at the time regarding the failure to comply with the premises licence conditions under the Licensing Act 2003 and further, the failure to comply with the Smoke-free (Premises and Enforcement) Regulations 2006 and Health Act 2006.

This may include legal proceedings and a Review of the Premises Licence. Your compliance and co-operation is advised.

Regards,

[REDACTED]
Health Safety and Licensing Manager
Crawley Borough Council
The Boulevard
Crawley
RH10 1UZ

Please note that I am in an operational role and I will not be in a position to respond immediately to your email but will come back to you as soon as possible. For licensing advice please contact licensing@crawley.gov.uk or taxis@crawley.gov.uk

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LICENSING AUTHORITY
CRAWLEY BOROUGH COUNCIL

08/DEC/2023

MON AMI, 20 BROAD WALK, NORTHGATE, CRAWLEY, RH10 1HQ – 23/02900/LAPRE

Dear [REDACTED] and [REDACTED],

Acknowledgment of Correspondence

Your email and Warning Letter has been forwarded to me as the Licensing Agent acting on behalf of Mon Ami 30 The Boardwalk, Crawley RG10 1HQ 23/02900/LAPRE, also copied into this is [REDACTED] (advising Barrister No 12 Chambers)

I have in all of my dealings with the Licensing Authority felt that a fair and proportionate view has always been adopted and I hope this will continue to be the case.

I have in some depth spoken with the Premises Licence Holder and the DPS and have reminded them of their obligations under their current licensing conditions.

As you are no doubt aware that a Variation has been submitted following consultation with the Responsible authorities (licensing Police, Licensing Authority) as became most apparent that the existing licence - **Annex 2 – Conditions consistent with the Operating Schedule.**

Condition 2. The sale, supply, and consumption of alcohol on the premises, shall be restricted to patrons seated at tables, and ancillary to them partaking of a table meal, In this instance is unfit for purpose. The current condition restricts the business being able to benefit financially from being able to sell alcohol to clients and provide this service. We note that the Regulators' Code details that economic prosperity is a key goal and submitting the variation would not only reflect the business aims better, but also allow for more appropriate conditions and systems to be implemented.

However, he is now fully aware of the forementioned condition and has taken the appropriate steps, the Kitchen is now fully functional, he also assures me that alcohol is only available to seated customers with table service only, partaking of a table meal. Guidance was offered in what constitutes a meal has been taken from caselaws *Timmis v Millan* and *Soloman v Green*.

With regards to the smoking of Shisha he is also now fully aware of the Laws around Shisha Smoking, that is to say that he will only permit shisha to be purchased /smoked when the roof has been fully retracted giving a Designated Smoking area that is 50% open.

Signage has also been displayed advising customers that the smoking of shisha will only be permitted when the roof is fully retracted.

With regards to the warning Letter received yesterday from [REDACTED], we very much hope that it is just that and not just a precursor to further action without giving the opportunity to adopt written advise as per the Regulators' Code para 2.2.

We are under no illusion that should the licensing conditions not be adhered to that the Licensing Authority has every right to take the appropriate action that it feels fit.

We do agree that mistakes have been made but hope that with your cooperation this venue can become an asset to the community.

Should you wish to discuss this matter further please do not hesitate to contact me.

Kind Regards

[Redacted]

[Redacted]

[Redacted]

Licensing Consultant

NTAD CONSULTANTS LTD

TEL: [Redacted]

Email : info@ntadconsultants.com

NTAD CONSULTANTS LTD
105 STONE COURT, CRAWLEY, WEST SUSSEX RH10 7RY
Company Registered in England and Wales Reg No: 9856182

From: [REDACTED]
To: [REDACTED]; Licensing; [REDACTED]; [REDACTED]@crawley.gov.uk
Cc: "WS_Licensing_WOR@sussex.police.uk"; [REDACTED]; [REDACTED]; "WS_Licensing_WOR@sussex.police.uk"; [REDACTED]@sussex.police.uk
Bcc: [REDACTED]
Subject: RE: MON AMI - WARNING LETTER - ON GOING MATTERS
Date: 12 December 2023 10:53:00
Attachments: [image001.png](#)
[letter to council\[1\].pdf](#)
Importance: High

Dear [REDACTED],

Re MON AMI, CRAWLEY

Thank you for your various emails and correspondence which I attach again. The content of the attached letter is noted but I do not agree with your submissions in relation to the smoking of shisha and other related products in the premises and this must cease immediately.

Once again I advise that all areas inside the premises – including the glass-roofed lounge/conservatory area are ‘substantially enclosed’. Allowing smoking anywhere within the premises, is in contravention of the Smoke-free (Premises and Enforcement) Regulations 2006.

