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**Miniature/Mono Lounge  
11 - 13 Upper High Street Epsom Surrey KT17 4QY  
Pre-application observations of proposed variation to licence held under the  
Licensing Act 2003 from the Environmental Health responsible authority**

This report is being provided by the Environmental Health responsible authority in response to documentation provided by Jonathon Holgate from Cheyney Goulding LLP via email on 23 March 2021.

This report only relates to matters Environmental Health are responsible for, and not matters relevant to the Police or other Licensing Act responsible authorities. The information provided is for the benefit of the applicant prior to submitting any licence application and is outside of the normal statutory consultation period defined in the Licensing Act 2003. The service reserves the right to raise representations on matters which may not have previously been considered in this report but which are material at the time of any future application.

The information provided is considered relevant to the Licensing objectives of Public Nuisance and some Public Safety matters. There are other matters outlined in this response, which this Local Authority are responsible for enforcing, namely Health and Safety, Smokefree legislation and COVID legislation. Whilst these may not directly relevant to the proposed application they are areas, that require consideration should any future application be granted.

**General Commentary**

The nature of the area is mixed town centre commercial with residential occupation. In particular there are flats opposite and above the venue. The application should specifically make reference to this and to proposed mitigation to prevent public nuisance affecting these groups of people. In addition to this the business is with the town centre Public Space Protection Order area which does not permit open

vessels of alcohol in this area. Care must be taken to avoid customers of the venue offending this law.

The supplied documentation lacks sufficient detail and has not been completed to a standard that gives confidence the applicant has thoroughly considered the possible issues and how they are going to be managed or controlled.

### **General points which will require clarification in any future application**

- The applicant on the variation paperwork is Morteza Derayzadeh but there is reference to Dorsa Limited. The Director of this company is Afsaneh Moridian. Will the Limited Company/the Director of this company be the licence holder? Clarification of who is going to be managing/operating Mono Lounge will be required, as previously this has been different to the premises licence holder/limited company.
- What is the capacity of the premises going to be? There is reference to “capacity” but is not actually provided in any of the document. If capacity is defined it should be based on established methodology and take into account the premises fire risk assessment.
- Although appearing on the operational plan, the plans of the premises submitted do not detail the proposed basement area of the business.
- The application refers to the live music and an “unamplified DJ”. In most instances a DJ is providing amplified music so it should be made clear in the application how the applicant will operate with an “unamplified DJ”.
- The effect of the application when taken with The Legislative Reform (Entertainment Licensing) Order 2014 and Deregulation Act 2015 will be that there can be no recorded music after 23:00. Yet the proposed premises closing time is 01:30. This is likely to be an error which the applicant is advised to correct prior to any future application.
- An indication as to where any smoking area is to be provided for people using in the basement/restaurant area. This is relevant to the consideration of disruption from customers smoking in an outside space.

### **Noise control**

- The Operational plan requires further work as it does not provide enough detail to demonstrate the effective controls that will be implemented to control noise. It also does not cover all aspects of the activity, for example queuing outside the premises or dispersal of customers from the business. The business may find it beneficial to have a specific dispersal policy and examples of these can be found online.
- On the plan submitted there is a door shown leading to the Mono Lounge to be used as a shisha/bar area. The applicant is advised to consider whether this door is going to be used as access/egress or just in the event of an emergency, as this could have implications on noise control.

### **Health and Safety**

- There is reference in the Operation Plan to risk assessments. This department may request copies of these documents to ensure they are suitable and sufficient and that the necessary controls have been identified,

and are being implemented. Noise exposure to staff is a specific area of interest and the applicant should familiarise themselves with the legal provisions on limiting the exposure to excessive occupational noise.

- Depending on the maximum number of customers permitted in the business this may have an implication on provisions of toilet facilities for staff and customers. Once the capacity figure has been provided, and the number of toilet facilities has been outlined on an accurate plan, this can be considered further. The applicant is advised to consult BS6465 in this regard.
- The access to the side of the business of the business is problematic as it is a shared alley containing bins storage, parked mopeds from the adjacent take away premises and provides the sole access to the residential accommodation above. Depending on the extent of the use of this area there could be some Health and Safety implications which require management.

### **Smoke Free**

- It is understood the Shisha element of the business will, as at present be located in the recent single storey rear addition. The applicant is reminded of the criteria for the calculation of what is classed as “substantially enclosed” as this is relevant to avoid both the business and their customers committing offences. It is likely formal calculations will be requested to demonstrate that this area is not substantially enclosed. Additionally the applicant is advised to make contact with the Council’s planning team to ensure the necessary permissions have been granted.
- It has been noted that this area of the business has fabric blinds which can temporary cover the mesh fence. The applicant is reminded that whilst these are in place, the location is likely to be substantially enclosed and any smoking taking place here will be unlawful.

### **COVID restrictions/controls**

There are currently restrictions in place, outlined in legislation, regarding the provision of shisha and in addition to this there are controls that should be in place within businesses to control the spread of COVID 19 for example table spacing. The regulations are frequently changing so the business must ensure they are familiar with the relevant legal requirements and alter their business practices accordingly.

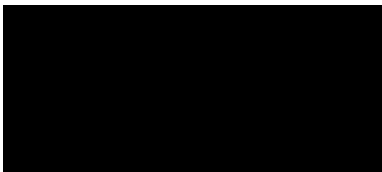
### **Outstanding Areas of concern**

The following questions arise from this departments experience and which don’t appear to have been adequately addressed in the draft application.

- How is noise, whether this is people noise or music noise, from the Mono Lounge/shisha area going to be managed, especially into the early hours of the morning?
- How noise is going to be managed when customers are outside, queuing outside or leaving the premises later into the evenings?
- The Operation Plan is not comprehensive or detailed enough to outline how noise is going to be controlled.

Should the application go forward in its present state it would likely trigger a representation from the Environmental Health responsible authority. It is therefore welcome that the applicant seeks to have pre-application advice. We would recommend that the applicant addresses the points above and takes the time to consider, and even suggest what conditions of licence they may be able to work with so as to promote the relevant licensing objectives.

Yours sincerely,



Oliver Nelson  
Environmental Health Manager