



## 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 7<sup>th</sup> 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.



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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 4<sup>th</sup> 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.

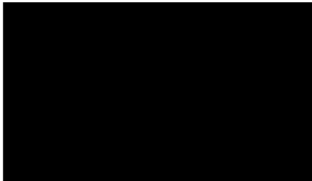
I would advise you to seek your own legal advice if you have any queries regarding the content of this letter.


**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