

Public Document Pack



LICENSING SUB-COMMITTEE

Wednesday, 17 June 2020 at 10.00 am
Virtual Meeting / Remote - Link to View Live
Event https://teams.microsoft.com/join/19%3ameeting_ZDIkYmMxYjAtOTgzOS00ODJhLWlyZDEtZGNhNjg0YzcyMjJi%40thre ad.v2/0?context=%7b%22Tid%22%3a%22cc18b

Contact: Jane Creer
Committee Secretary
Direct : 020-8132-1211
Tel: 020-8379-1000
Ext: 1211
E-mail: jane.creer@enfield.gov.uk
Council website: www.enfield.gov.uk

Councillors : Mahmut Aksanoglu (Chair), Vicki Pite and Chris Dey

AGENDA – PART 1 – SUPPLEMENTARY REPORT

3. **BROOMFIELD COFFEE BAR, 64 ALDERMANS HILL, LONDON N13 4PP** **(REPORT NO. 262)** (Pages 1 - 60)

Application for a Review of premises licence.

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MUNICIPAL YEAR 2020/21 REPORT NO.

COMMITTEE:
Licensing Sub-Committee
17 June 2020

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT: Application for a Review of premises licence</p> <p>PREMISES: Broomfield Coffee Bar, 64 Aldermans Hill, LONDON, N13 4PP</p> <p>WARD: Southgate Green</p>	

SUPPLEMENTARY REPORT

1.1 On 9 June 2020, the Licensing Authority submitted the following documents and are now produced in Annex 6:

- Licensing Authority Additional Information 2;
- Appendix 18 – Companies House record

1.2 Also, on 9 June 2020, Mr Palmer submitted the representation on behalf of his client, Mr Borufi, and is now produced as Annex 7.

1.3 The supporting documents for Mr Borufi's representation is presented in chronological order in Annex 8, and is listed as follows:

- Email of 13 May 2020 to Charlotte Palmer
- Email to Ms Palmer 26 May 2020, attaching:
 - Letter to Enfield Council Licensing Enforcement Officer, Ms Palmer
 - Plan of premises on document labelled 353DL01
 - 64 Aldermans Hill – photo of front elevation
 - Photos
- Email to Ellie Green on 5 June 2020
- Letter to Ellie Green of 9 June 2020
- Email to Ellie Green 9 June 2020 at 20.37
- Second letter to Ellie Green dated 9 June 2020

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LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: Broomfield Coffee Bar
64 Aldermans Hill
London, N13 4PP

Type of Application: Review of Premises Licence

Detailed below is information not previously included in the review application or the additional information that was submitted on 20/05/20:

23/05/2020 – Email received alleging that an interested party had been subjected to harassment and intimidation by a member of staff from the premises. Police notified.

26/05/2020 – Email received from the Premises Licence Holder's solicitor attaching a new plan and photos of the front of the premises showing posters on display including 'Leave Quietly' and several related to Covid 19. Mention was made of an acoustic engineer visiting the premises.

The solicitor requested that all information prior to 22/11/2017 be removed from the review report as his client did not become the Designated Premises Supervisor (DPS) until that date. Although this is true as can be seen in Appendix 1 Mr Arjan Borufi signed an inspection report dated 30th June 2017 and was advised that as the new owner he needed to submit a Transfer application form and DPS variation application form.

The Transfer application form was submitted on 20/09/17 and requested that the transfer take immediate effect. The DPS Variation application was submitted 2 months later as Mr Borufi had to sit an exam and get a criminal record check carried out before being able to apply for a personal licence as he did not already have one. Only when his personal licence had been granted could he apply to become the DPS.

The history included in the review starts from the complaints that lead to a visit by noise officers who discovered the change in ownership to Mr Borufi. As Mr Borufi was claiming to be the owner from June the Licensing Authority believe it is appropriate to include this information in the review.

27/05/2020 – Reply sent to solicitor advising of amendments required to the plan and that the plan needed to be formally submitted by way of a Minor Variation. The front of the premises has been set back by 950cm. Advised that no one is permitted to smoke in this set back area as it is more than 50% enclosed and therefore smoking is not permitted under the Health Act 2006. Details regarding application and payment methods provided. Explained reasons for including details from June 2017 onwards.

27/05/2020 – Email received from local resident advising that they had seen boxes of alcohol being taken into the premises. They also submitted a photo of rubbish bags

torn open showing empty bottle of beer inside. The complainant alleged the rubbish came from the premises and suggested they may be selling 'off' sales covertly in bags.

28/05/2020 – Information received in relation to alleged customers and owner of business illegally parking their vehicles in the surrounding area and on pavement. Parking Enforcement investigating.

