

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"; [REDACTED]
Bcc: [REDACTED]
Subject: RE: MON AMI - WARNING LETTER - ON GOING MATTERS
Date: 12 December 2023 10:53:00
Attachments: [image001.png](#)
[letter to council\[1\].pdf](#)
Importance: High

Dear [REDACTED],

Re MON AMI, CRAWLEY

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

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

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

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

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

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

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

Which premises are affected?

Smokefree legislation applies to premises:

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

The Smokefree (Enforcement & Premises) Regulations 2006 state:

Enclosed and substantially enclosed premises

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

(a) have a ceiling or roof; and

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

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

roof but there is—

(a) an opening in the walls; or

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

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

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

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

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

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

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

Regards,

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

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

From: [REDACTED] info@ntadconsultants.com

Sent: 10 December 2023 17:50

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

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

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

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

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

Dear All,

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

Kind regards

██████████



████████████████████
Licensing Consultant
NTAD CONSULTANTS LTD
M: ██████████
E: info.ntad@gmail.com
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From: ██████████
Sent: 10 December 2023 17:40
To: [Licensing](#); ██████████; ██████████
Cc: WS_Licensing_WOR@sussex.police.uk; ██████████; ██████████
Subject: MON AMI - WARNING LETTER - ON GOING MATTERS

Dear All,

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

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

Kind regards

[REDACTED]



[REDACTED]
**Licensing Consultant
NTAD CONSULTANTS LTD**

M: [REDACTED]
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