



Crawley Borough Council

Licensing Sub-Committee

Agenda for the **Licensing Sub-Committee** which will be held in **Committee Rooms A & B - Town Hall**, on **12 February 2024** at **10.30am**

Nightline Telephone No. 07881 500 227

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. A.', written in a cursive style.

Chief Executive

Membership: Councillors M L Ayling, T G Belben, and I T Irvine
B J Burgess (reserve)

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Town Hall
The Boulevard
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RH10 1UZ

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

Part A Business (Open to the Public)

	Pages
1. Appointment of Chair	
2. Apologies for Absence	
3. Disclosures of Interest	
<p>In accordance with the Council's Code of Conduct, councillors are reminded that it is a requirement to declare interests where appropriate.</p>	
4. Application to Vary the Premises Licence - Mon Ami, 20 Broad Walk, Northgate, Crawley, RH10 1HQ	3 - 76
<p>To consider report HCS/076 of the Head of Community Services.</p> <p>The application to vary the premises licence is available to view on the Council's website here.</p>	
5. Application to Review the Premises Licence - Mon Ami, 20 Broad Walk, Northgate, Crawley, RH10 1HQ	77 - 92
<p>To consider report HCS/077 of the Head of Community Services.</p> <p>The application to review the premises licence is available to view on the Council's website here.</p>	

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Crawley Borough Council

Report to Licensing Sub-Committee

12 February 2024

Application for the Variation of a Premises Licence: Mon Ami, 20 Broad Walk, Northgate, Crawley, RH10 1HQ

Report of the Head of Community Services – HCS/076

1. Recommendations

- 1.1 That the Sub-Committee considers the contents of this report and any oral or documentary evidence provided in connection with the hearing, and determines, with reasons, an application made vary the Premises Licence granted in respect of a premises known as Mon Ami, 20 Broad Walk, Northgate, Crawley, RH10 1HQ under the Licensing Act 2003 (the 'Act').

2. Type of Hearing and Powers of the Sub-Committee

- 2.1. Crawley Borough Council is the Licensing Authority for the borough of Crawley and determines all matters under the Licensing Act 2003. This includes where an application to vary a premises licence. Where relevant representations are made under the Act, and not resolved, the matter must be heard by the Licensing Sub-Committee.
- 2.2. The Sub-Committee is required to determine the application by taking such of the steps set out below (in paragraph 8.4) as it considers appropriate for the promotion of the Licensing Objectives under the Act.

3. Reason for the Hearing – Variation of Premises Licence

- 3.1 On 29/11/23, the Council as Licensing Authority received an application to vary the premises licence.
- 3.2 On 22/12/23, Karen Plympton, Health, Safety and Licensing Manager on behalf of the Licensing Authority as a Responsible Authority, submitted a relevant representation to relation to the premises under the Act. This representation has not been resolved and it now falls to the Sub-Committee to consider and determine the application to vary the licence.

4. Licensing Objectives

- 4.1 The Licensing Sub-Committee must consider each application on its own merits, in accordance with the provisions within the Act, including the Licensing Objectives which are:
- The prevention of crime and disorder
 - The protection of children from harm
 - Public safety
 - The prevention of public nuisance.

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- 4.2 A relevant representation was made by the Council as Licensing Authority on the grounds that the following Licensing Objectives were not being promoted.
- The prevention of crime and disorder – the premises had repeatedly breached its premises licence conditions contrary to the Licensing Act 2003 and the (now former) Premises Licence Holder/Designated Premises Supervisor Mr Nezaj 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
 - Public Safety – as above
 - The protection of children from harm – children are permitted unrestricted access to premises where licence conditions are being breached and smoking is taking place in a substantially enclosed premises.
- 4.3 The Licensing Authority formed this view because premises licence conditions attached to the premises licence as issued under the Act have been repeatedly breached and that those in operational control both participated and allowed the smoking of shisha in a substantially enclosed premises contrary to Smoke Free (Premises and Enforcement) Regulations 2006. Further, that despite repeated advice, guidance and warnings to those in operational control along with the then Premises Licence Holder and Designated Premises Supervisor, Ergon Nezaj, that the breaches of premises licence conditions and offences under smokefree legislation continued. This led to a loss of confidence by the Licensing Authority in the management to operate the premises in accordance with various regulatory regimes, and that the Licensing Objectives were not being promoted.
- 4.4 By way of background, on 08/09/23, Ergon Nezaj applied to be issued a premises licence under the Act and sought to be specified as the Designated Premises Supervisor (DPS) and Premises Licence Holder.
- 4.5 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, and to authorise the licensable activity “Late night refreshment” (hot food) between 23:00 hours and 01:00 hours, Thursday to Saturday.
- 4.6 Following representations by Sussex Police as a Responsible Authority on 27/09/23 to the grant of a new premises licence at the site, agreement was reached via the owners Licensing Consultant that a series of further conditions be added to the licence, limiting the sale of alcohol to persons seated at tables partaking in a table meal. A copy of the premises licence issued at that time and a layout plan is included at **Appendix C** to Document 1.
- 4.7 On 29/11/23, an application to vary the premises licence was made by Noel Samaroo, Licensing Consultant in the name of the then premises licence holder and DPS, Ergon Nezaj. The application to vary the premises licence is available to view on the Council’s website [here](#).
- 4.8 In summary, the variation application sought to remove conditions requiring that the consumption of alcohol would only be permitted when taking a table meal/substantial refreshment. The variation sought to remove the requirement for food in relation to

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all alcohol sales and that the premises would seek to operate as a “café bar” type premises whereby alcohol could be purchased without the need for food, but that there would be no vertical drinking

- 4.9 Given the matters outlined in the application to Review the premises licence had not been resolved when the application to vary the premises licence was made, Kareen Plympton, Health, Safety and Licensing Manager, lodged a representation on behalf of the Licensing Authority as Responsible Authority on 22/12/23 on the same grounds as outlined in application to review the premises licence.
- 4.10 Full details of the representation lodged by Kareen Plympton, Health, Safety and Licensing Manager on behalf of the Licensing Authority are included at **Document 1**, and its **Appendices A to M**. It highlights the repeated attempts by the Council’s Licensing Team to engage, warn and educate those responsible for the premises to secure compliance and actions taken by them as well as other Regulatory Officers.

5. Additional Information & Consecutive Sub-Committee Hearing

- 5.1 Both the application to vary and then seek a review of the premises licence have been listed to be heard consecutively as a means to make best use of public funds and to ensure a better understanding of the matters in hand as this is a complex case as there are inter relationships between the two.

6. Consultation and Relevant Representations

- 6.1 Following receipt of the application to vary the premises licence by the Council’s Licensing Team, a statutory 28-day consultation period began, during which representations in respect of the review application could be submitted to the Licensing Authority. The representation period concluded on 28/12/23.
- 6.2 As required by the Act, the application to vary the premises licence was properly advertised. Copies of the application were also circulated to all Responsible Authorities under the Act, with the deadline for any representation to be made within the 28 day consultation period.
- 6.3 No other relevant representations were received in relation to the application to vary the premises licence.

7. Discussions with all Parties making Representations

- 7.1 As a result of the representation by the Council as Licensing Authority in relation to the application to vary the premises licence (and subsequently, the application to review the premises licence,) Noel Samaroo, Licensing Consultant and Kareen Plympton, Health, Safety and Licensing Manager had ongoing discussions regarding both the applications to see if matters could be addressed.
- 7.2 On 28/12/23, Lutfi Neza, premises owner contacted Kareen Plympton, Health, Safety and Licensing Manager to try to seek a resolution of matters in relation to both the variation application and review of the premises licence, His email stated

“Dear Kareen and Warren,

I am writing to you regarding Mon Ami Lounge.

I have applied for a Full Variation to change / amend some of the restrictions on the Operating Schedule of the current license.

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I am writing to confirm that I am happy to work with you. I am fully aware of your issue regarding the Shish aspect of the business. For this, I am happy to stop Shisha activities on the premises for the time being.

I have invested a lot of time, money and effort into the property in a bid to boom the night time economy of Crawley. I have also given employment to others.

This is an extremely busy time for the hospitality sector and I really need my doors to be open so that I have a chance to trade at this crucial time.

I would be grateful if you could please accept the current application and as I stressed above, I am happy to remove all Shisha aspects from the business until we can reach a resolution.

I would be grateful if we could stop the license review and I will operate the business without Shisha. I would be grateful if you could provide me with a speedy response.