28/05/2020 - The premises licence holder phoned the Senior Licensing Enforcement Officer to ask if the blue notice advertising the review could now be removed. The officer advised that it could. They also advised Mr Borufi of the allegation regarding alcohol. Mr Borufi denied that alcohol was being sold and advised that he had been storing alcohol at home and could no longer store it there so had to take it to the premises. The Officer recommended that he regularly remind all staff that alcohol can not be sold at present as licensed for 'on' sales only. The Officer asked if he had worked out who was next to the car in the photograph the officer had been sent by a different complainant and he said the staff member had denied selling alcohol. The officer asked if they sold any other drinks in green glass bottles and he advised that they sell Appletiser.

28/05/2020 – Commercial Noise Officer (JI) hand delivered a Fixed Penalty Notice in relation to the breach of the s80 Notice (noise abatement notice) as witnessed on 14/03/2020.

30/05/2020 - Email received alleging that an interested party had been subjected to harassment and intimidation by the owner of the premises. Police notified.

31/05/2020 – Email received from local resident who is concerned that an interested party is having pressure put on them by their landlord in relation to this review application.

02/06/2020 – Officer (CPX) contacted the Business Rates Team who advised that since 22/11/2017 the Business rates for Broomfield Coffee Bar have been paid by Broomfield Coffee Bar Limited. An online search for the company shows that the company was incorporated on 23rd June 2017, that the registered office address was that of the premises address (it was changed on 19/09/2018) and Mr Arjan Borufi is the named Company Director. **See Appendix 18.**

05/06/2020 - Planning Enforcement advised that planning permission for the new shop front may be required as the premises is in a conservation area. This was not applied for. Issue appears to relate to roller shutters and how long they have been in place. Investigation allocated to Planning Enforcement officer. Officer currently redeployed to assist with Covid 19 work.

14:52 - Senior Licensing Enforcement Officer (CPX) received a video call from Planning Enforcement Team Leader (RO) who was parked outside the premises having gone to look at the shop front. He advised that within 15 minutes he had seen at least 25 people coming and going and that when the call started there were approximately 19 people inside and around the outside of the premises. Whilst talking he advised that 2 males in their 40s had just walked out one carrying a brown paper bag that looked to contained food and the other carrying a blue plastic bag and that the way it was being carried was as if there was a bottle of wine inside with the bag wrapped around it with the bottle being carried by the neck. The officer advised that they had seen both men enter empty handed. The officer advised that most people appeared to be arriving at the premises on their own in high end cars. He believed that the café was the only one open on this stretch of road and that it was attracting a lot of

people as a meeting place. Given the large number of people the officer did not feel it was safe to enter the premises. They were of the opinion that their presence had been noticed as large numbers of males started to disperse. Senior Licensing Enforcement Officer (CPX) advised she would notify the police regarding the large numbers of people congregating outside the premises, lack of social distancing and request further visits. Police Licensing Officer notified and agreed to request visits.

07/06/2020 – Police observations carried out at request of Licensing Enforcement. The owner was not there. The police officer advised that they passed by many times, only a couple of people seen inside the café. When it started to rain a group of approximately 10 males were standing outside under the café awning sheltering from the rain. They were moved on by the police.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Signed: 

Date: 09/06/2020

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**CERTIFICATE OF INCORPORATION
OF A
PRIVATE LIMITED COMPANY**

Company Number **10832599**

The Registrar of Companies for England and Wales, hereby certifies that

BROOMFIELD COFFEE BAR LIMITED

is this day incorporated under the Companies Act 2006 as a private company, that the company is limited by shares, and the situation of its registered office is in England and Wales

Given at Companies House, Cardiff, on **23rd June 2017**



* N108325990 *



Companies House



THE OFFICIAL SEAL OF THE
REGISTRAR OF COMPANIES



Companies House

IN01(ef)**Application to register a company***Received for filing in Electronic Format on the: 22/06/2017*

X69519SR

Company Name in full: **BROOMFIELD COFFEE BAR LIMITED**

Company Type: **Private company limited by shares**

Situation of Registered Office: **England and Wales**

Proposed Registered Office Address: **64 ALDERMANS HILL
LONDON
UNITED KINGDOM N13 4PP**

Sic Codes: **56102**

I wish to entirely adopt the following model articles:

Private (Ltd by Shares)

Company Director **1**

Type: **Person**

Full Forename(s): **ARJAN**

Surname: **BORUFI**

Former Names:

Service Address: [REDACTED]
[REDACTED]
[REDACTED]

Country/State Usually Resident: **UNITED KINGDOM**

Date of Birth: [REDACTED] *Nationality:* **BRITISH**

Occupation: **MANAGING
DIRECTOR**

The subscribers confirm that the person named has consented to act as a director.

Statement of Capital (Share Capital)

<i>Class of Shares:</i>	ORDINARY	<i>Number allotted</i>	100
<i>Currency:</i>	GBP	<i>Aggregate nominal value:</i>	100
<i>Prescribed particulars</i>			

NON REDEEMABLE SHARES WITH FULL VOTING RIGHTS AND RIGHTS TO DIVIDEND AND CAPITAL DISTRIBUTION.