Structures are considered to be ‘substantially enclosed’ if they have a ceiling or roof, but there are permanent openings in the walls which are less than half of the total wall area, including other structures that serve the purpose of walls and constitute the perimeter of the premises.

When working out the area of an opening, no account can be taken of openings in which doors, windows or other fittings can be opened or shut. This is known as ‘the 50% rule’

Smoking is prohibited in all enclosed or 'substantially enclosed' public places and workplaces by making it an offence to:

- smoke in smokefree premises
- permit others to smoke in smokefree premises
- fail to display warning notices in smokefree premises

All of the above have been witnessed as taking place at the premises, with smokefree signage entirely absent.

Which premises are affected?

Smokefree legislation applies to premises:

- the public has access to as in this case as a restaurant/licensed premises.
- that are a place of work as in this case.

The Smokefree (Enforcement & Premises) Regulations 2006 state:

Enclosed and substantially enclosed premises

2.—(1) For the purposes of section 2 of the Act, premises are enclosed if they—

(a) have a ceiling or roof; and

(b) except for doors, windows and passageways, are wholly enclosed either permanently or temporarily.

(2) For the purposes of section 2 of the Act, premises are substantially enclosed if they have a ceiling or

roof but there is—

(a) an opening in the walls; or

(b) an aggregate area of openings in the walls,

which is less than half of the area of the walls, including other structures that serve the purpose of walls and constitute the perimeter of the premises.

(3) In determining the area of an opening or an aggregate area of openings for the purposes of paragraph (2), **no account is to be taken of openings in which there are doors, windows or other fittings that can be opened or shut.**

(4) In this regulation “roof” includes any fixed or moveable structure or device which is capable of covering all or part of the premises as a roof, including, for example, a canvas awning.

Please note that it is a criminal offence to smoke in a smoke-free place (Section 7 of the Health Act 2006). It is also the legal duty of any person who controls or is concerned with the management of smoke-free premises to cause a person there to stop smoking (Section 8 of the Health Act 2006). Your clients have been repeatedly advised of this.

The Council will continue to monitor compliance in this area. I remind your clients again that both the business and individuals on-site could be subject to the issue of fixed penalty notices and/or prosecution.

As previously stated, the Council is considering its position, which may include prosecution and a Review of the Premises Licence.

Regards,

[REDACTED]
Health Safety and Licensing Manager
Crawley Borough Council
The Boulevard
Crawley
RH10 1UZ

Please note that I am in an operational role and I will not be in a position to respond immediately to your email but will come back to you as soon as possible. For licensing advice please contact licensing@crawley.gov.uk or taxis@crawley.gov.uk

From: [REDACTED] info@ntadconsultants.com

Sent: 10 December 2023 17:50

To: Licensing licensing@crawley.gov.uk; [REDACTED] [\[REDACTED\]@crawley.gov.uk](mailto:[REDACTED]@crawley.gov.uk); [REDACTED] [\[REDACTED\]@crawley.gov.uk](mailto:[REDACTED]@crawley.gov.uk)

Cc: WS_Licensing_WOR@sussex.police.uk; [REDACTED] [REDACTED]

[REDACTED] [\[REDACTED\]@no12chambers.co.uk](mailto:[REDACTED]@no12chambers.co.uk)

Subject: [EXTERNAL SENDER] RE: MON AMI - WARNING LETTER - ON GOING MATTERS

Caution: This email came from outside of Crawley Borough Council - only open links and attachments you are expecting.

Dear All,

I have been made aware of yet another licensing visit by the police on Saturday 09 Dec, I am happy to confirm that the visit was completed and that no breaches of the conditions were noted.

Kind regards

█



█
Licensing Consultant
NTAD CONSULTANTS LTD
M: █
E: info.ntad@gmail.com
W: www.ntad.co.uk

Address:

█
NTAD CONSULTANTS Ltd
105 STONE COURT
WORTH
CRAWLEY
RH10 7RY

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From: █

Sent: 10 December 2023 17:40

To: [Licensing](#); █; █

Cc: WS_Licensing_WOR@sussex.police.uk; █; █

Subject: MON AMI - WARNING LETTER - ON GOING MATTERS

Dear All,

Please find letter in response to Visits and warning letter for Mon Ami 30 the Broadwalk, Crawley RH10 1HQ.

All further communication please cc to [REDACTED] of NTAD Consultants Ltd and [REDACTED] [REDACTED] Barrister of No 12 Chambers.

Kind regards

[REDACTED]



[REDACTED]
Licensing Consultant
NTAD CONSULTANTS LTD
M: [REDACTED]
E: info.ntad@gmail.com
W: www.ntad.co.uk

Address:

[REDACTED]
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