*Kind regards,
Lutfi Neza”*

- 7.3 This led to a meeting on 10/01/24 attended by Noel Samaroo, Kareen Plympton and Senior Licensing Officer, Warren Jones. Mr Lutfi Neza also attended the meeting but was unable to participate as he was not specified on the premises licence, nor had he lodged a notification of interest.
- 7.4 The purpose of the meeting was to discuss the representations made to see if any matters could be resolved in relation to variation and review applications.
- 7.5 Shortly before this date, on or around 09/01/24, Mr Lutfi Neza contacted Kareen Plympton to advise that he had closed the business as he could not meet the requirements of the current premises licence, and confirmed that would remain closed until the licensing situation had been resolved. This was confirmed by Noel Samaroo at the meeting on 10/01/24.
- 7.6 In addition to those conditions drafted in conjunction with the Licensing Authority in relation to the application to vary the premises licence, a series of other conditions and changes to staff were discussed to address the representation and concerns of the Licensing Authority. It was agreed by the Council and the licence holder that any common ground, condition proposals and operational changes be formalised by way of a Memorandum of Agreement.
- 7.7 Prior to the conclusion of discussions, and as a consequence of the discussions to try and regain the Licensing Authority's trust and confidence in management, changes were made to the licence to remove the then DPS and Premises Licence Holder, Mr Ergon Nezaj and replace him with the business owner, Mr Lutfi Neza as the person who will be in day to day operation at the premises. This change took effect from 27/01/24.
- 7.8 Further assurances about staff training and a commitment to working in partnership with the Licensing Authority were agreed in principle and have been included in a Memorandum of Agreement for consideration by the Licensing Sub-Committee in relation to the variation application.
- 7.9 The Memorandum of Agreement containing the outcomes of the discussions including detailing proposed licence conditions to be added to the premises licence, and other matters requiring a change in premises licence holder and DPS to Mr Lutfi Neza retraining of staff on all matters under the Licensing Act 2003 and entire

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removal of all shisha products and related paraphernalia from the premises. A signed copy of the Memorandum of Agreement dated 01/02/24 is included at **Appendix N**.

8. Relevant Considerations & Determination

- 8.1 In the case of an application to vary a premises licence, where relevant representations have not been fully resolved, the matter is placed before a Licensing Sub-Committee for consideration.
- 8.2 However, Sub-Committee members are invited to have regard to the Memorandum of Agreement that has been signed by Mr Lutfi Neza, the newly appointed Premises Licence Holder and Designated Premises Supervisor, Mr Samaroo and Kareen Plympton on behalf of the Licensing Authority, which sets out the premises licence conditions and measures proposed to be put in place to address the representations made.
- 8.3 In reaching its determination, the Sub-Committee must consider the case on its merits, and carry out its role with a view to promoting of the four Licensing Objectives. The Sub-Committee must also have regard to Council's Statement of Licensing Policy (particularly Section 5), the current Section 182 Guidance (August 2023) Revised Guidance issued under section 182 of the Licensing Act 2003 ([December 2023](#)) along with the written and/or oral evidence presented during the hearing.
- 8.4 Section 182 Guidance under the Act makes reference to applications to vary premises licences at Section 8.
- 8.5 The Licensing Authority must, having regard to the application to vary the premises licence, and any relevant representations received by all parties, take such steps (if any) as it considers appropriate for the promotion of the Licensing Objectives:
- Grant the variation to the premises licence without any change
 - Modify the conditions of the Premises Licence (that is, adding new conditions or any alteration to or omission of existing conditions);
 - Refuse to vary the premises licence.
- 8.6 The Sub-Committee must give reasons for any decision it takes.

9. Right of Appeal

- 9.1 Under Section 181 and Schedule 5 of the Act, right of appeal to the Magistrates' Court in respect of application for review of an existing licence include:
- The applicant
 - The licence holder
 - Any person who made relevant representations.

10. Hearing Papers and Process

- 10.1 The Hearing Notice and Committee Procedure for determination by the Sub-Committee have been sent to all parties in relation to the hearing under Regulation 7(2) and Schedule 3 of the Licensing Act 2003 (Hearings) Regulations 2005.

11. Implications

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- 11.1 There are no extra staffing or financial implications to the Council, save for those in respect of possible appeal(s) against any decision taken. The Licensing Service is a self-financing service, funded via fees and charges set by statute.
- 11.2 The Council is required to consider the impact any decision may have on crime and disorder in the area (Section 17, Crime and Disorder Act 1998) which states as follows:
- “Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent:*
- (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and*
- (b) the misuse of drugs, alcohol and other substances in its area; and re-offending in its area”*
- 11.3 Human Rights considerations must be taken into account in balancing licensing issues, in particular, article 1 of the first protocol and articles 6 and 8. Article 1 relates to the protection of property and the peaceful enjoyment of possessions and property (holding a licence would be considered a possession). Article 8 relates to the right to respect for private and family life, home and correspondence. Article 6 relates to the right to a fair trial. These are however qualified rights and can be deprived of “in the public interest”. Interference is permissible if what is done:
- Has its basis in law;
 - Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;
 - Is proportionate to the aims being pursued; and
 - Is related to the prevention of crime or the protection of public order or health or the protection of the rights and freedoms of others.
- 11.4 The Sub-Committee must consider each application on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 11.5 All applications before the Sub-Committee must be considered against the backdrop of anti-discriminatory legislation including the Equality Act 2010 and in accordance with the Council's current Equality Strategy.

Background Papers

- Licensing Act 2003 (as amended)
- Home Office Guidance issued under Section 182 of the Licensing Act 2003 (August 2023)
- Crawley Borough Council's current Statement of Licensing Policy

Contact Officer:

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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.

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.

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.

██████████ 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.

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."

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.

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.

██████████ 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](#)

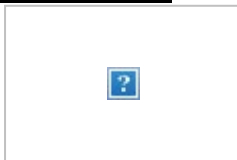
Good afternoon,

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

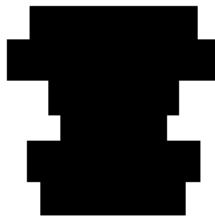
Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:



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):

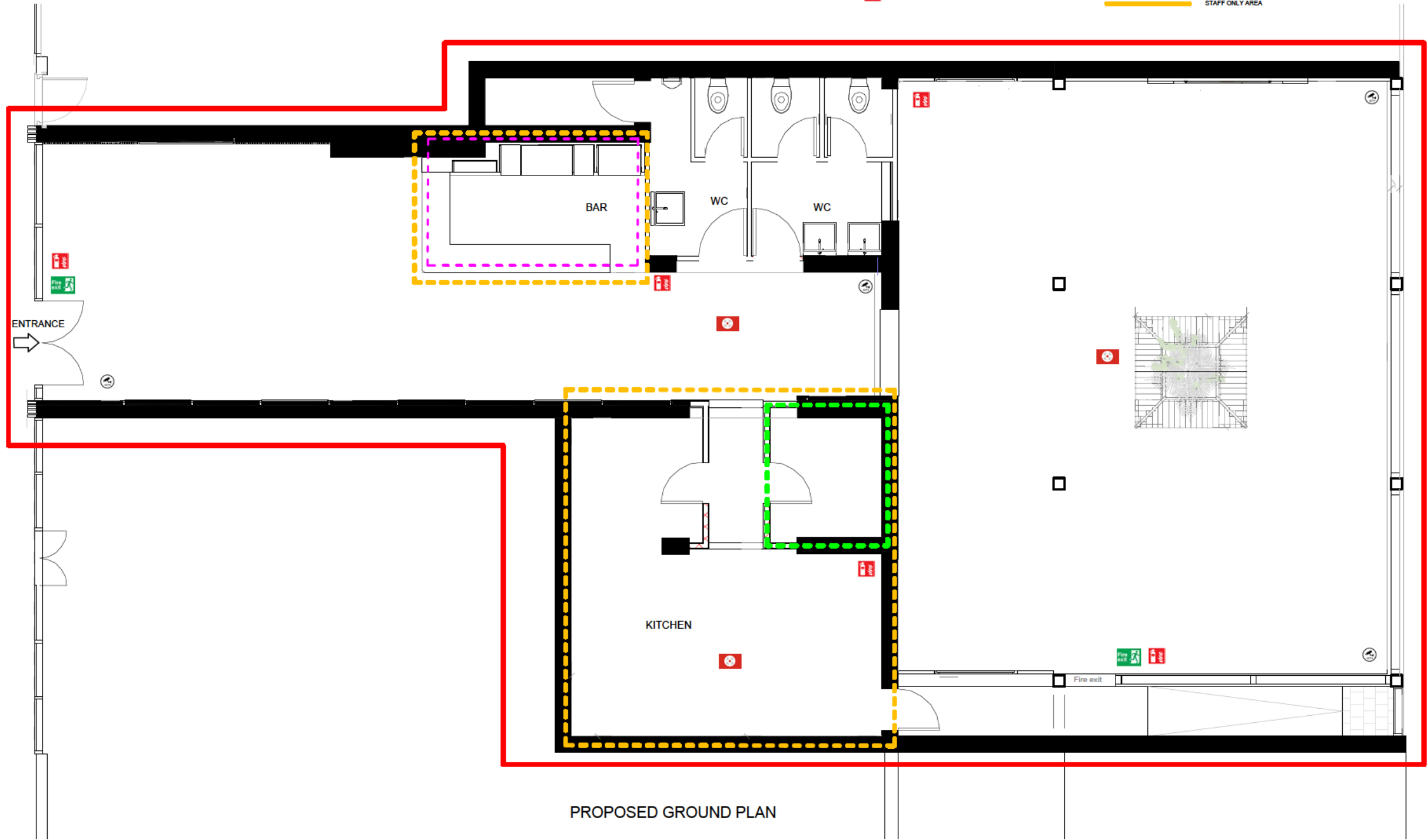
Not Applicable

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

<p>84 HAYES LANE, BROMLEY BR29EE T:0208460 06 06 M: 07786 308 409 E-Mail : licence@eurosafetyinternational.co.uk www.eurosafetyinternational.co.uk</p>	<p>CLIENT Monami Lounge Ltd</p>	<p>PROJECT Premises Licence</p>	<p>PROJECT NO.</p>	<p>DATE 29/07/2023</p>	<p>DRAWN BY ESI</p>	<p>DESCRIPTION Proposed Ground Plan</p>	<p>CLIENT ADDRESS 20 Broad Walk, Crawley, England, RH10 1HQ</p>	<p>SCALE 1:100 A3 SIZE</p>
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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,

