

Name [REDACTED]  
[REDACTED]  
Public Health Department  
[REDACTED]  
PublicHealth.Licensing@westsussex.gov.uk  
www.westsussex.gov.uk

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



Licensing Team  
Crawley Borough Council  
The Boulevard  
Crawley  
RH10 1UZ

2<sup>nd</sup> 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 year<sup>1</sup>.

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 nausea<sup>2</sup>.
- 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%<sup>3</sup>. Studies have also shown an increased risk of breast cancer, cervical tumours, stroke & dementia with exposure to secondhand smoke<sup>4</sup>.
- 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 birth<sup>4</sup>.

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.

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

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

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

<sup>4</sup> 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 out<sup>4</sup>.

### **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 environment<sup>5</sup>.

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.\*

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<sup>5</sup> 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. <sup>6</sup>

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

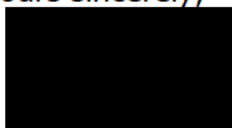
West Sussex Public Health are particularly concerned that on the 17<sup>th</sup> November 2023, the Designated Premises Supervisor appeared to be unaware of the conditions applied to the premises licence for selling alcohol with table meals, especially since this condition had previously been agreed 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**

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