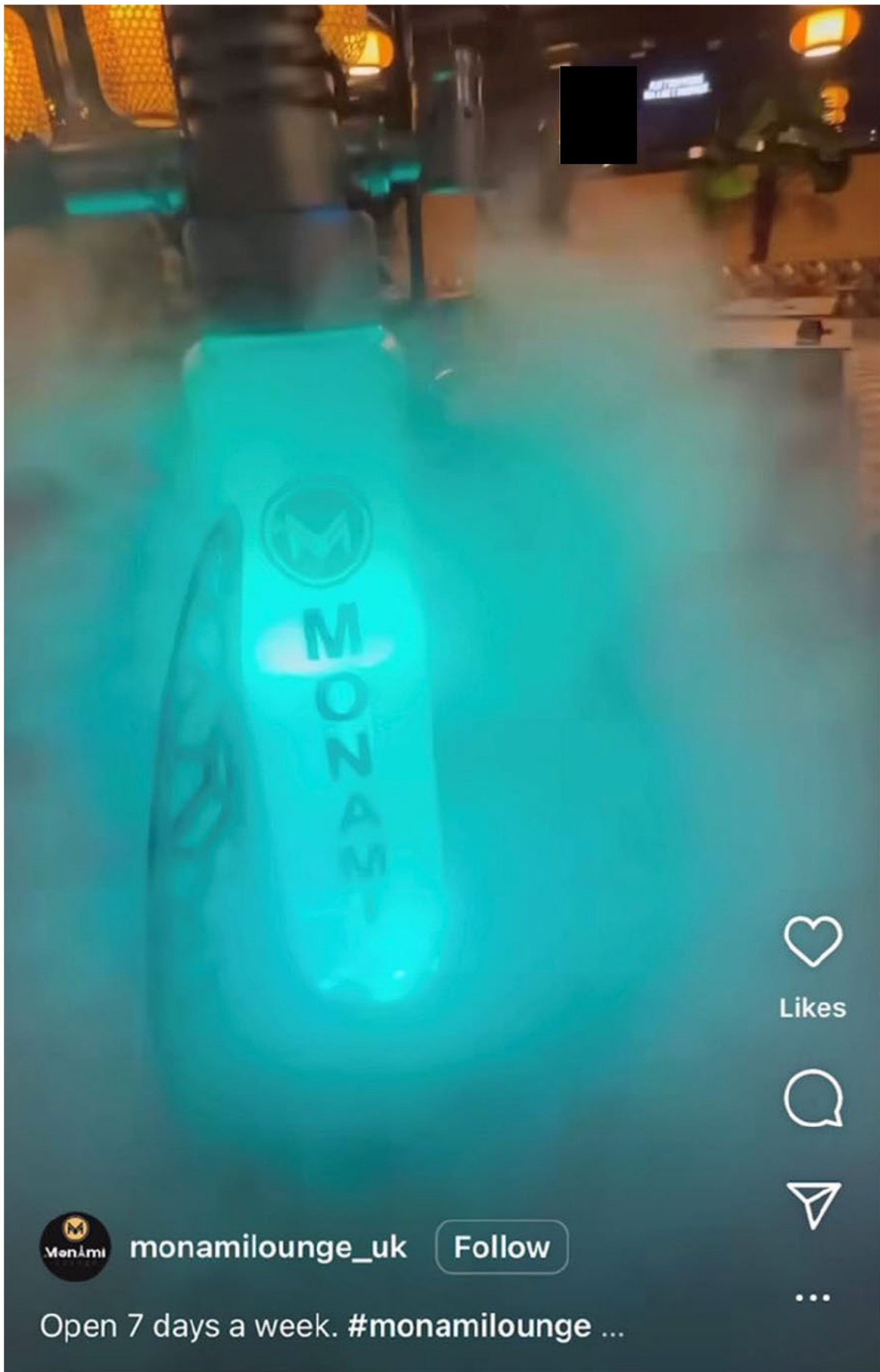
[REDACTED]
Environmental Health Practitioner
Crawley Borough Council

Tel. [REDACTED]
Mob. [REDACTED]

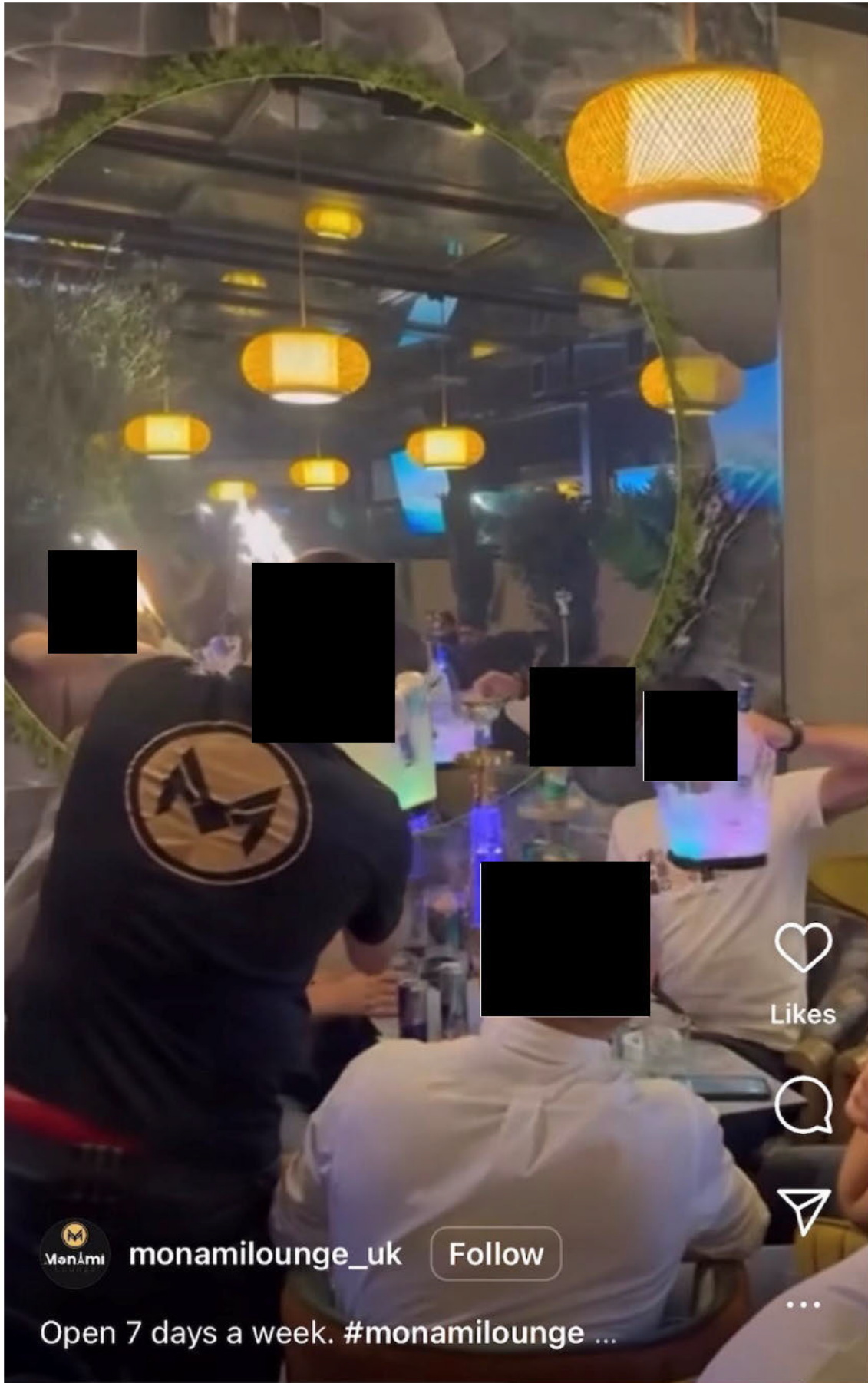
<http://www.crawley.gov.uk>

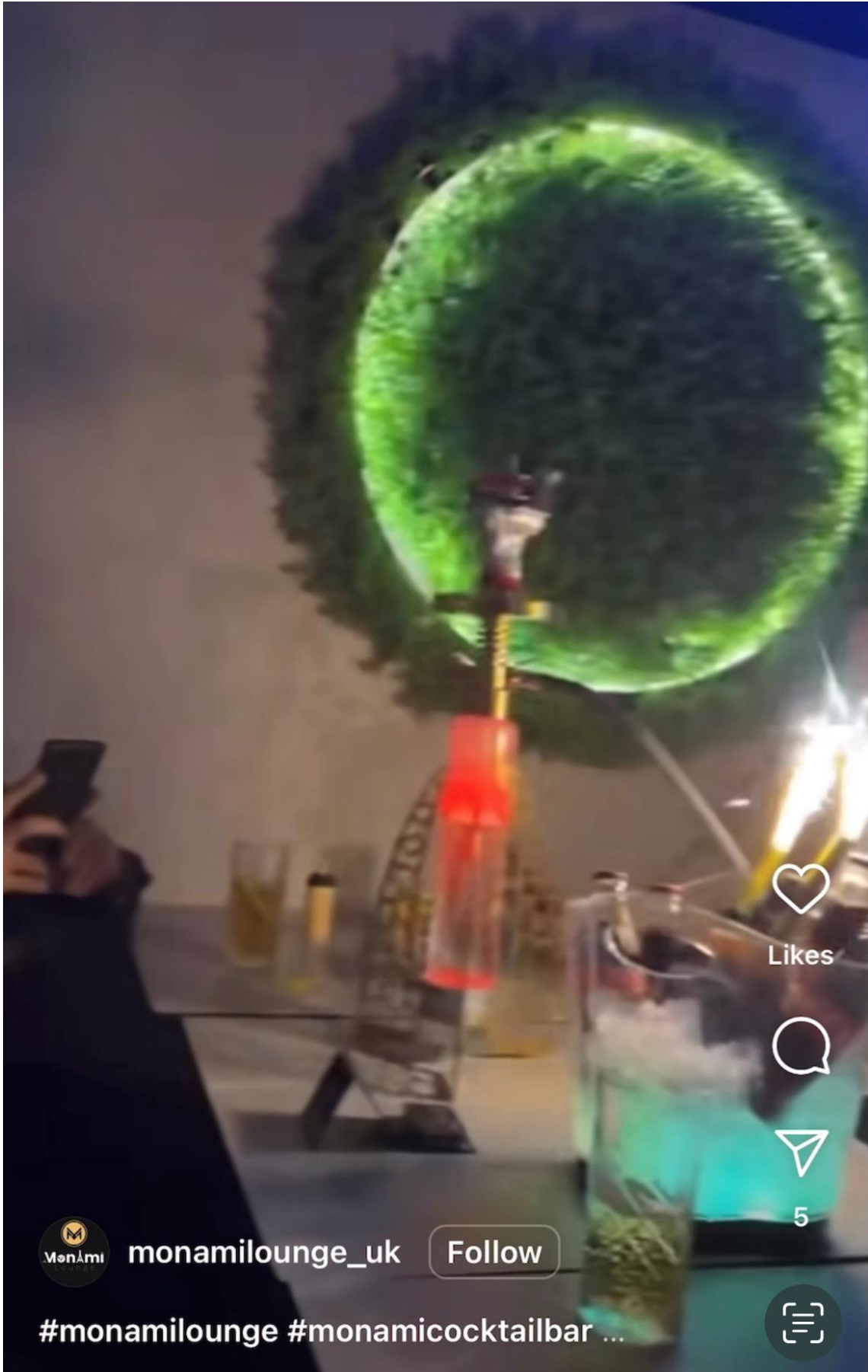
Usual work pattern: [REDACTED].

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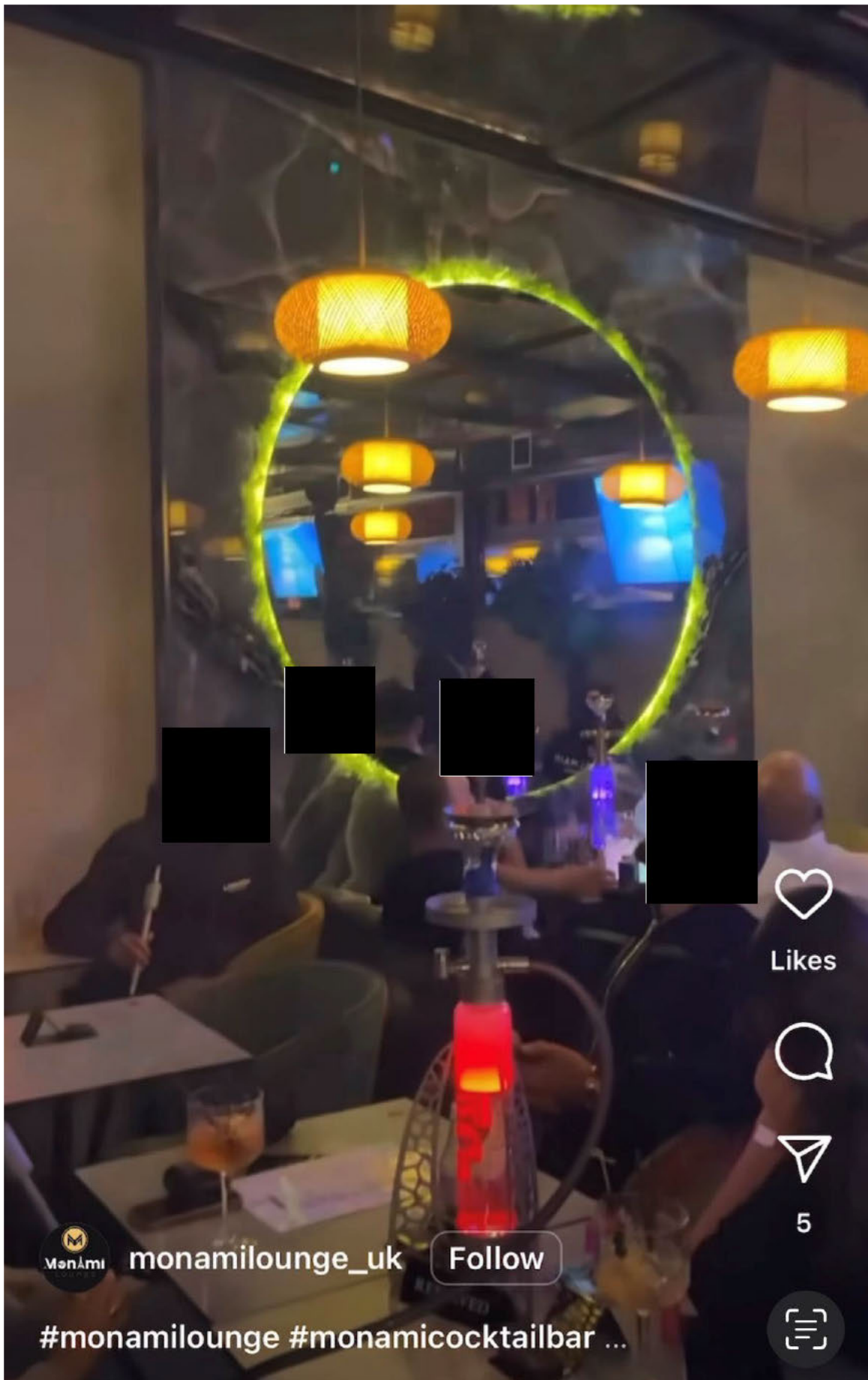


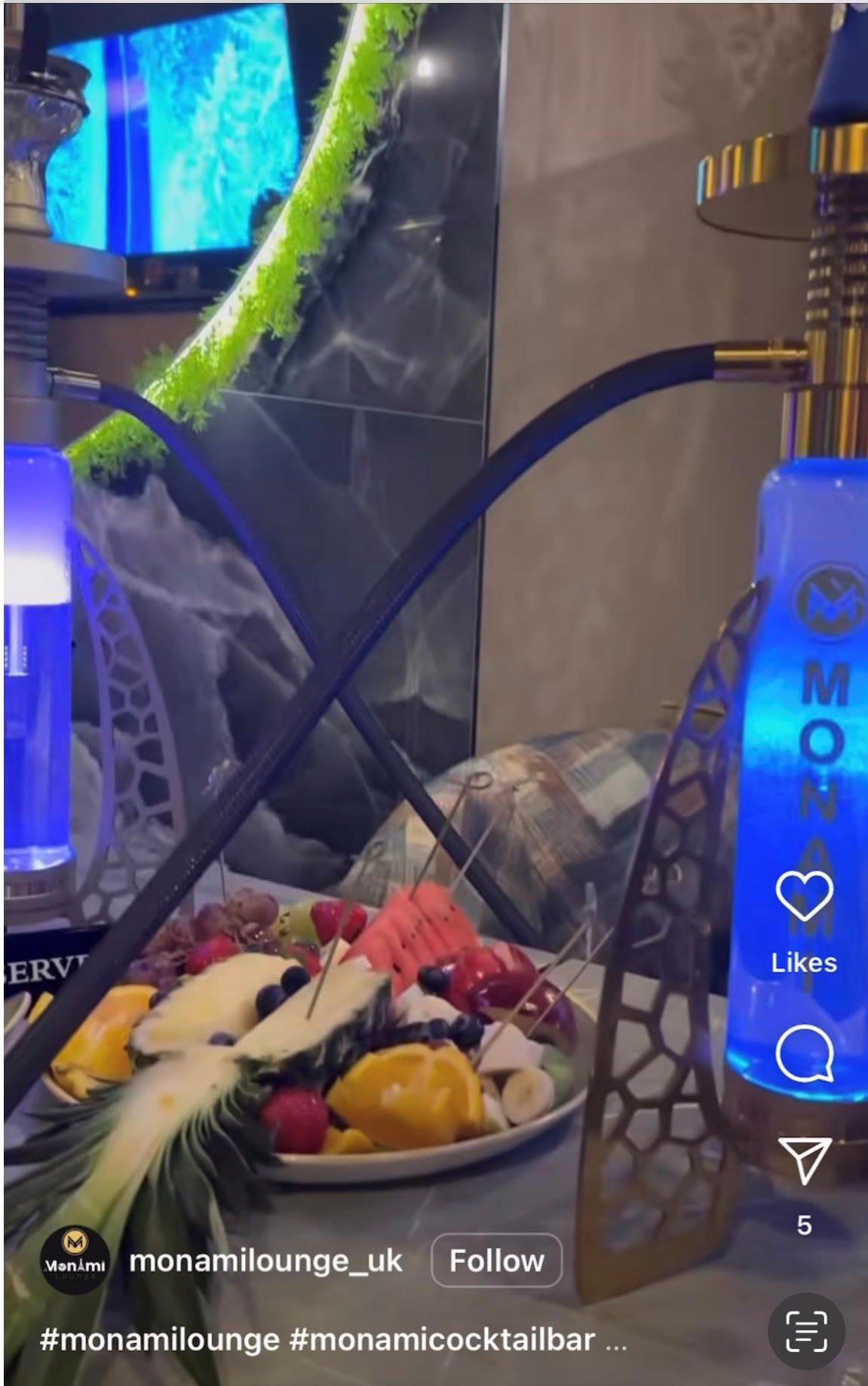












Where can customers smoke?

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.

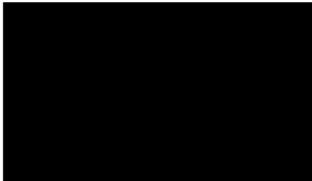
I would advise you to seek your own legal advice if you have any queries regarding the content of this letter.


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>		

See notes overleaf.

Please see continuation sheet(s)

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: <input checked="" type="checkbox"/>			
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="checkbox"/> No <input type="checkbox"/> Not sure? <input type="checkbox"/>
Visit by Appointment? Yes <input checked="" type="radio"/> No <input type="radio"/>	Inspecting Officer: <i>Martin Jones</i>	Sticker Displayed? Yes <input type="checkbox"/> No <input type="checkbox"/>
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:	<input checked="" type="checkbox"/>

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/ <input checked="" type="checkbox"/> 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/ <input checked="" type="checkbox"/> Documented? <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

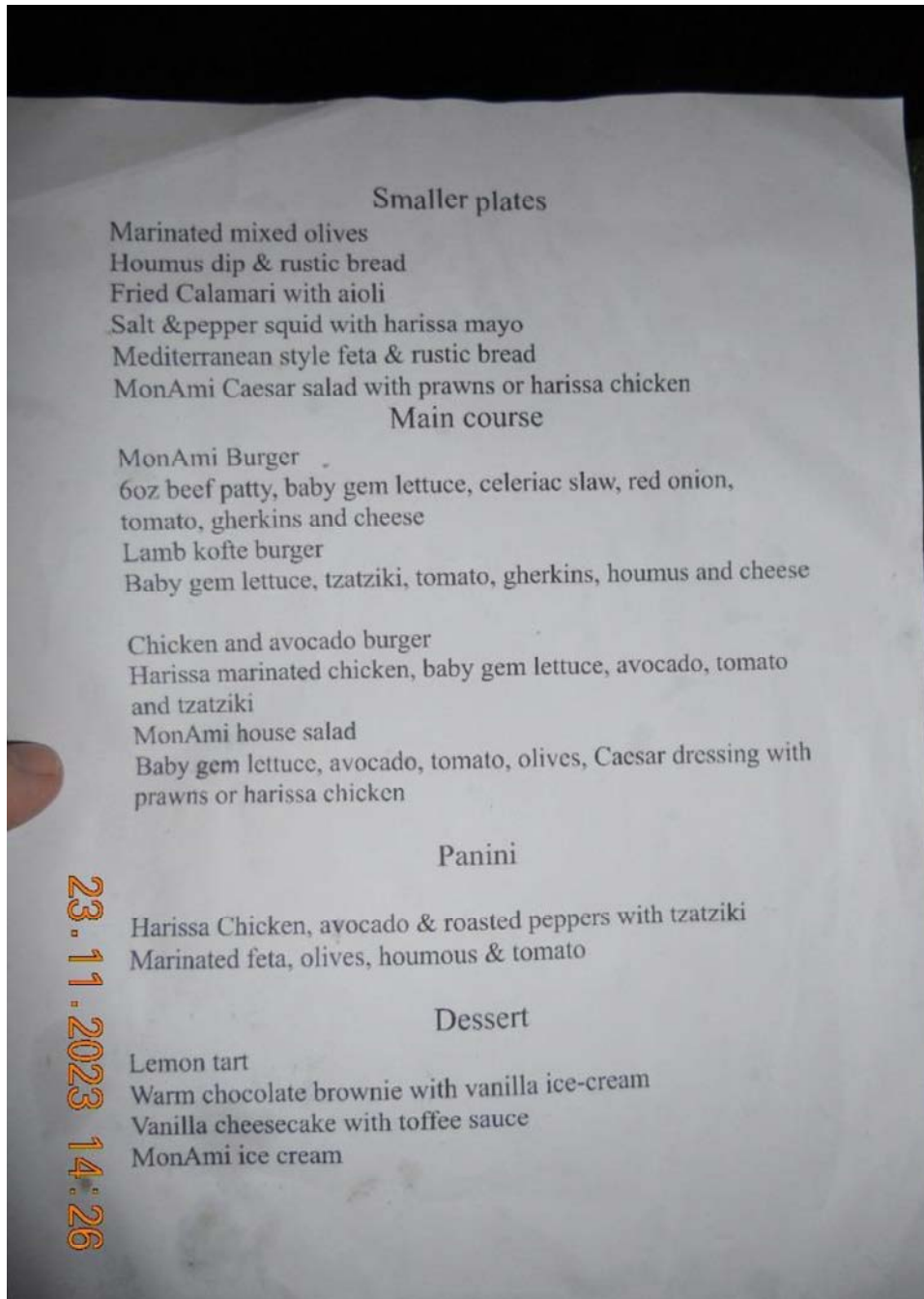
Officer to tick relevant FHR Status for Business:

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] @crawley.gov.uk;
[REDACTED] @crawley.gov.uk

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

[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

The company accepts no liability for the content of this email, or for the consequences of any actions taken on the basis of the information provided, unless that information is subsequently confirmed in writing. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

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

The company accepts no liability for the content of this email, or for the consequences of any actions taken on the basis of the information provided, unless that information is subsequently confirmed in writing. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

MEMORANDUM OF AGREEMENT

The following memorandum of agreement is made between Crawley Borough Council (“the Council”) in its capacity as the relevant licensing authority as responsible authority who has applied for a review under the Licensing Act 2003 (“the Act”) and the premises licence holder Mr Lufti Neza of [REDACTED] (“the parties”), in respect of the premises licence in effect under the Act for the premises known as Mon Ami Crawley, West Sussex RH10 7QH (“the premises”).

A Premises Licence in respect of the above was applied for on 08/08/23 and granted on 07/10/23 following negotiations with Sussex Police and licence conditions agreed with them, The licence was issued on 07/10/23, specifying Ergon Neja as the Premise Licence Holder and Designated Premises Supervisor.

On 30/11/23, an application to vary the premises licence was lodged by the then premises licence holder and Designated Premises Supervisor ("DPS") Mr Ergon Neja. The Council as Licensing Authority and a Responsible Authority filed a written representation in respect of the application to vary the premises licence. .

During the consultation period in relation to the variation application, and due to on-going issues at the premises regarding alleged breaches of licence conditions and smoke-free legislation, the Council as Licensing Authority and a Responsible Authority filed an application to Review the premises licence under the Act. The full circumstances leading to the application to review the licence are contained in the supporting documentation submitted with the application for Review.

Following some initial discussions between the Council and Lufti Neza, the premises owner, Mr Neza applied for the premises licence to be transferred to him and that he be specified as the DPS on the licence. This action was taken to start to address the Council’s concerns regarding confidence in management, and alleged licence breaches and offences under the smoke-free regulations. These changes took effect on 27/01/24..

It is noted that the premises voluntarily closed on or near 09/01/24 and remains closed at the time of preparing this Memorandum of Agreement. The licence holder, Mr Lfti Neza via his Licensing Consultant has informed the Council that he intends that it shall remain closed such until the proposed conditions set out below have been implemented by him.

On 10/01/24, Mr Noel Samaroo, Licensing Consultant, acting on behalf of the premises owner Mr Lufti Neza, met with Ms Kareen Plympton, Health Safety and Licensing Manager, and Mr Warren Jones, Senior Licensing Officer. The purpose of the meeting was to discuss the outstanding representation by the Council as Licensing Authority to the licence variation and the pending application for Review of the premises licence.

In consequence of that meeting, the parties agree as follows:

1. That the following amendments be made to the premises licence:
 - a. To modify existing condition in Annex 2 Condition 2 requiring those wishing to consume alcohol on the premises to read:

The sale, supply, and consumption of all beverages (including alcohol) on the premises, shall be restricted to patrons seated at tables, service will be by waiter/ess only.

- b. To add the following condition:

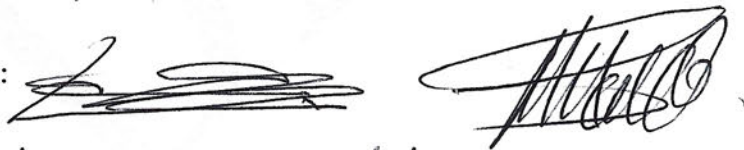
There is to be no Vertical drinking permitted, food will be available throughout the time that alcohol is being served.

- c. *There shall be no smoking nor use of smoking-related products, including shisha, in any part of the premises at any time. All types of smoking paraphernalia including shisha pipes and associated products must be removed from the premises prior to the recommencement of trading, and in any event by 15/01/24.*

- d. *Mr Egzon Nezaj, former Designated Premises Licence Holder and Premises Licence Holder, will not be involved in the operation of premises in any capacity, nor will he be on the premises whilst any licensable activity is taking place.*
 - e. *Written evidence is to be provided to the Council to demonstrate that all prior to the recommencement of trading, all staff members have been re-trained in the Licensing Act 2003 and requirements of the premises licence, including premises licence conditions. This evidence must be provided to the Council no later than 14/02/24*
 - f. *No persons under the age of 18 shall be permitted on the premises after 2100 hours or before 0700 hours.*
2. That the parties will present this memorandum of agreement to the Crawley Borough Council Licensing Sub-Committee in readiness for the hearing of the application for review on 12/02/24 with the joint invitation that the agreement set out herein be implemented by the Sub Committee as its determination of the application for review.

Dated the 01/FEB/2024

Signature:



Name: MR LUTFI REZA / NOEL A. SAMAROO
(Premises Licence Holder / Duly Authorised Agent)

Signature: Karen Plympton, Health, Safety and Licensing Manager Date 01/02/24

Name: Karen Plympton

(For/on behalf of Crawley Borough Council – As Licensing Authority and applicant for a review of the premises licence)

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Agenda Item 5

Crawley Borough Council

Report to Licensing Sub-Committee

12 February 2024

Application for the Review of a Premises Licence: Mon Ami, 20 Broad Walk, Northgate, Crawley, RH10 1HQ

Report of the Head of Community Services – HCS/077

1. Recommendations

- 1.1 That the Sub-Committee considers the contents of this report and any oral or documentary evidence provided in connection with the hearing, and determines, with reasons, the application for review made by Kareen Plympton, Health, Safety and Licensing Manager for Crawley Borough Council as the Licensing Authority of the Premises Licence granted in respect of a premises known as Mon Ami, 20 Broad Walk, Northgate, Crawley, RH10 1HQ under the Licensing Act 2003 (the 'Act').

2. Type of Hearing and Powers of the Sub-Committee

- 2.1. Crawley Borough Council is the Licensing Authority for the borough of Crawley and determines all matters under the Licensing Act 2003. This includes where an application to review a premises licence is made.
- 2.2. The Sub-Committee is required to determine the application by taking such of the steps set out below (in paragraph 8.4) as it considers appropriate for the promotion of the Licensing Objectives under the Act.

3. Reason for the Hearing – Review of Premises Licence

- 3.1 At any stage following the grant of a premises licence, any person or Responsible Authority may request the Licensing Authority to review the premises licence because of matters arising at the site which raise concerns in connection with the failure to promote one or more of the Licensing Objectives as part of the Act.
- 3.2 On 22/12/23, Kareen Plympton, Health, Safety and Licensing Manager on behalf of the Licensing Authority as a Responsible Authority, submitted a review application in relation to the premises under Section 51 of the Act.
- 3.3 It now falls to the Sub-Committee to consider and determine the review application.

4. Licensing Objectives

- 4.1 The Licensing Sub-Committee must consider each application on its own merits, in accordance with the provisions within the 2003 Act, including the Licensing Objectives which are:
- The prevention of crime and disorder
 - The protection of children from harm
 - Public safety
 - The prevention of public nuisance.

Agenda Item 5

- 4.2 The grounds for the review by the Council as the Licensing Authority are that the following Licensing Objectives were not being promoted.
- The prevention of crime and disorder –

The premises had repeatedly breached its premises licence conditions contrary to the Licensing Act 2003 and the (now former) Premises Licence Holder/Designated Premises Supervisor Mr Nezaj 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 an 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
 - Public safety – as above.
 - The protection of children from harm – children are permitted unrestricted access to the premises where licence conditions are being breached and smoking is taking place in a substantially enclosed premises.
- 4.3 The Licensing Authority formed this view because premises licence conditions attached to the premises licence as issued under the Act have been repeatedly breached and that those in operational control both participated and allowed the smoking of shisha in a substantially enclosed premises contrary to Smoke Free (Premises and Enforcement) Regulations 2006. Further, that despite repeated advice, guidance and warnings to those in operational control along with the then Premises Licence Holder and Designated Premises Supervisor, Ergon Nezaj, that the breaches of premises licence conditions and offences under smokefree legislation continued. This led to a loss of confidence by the Licensing Authority in the management to operate the premises in accordance with various regulatory regimes, and that the Licensing Objectives were not being promoted.
- 4.4 By way of background, on 08/09/23, Ergon Nezaj applied to be issued a premises licence under the Act and sought to be specified as the Designated Premises Supervisor (DPS) and Premises Licence Holder.
- 4.5 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, and to authorise the licensable activity “Late night refreshment” (hot food) between 23:00 hours and 01:00 hours, Thursday to Saturday.
- 4.6 Following representations by Sussex Police as a Responsible Authority on 27/09/23, agreement was reached via the owner’s Licensing Consultant that a series of further conditions be added to the licence, limiting the sale of alcohol to persons seated at tables partaking in a table meal.
- 4.7 Sub-Committee members will have already considered the variation to the premises licence application separately in a separate, earlier hearing. The hearing in relation to the variation was delayed in the public interest and to ensure effective use of public resources and funds to allow it to be considered consecutively as there are many synergies.
- 4.8 The review application is available to view on the Council’s website [here](#) (this document refers to further appendices A to M, which can be found within this agenda

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under item 4, *Application to Vary the Premises Licence for Mon Ami, 20 Broad Walk, Northgate, Crawley, RH10 1HQ*). It highlights the repeated attempts by the Council's Licensing Team to engage, warn and educate those responsible for the premises to secure compliance and actions taken by them as well as other Regulatory Officers.

5. Additional Information & Consecutive Sub-Committee Hearing

- 5.1 On 29/11/23, an application to vary the premises licence was made in the name of the then premises licence holder and DPS, Ergon Nezap. In summary, the variation application sought to remove conditions requiring that the consumption of alcohol would only be permitted when taking a table meal/substantial refreshment. The variation sought to remove the requirement for food in relation to all alcohol sales and that the premises would seek to operate as a "café bar" type premises whereby alcohol could be purchased without the need for food, but that there would be no vertical drinking.
- 5.2 Given the matters outlined in the application to review the premises licence had not been resolved when the application to vary the premises licence was made, Kareen Plympton, Health, Safety and Licensing Manager, lodged a representation on behalf of the Licensing Authority as Responsible Authority on 22/12/23 on the same grounds as outlined in application to review the premises licence.
- 5.3 Both the application to vary and then seek a review of the premises licence have been listed to be heard consecutively as a means to make best use of public funds and to ensure a better understanding of the matters at hand as this is a complex case.

6. Consultation and Relevant Representations

- 6.1 Following receipt of the review application by the Council's Licensing Team, a statutory 28-day consultation period began, during which representations in respect of the review application could be submitted to the Licensing Authority. The representation period concluded on 19th January 2024.
- 6.2 As required by the Act, the application was properly advertised both on the premises and at Crawley Town Hall, both on the Council's website and in the public facing windows of the Town Hall, Crawley. Copies of the application were also circulated to all Responsible Authorities under the Act. Hard copies of the application and site notices were also served on the premises by Warren Jones, Senior Licensing Officer, along with instructions on how and where to place the notices advertising the application for review of the premises licence so that the notice could be seen by the public at all times throughout the 28-day consultation process.
- 6.3 During the 28-day consultation process, on 02/01/24, a relevant representation was received from the Public Health Body, West Sussex County Council, in their capacity as a Responsible Authority under the following Licensing Objectives:
 - The protection of children from harm
 - Public safety.
- 6.4 A full version of their representation is included at **Appendix A**.

7. Discussions With All Parties Making Representations

- 7.1 As a result of the representation by the Council as Licensing Authority in relation to both the application to vary the premises licence and application to review the premises licence, Noel Samaroo, Licensing Consultant and Kareen Plympton,

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Health, Safety and Licensing Manager had ongoing discussions regarding both the application to vary the premises licence and review application.

- 7.2 On 28/12/23, Lutfi Neza, premises owner contacted Kareen Plympton, Health, Safety and Licensing Manager to try to seek a resolution of matters in relation to both the variation and review of the premises licence, His email stated:

“Dear Kareen and Warren,

I am writing to you regarding Mon Ami Lounge.

I have applied for a Full Variation to change / amend some of the restrictions on the Operating Schedule of the current license.

I am writing to confirm that I am happy to work with you. I am fully aware of your issue regarding the Shish aspect of the business. For this, I am happy to stop Shisha activities on the premises for the time being.

I have invested a lot of time, money and effort into the property in a bid to boom the night time economy of Crawley. I have also given employment to others.

This is an extremely busy time for the hospitality sector and I really need my doors to be open so that I have a chance to trade at this crucial time.

I would be grateful if you could please accept the current application and as I stressed above, I am happy to remove all Shisha aspects from the business until we can reach a resolution.

I would be grateful if we could stop the license review and I will operate the business without Shisha. I would be grateful if you could provide me with a speedy response.

*Kind regards,
Lutfi Neza”*

- 7.3 This led to a meeting on 10/01/24 attended by Noel Samaroo, Kareen Plympton and Senior Licensing Officer, Warren Jones. Mr Lutfi Neza also attended the meeting but was unable to participate as he was not specified on the premises licence, nor had he lodged a notification of interest.
- 7.4 The purpose of the meeting was to discuss the representations made to see if any matters could be resolved. Shortly before this date, on or around 09/01/24, Mr Lutfi Neza contacted Kareen Plympton to advise that he had closed the business as he could not meet the requirements of the current premises licence and confirmed that it would remain closed until the licensing situation had been resolved. This was confirmed by Mr Samaroo at the meeting on 10/01/24.
- 7.5 In addition to those conditions agreed with Sussex Police in relation to the application to vary the premises licence, a series of other conditions and changes to staff were discussed to address the representation and concerns of the Licensing Authority. It was agreed by the Council and the licence holder that any common ground, condition proposals and operational changes could be formalised by way of a Memorandum of Agreement.
- 7.6 Prior to the conclusion of discussions, and as a consequence of the discussions to try and regain the Licensing Authority’s trust and confidence in management, changes were made to the licence to remove the then DPS and Premises Licence Holder, Mr Ergon Nezaj and replace him with the business owner, Mr Lutfi Neza as

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the person who will be in day-to-day operation at the premises. This change took effect from 27/01/24.

- 7.7 Further assurances about staff training and a commitment to working in partnership with the Licensing Authority were agreed in principle and have been included in a Memorandum of Agreement for consideration by the Licensing Sub-Committee in relation to the review.
- 7.8 The Memorandum of Agreement contains the outcomes of the discussions including licence conditions proposed to be added to the licence, and other matters requiring a change in premises licence holder and DPS to Mr Lutfi Neza retraining of staff on all matters under the Licensing Act 2003 and entire removal of all shisha products and related paraphernalia from the premises. A signed copy of the Memorandum of Agreement, dated 01/02/24, is included at **Appendix B**.
- 7.9 The Public Health Body as a Responsible Authority have indicated that it supports the Memorandum of Agreement and invites the Licensing Sub-Committee to agree subject to the conditions specified within it being attached to the premises licence, stating that these measures address the matters raised in their representation.

8. Relevant Considerations & Determination

- 8.1 In the case of a review of a premises licence, there is no provision within the Act to dispense with a Licensing Sub-Committee. However, Sub-Committee members are invited to have regard to the Memorandum of Agreement that has been signed by Mr Lutfi Neza, the newly appointed Premises Licence Holder and Designated Premises Supervisor, Mr Samaroo, and Kareen Plympton on behalf of the Licensing Authority, which sets out the premises licence conditions and measures proposed to be put in place to address the representations made.
- 8.2 In reaching its determination, the Sub-Committee must consider the case on its merits and carry out its role with a view to promoting the four Licensing Objectives. The Sub-Committee must also have regard to Council's Statement of Licensing Policy (particularly Section 5), the current Section 182 Guidance (August 2023) Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2023) along with the written and/or oral evidence presented during the hearing.
- 8.3 Relevant extracts from the Section 182 Guidance under the Act in relation to review proceedings at Section 11 are set out below:
- 11.5 *The relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons.*
- 11.7 *Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as relevant unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate*
- 11.10 *Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives*

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should be encouraged and reviews should not be used to undermine this co-operation.

- 11.16 *The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.*
- 11.17 *The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.*
- 11.18 *However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate....*
- 11.19 *Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps: • modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times; • exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰; • remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management; • suspend the licence for a period not exceeding three months; • revoke the licence.*
- 11.20 *In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible, seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.*
- 11.21 *For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.*
- 11.22 *Equally, it may emerge that poor management is a direct reflection of poor company practice or policy, and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.*
- 11.23 *Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension*

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of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

8.4 The Licensing Authority must, having had regard to the review application and any relevant representations received by all parties, take such steps (if any) as it considers appropriate for the promotion of the Licensing Objectives:

- Modify the conditions of the Premises Licence (that is, adding new conditions or any alteration to or omission of existing conditions);
- Exclude a licensable activity from the scope of the licence;
- Remove the Designated Premises Supervisor;
- Suspend the licence for a period not exceeding three months;
- Revoke the licence.

8.5 The Licensing Authority may also choose not to take any action or may issue an informal warning.

8.6 The Sub-Committee must give reasons for any decision it takes.

9. Right of Appeal

9.1 Under Section 181 and Schedule 5 of the Act, right of appeal to the Magistrates' Court in respect of application for review of an existing licence include:

- The applicant
- The licence holder
- Any person who made relevant representations.

10. Hearing Papers and Process

10.1 The Hearing Notice and Committee Procedure for determination by the Sub-Committee have been sent to all parties in relation to the hearing under Regulation 7(2) and Schedule 3 of the Licensing Act 2003 (Hearings) Regulations 2005.

11. Implications

11.1 There are no extra staffing or financial implications to the Council, save for those in respect of possible appeal(s) against any decision taken. The Licensing Service is a self-financing service, funded via fees and charges set by statute.

11.2 The Council is required to consider the impact any decision may have on crime and disorder in the area (Section 17, Crime and Disorder Act 1998) which states as follows:

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with

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due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent:

(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and

(b) the misuse of drugs, alcohol and other substances in its area; and re-offending in its area”

11.3 Human Rights considerations must be taken into account in balancing licensing issues, in particular, article 1 of the first protocol and articles 6 and 8. Article 1 relates to the protection of property and the peaceful enjoyment of possessions and property (holding a licence would be considered a possession). Article 8 relates to the right to respect for private and family life, home and correspondence. Article 6 relates to the right to a fair trial. These are however qualified rights and can be deprived of “in the public interest”. Interference is permissible if what is done:

- Has its basis in law;
- Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;
- Is proportionate to the aims being pursued; and
- Is related to the prevention of crime or the protection of public order or health or the protection of the rights and freedoms of others.

11.4 The Sub-Committee must consider each application on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.

11.5 All applications before the Sub-Committee must be considered against the backdrop of anti-discriminatory legislation including the Equality Act 2010 and in accordance with the Council's current Equality Strategy.

Background Papers

- Licensing Act 2003 (as amended)
- Home Office Guidance issued under Section 182 of the Licensing Act 2003 (August 2023)
- Crawley Borough Council's Statement of Licensing Policy.

Contact Officer:

Dan Carberry, Public Protection Manager

dan.carberry@crawley.gov.uk

01293 438000

Name [REDACTED]
[REDACTED]
Public Health Department
[REDACTED]
PublicHealth.Licensing@westsussex.gov.uk
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Agenda Item 5 Appendix a

First Floor, The Grange
Tower Street
Chichester
West Sussex
PO19 1RQ



Licensing Team
Crawley Borough Council
The Boulevard
Crawley
RH10 1UZ

2nd January 2024

Dear Sir or Madam,

Re: Mon Ami, 20 Broad Walk, Northgate, Crawley, RH10 1HQ

The West Sussex County Council (WSSCC) Public Health Directorate wishes to support the application by Crawley Borough Council Licensing Authority to review the licence of Mon Ami, 20 Broad Walk, Northgate, Crawley, RH10 1HQ.

The Public Health Directorate concurs that the following licensing objectives have been undermined by the carrying on of licensable activities at these premises:

- (1) The Prevention of Crime and Disorder
- (2) Public Safety
- (4) The Protection of Children from Harm

Despite guidance having been provided by the Licensing Authority, there have been repeated breaches of the premises licence conditions, contrary to the Licensing Act 2003. West Sussex Public Health are concerned that the Licensing Objectives are not being continually upheld and are therefore supportive of the recommendation by Crawley Borough Council Licensing Authority to consider a review of this premises licence.

The West Sussex Public Health Directorate are extremely concerned by the persistent breach of smokefree law and regulations and the failure of the premises to comply with the conditions attached to the premises licence. Public Health believe that these failures pose a risk to public safety and put children at risk of harm.

Summary of failures to comply with smokefree law & legislation.

17th November 2023

Publicly available social media posts, viewed by Council Authorised Officers, showed customers smoking shisha inside the premises. Later the same day, a visit from a Senior Licensing Officer found people smoking shisha at the rear of the premises, which is substantially enclosed, open to the public and with people at work. The DPS (Designated Premises Supervisor) was also smoking shisha inside the premises at the time of the visit.

23rd November 2023

A Food Inspector observed staff and customers smoking on the premises within areas that were fully enclosed, contrary to Smokefree Regulations.

1st December 2023

A visit from a Senior Licensing Officer and the Health Safety & Licensing Manager of Crawley Borough Council found shisha being smoked in the rear of the premises.

Public Health & Secondhand Smoke

The primary aim of smokefree legislation, introduced in 2007, is to protect workers and the public from exposure to the harmful effects of secondhand smoke. Prior to the implementation of the smokefree law, it was estimated that exposure to secondhand smoke in the workplace caused around 617 premature deaths in the UK each year¹.

Secondhand smoke contains many chemicals that pollute the air around a person who is smoking, with some of them causing extreme harm to the health of those nearby. The evidence that exposure to other people's smoke is dangerous to health is well established.

- Short-term effects of exposure to secondhand smoke include eye irritation, headaches, coughs, sore throat, dizziness and nausea².
- In the longer-term, exposure to secondhand smoke can lead to an increased risk of a range of smoking-related diseases. Exposure to other people's smoke increases the risk of lung cancer in non-smokers by 20-30% and coronary heart disease by 25-35%³. Studies have also shown an increased risk of breast cancer, cervical tumours, stroke & dementia with exposure to secondhand smoke⁴.
- Children are particularly vulnerable to the effects of secondhand smoke and exposure increases the risk of cot death, glue ear, asthma and other respiratory disorders, including emphysema later in life. Research has highlighted significant risks to babies associated with secondhand smoke exposure in pregnant women. These include low birth weight, congenital anomalies, smaller head circumferences, and increased risk of still birth⁴.

From a public health perspective, it is particularly concerning to note that children are permitted unrestricted access to this premises, in which they could be exposed to secondhand smoke.

¹ Jamrozik, K. *Estimate of deaths among adults in the United Kingdom attributable to passive smoking*. BMJ. March 2005.

² Otsuka, R. Acute effects of passive smoking on the coronary circulation in healthy young adults. JAMA. 2001; 286: 436-441

³ Tobacco smoke and involuntary smoking. IARC Monographs on the evaluation of carcinogenic risks to humans. Vol 83. Lyon, France. 2004

⁴ ASH Fact Sheet: Secondhand Smoke. ASH, 2020

Evidence shows that opening a window or restricting smoking to a specific room offers little protection against exposure to secondhand smoke. Smoke from one cigarette can linger in a room for up to two and a half hours even with a window open. Measures such as smoking out of a window or smoking next to an extractor fan are equally ineffective at keeping smoke out⁴.

Summary of failures to comply with conditions of alcohol licence.

17th November 2023 Publicly available social media posts, viewed by Council Authorised Officers, showed customers seemingly drinking alcohol without any evidence of table meals being served. This is contrary to the premises license conditions which restrict alcohol to be serviced only to patrons seated at tables, and ancillary to them partaking of a table meal. A visit from a Senior Licensing Officer later the same day noted that there were no food menus available or on display and was told that there was currently no chef in post.

1st December 2023 A visit from a Senior Licensing Officer and the Health Safety & Licensing Manager of Crawley Borough Council found that only advertising material relating to alcoholic beverages, including cocktails could be seen. There was no reference to the need for alcohol to be purchased with a table meal, nor was there a food menu on display or signage.

Public Health impact of noncompliance with conditions on alcohol licence

The conditions applied to the alcohol licence at Mon Ami state:

'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'.

Research suggests that the promotion of full meals alongside the sale of alcohol provides one of a range of protective factors against alcohol problems at a premises and promote a responsible drinking environment⁵.

From a public health perspective, the failure of the premises to comply with the conditions of the premises license has the potential to detrimentally impact on the following areas:

- In West Sussex hospital admission episodes for alcohol-related conditions have increased over the last ten years. The rate of alcohol-related hospital admissions in Crawley is 413 per 100,000 population. This represents 432 hospital admissions per year.*

⁵ University of Glasgow (2005) Factors associated with alcohol-related problems within licensed premises. Report to the Greater Glasgow NHS Board.

- The estimated rate of alcohol-related deaths in Crawley for 2021 is 34.0 per 100,000 population. This equates to 33 deaths in 2021. ⁶

*Narrow definition - Where the main reasons for admission to hospital was attributable to alcohol

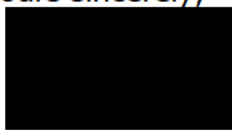
West Sussex Public Health are particularly concerned that on the 17th November 2023, the Designated Premises Supervisor appeared to be unaware of the conditions applied to the premises licence for selling alcohol with table meals, especially since this condition had previously been agreed through mediation with Sussex Police. It is also extremely concerning that despite advice from the Licensing Authority, the premises continued to sell alcohol, in breach of this condition. From a Public Health perspective this shows a disregard for the licensing objectives and at worst attempts to undermine them.

Conclusion

The information provided above sets out a catalogue of events which suggest that the management of Mon Ami are not taking seriously their responsibility to uphold the licensing objectives. West Sussex Public Health are extremely disappointed by the management's failure to act upon the advice afforded to them, designed to protect public safety, children from harm and prevent crime & disorder.

In summary, West Sussex Public Health Directorate fully support the request made by Crawley Borough Council Licensing Authority for the Licensing Committee to seriously consider a removal of the current DPS and suspension of the premises licence for staff to be retrained as to their obligations under the Licensing Act 2003. West Sussex Public Health believe this to be necessary, proportionate and reasonable in order to prevent further undermining of the Licensing Objectives.

Yours sincerely,



On behalf of the Director of Public Health

⁶ [Local Alcohol Profiles for England - Data - OHID \(phe.org.uk\)](https://phe.org.uk/data/local-alcohol-profiles-for-england)

MEMORANDUM OF AGREEMENT

The following memorandum of agreement is made between Crawley Borough Council (“the Council”) in its capacity as the relevant licensing authority as responsible authority who has applied for a review under the Licensing Act 2003 (“the Act”) and the premises licence holder Mr Lufti Neza of [REDACTED] (“the parties”), in respect of the premises licence in effect under the Act for the premises known as Mon Ami Crawley, West Sussex RH10 7QH (“the premises”).

A Premises Licence in respect of the above was applied for on 08/08/23 and granted on 07/10/23 following negotiations with Sussex Police and licence conditions agreed with them, The licence was issued on 07/10/23, specifying Ergon Neja as the Premise Licence Holder and Designated Premises Supervisor.

On 30/11/23, an application to vary the premises licence was lodged by the then premises licence holder and Designated Premises Supervisor ("DPS") Mr Ergon Neja. The Council as Licensing Authority and a Responsible Authority filed a written representation in respect of the application to vary the premises licence. .

During the consultation period in relation to the variation application, and due to on-going issues at the premises regarding alleged breaches of licence conditions and smoke-free legislation, the Council as Licensing Authority and a Responsible Authority filed an application to Review the premises licence under the Act. The full circumstances leading to the application to review the licence are contained in the supporting documentation submitted with the application for Review.

Following some initial discussions between the Council and Lufti Neza, the premises owner, Mr Neza applied for the premises licence to be transferred to him and that he be specified as the DPS on the licence. This action was taken to start to address the Council’s concerns regarding confidence in management, and alleged licence breaches and offences under the smoke-free regulations. These changes took effect on 27/01/24..

It is noted that the premises voluntarily closed on or near 09/01/24 and remains closed at the time of preparing this Memorandum of Agreement. The licence holder, Mr Lfti Neza via his Licensing Consultant has informed the Council that he intends that it shall remain closed such until the proposed conditions set out below have been implemented by him.

On 10/01/24, Mr Noel Samaroo, Licensing Consultant, acting on behalf of the premises owner Mr Lufti Neza, met with Ms Kareen Plympton, Health Safety and Licensing Manager, and Mr Warren Jones, Senior Licensing Officer. The purpose of the meeting was to discuss the outstanding representation by the Council as Licensing Authority to the licence variation and the pending application for Review of the premises licence.

In consequence of that meeting, the parties agree as follows:

1. That the following amendments be made to the premises licence:
 - a. To modify existing condition in Annex 2 Condition 2 requiring those wishing to consume alcohol on the premises to read:

The sale, supply, and consumption of all beverages (including alcohol) on the premises, shall be restricted to patrons seated at tables, service will be by waiter/ess only.

- b. To add the following condition:

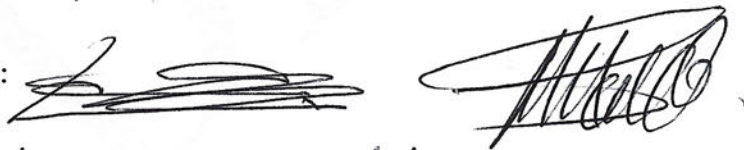
There is to be no Vertical drinking permitted, food will be available throughout the time that alcohol is being served.

- c. *There shall be no smoking nor use of smoking-related products, including shisha, in any part of the premises at any time. All types of smoking paraphernalia including shisha pipes and associated products must be removed from the premises prior to the recommencement of trading, and in any event by 15/01/24.*

- d. *Mr Egzon Nezaj, former Designated Premises Licence Holder and Premises Licence Holder, will not be involved in the operation of premises in any capacity, nor will he be on the premises whilst any licensable activity is taking place.*
 - e. *Written evidence is to be provided to the Council to demonstrate that all prior to the recommencement of trading, all staff members have been re-trained in the Licensing Act 2003 and requirements of the premises licence, including premises licence conditions. This evidence must be provided to the Council no later than 14/02/24*
 - f. *No persons under the age of 18 shall be permitted on the premises after 2100 hours or before 0700 hours.*
2. That the parties will present this memorandum of agreement to the Crawley Borough Council Licensing Sub-Committee in readiness for the hearing of the application for review on 12/02/24 with the joint invitation that the agreement set out herein be implemented by the Sub Committee as its determination of the application for review.

Dated the 01/FEB/2024

Signature:



Name: MR LUTFI REZA / NOEL A. SAMAROO
(Premises Licence Holder / Duly Authorised Agent)

Signature: Karen Plympton, Health, Safety and Licensing Manager Date 01/02/24

Name: Karen Plympton

(For/on behalf of Crawley Borough Council – As Licensing Authority and applicant for a review of the premises licence)

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