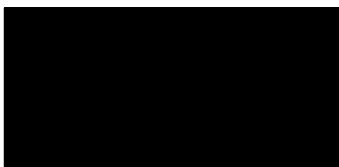
Statement of Capital (Totals)

<i>Currency:</i>	GBP	<i>Total number of shares:</i>	100
		<i>Total aggregate nominal value:</i>	100
		<i>Total aggregate unpaid:</i>	0

Initial Shareholdings

Name: **ARJAN BORUFI**

Address



Class of Shares: **ORDINARY**

Number of shares: **100**

Currency: **GBP**

Nominal value of each share: **1**

Amount unpaid: **0**

Amount paid: **1**

Persons with Significant Control (PSC)

Statement of initial significant control

On incorporation, there will be someone who will count as a Person with Significant Control (either a registerable person or relevant legal entity (RLE)) in relation to the company

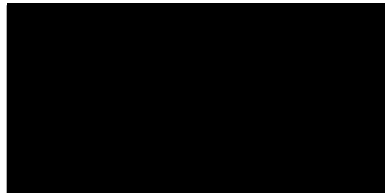
Individual Person with Significant Control details

Names: **ARJAN BORUFI**

Country/State Usually Resident: **UNITED KINGDOM**

Date of Birth: [REDACTED] *Nationality:* **BRITISH**

Service Address:



The subscribers confirm that each person named as an individual PSC in this application knows that their particulars are being supplied as part of this application.

- Nature of control* **The person holds, directly or indirectly, 75% or more of the shares in the company.**
- Nature of control* **The person has the right, directly or indirectly, to appoint or remove a majority of the board of directors of the company.**
- Nature of control* **The person holds, directly or indirectly, 75% or more of the voting rights in the company.**

Election to keep information on the public register

The subscribers have elected to keep Register of Directors information on the public register

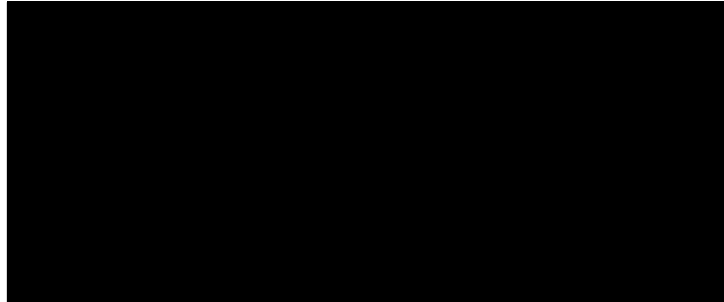
The subscribers have elected to keep Register of Directors Usual Residential Addresses information on the public register

Statement of Compliance

I confirm the requirements of the Companies Act 2006 as to registration have been complied with.

memorandum delivered by an agent for the subscriber(s): **YES**

Agent's Name:



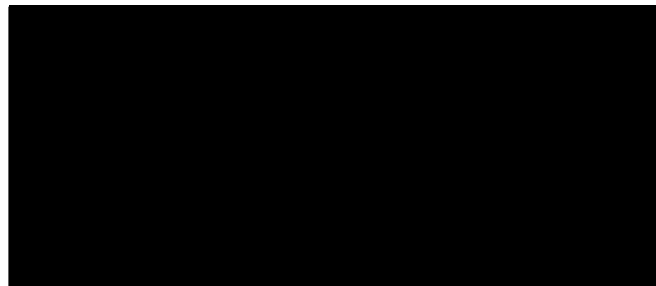
Agent's Address:

Authorisation

Authoriser Designation: **agent**

Authenticated **YES**

Agent's Name:



Agent's Address:

COMPANY HAVING A SHARE CAPITAL

Memorandum of association of BROOMFIELD COFFEE BAR LIMITED

Each subscriber to this memorandum of association wishes to form a company under the Companies Act 2006 and agrees to become a member of the company and to take at least one share.

Name of each subscriber	Authentication
ARJAN BORUFI	Authenticated Electronically

Dated: 22/06/2017

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REPRESENTATIONS ON BEHALF OF THE PREMISES LICENCEHOLDER

This is an application for review of the Premises Licence.

1. 23rd April 2020, a Notice was served upon Mr Arjan Borufi to review the Premises Licence.
2. The stated grounds was that an abatement notice had been breached in respect of a statutory nuisance arising “ from the production of noisy music and this is deemed to have undermined the licensing objectives – the prevention of public nuisance and prevent of crime and disorder”.
3. There was a requirement for the Premises Licence holder to display for a continuous period of 28 days from the date of the Notice, a blue A4 sized notice at or near the site of the Premises where it can be conveniently read from the exterior of the Premises by the public – this was complied with.

Timelines as to period of ownership

4. The Premises Licence holder challenges the relevant period of ownership insofar as the relevant period of ownership ought to be from when he became the Lessee of the Premises in or about October 2017 and the Relevant Premises Licence holder on the basis that the Premises Licence was transferred to him on 3rd October 2017 and he became the DPS on 22nd November 2017.

Accordingly, any periods of reckoning preceding those dates should be disregarded.

5. The Relevant Period for the complaints before the Committee should therefore run from October 2017 onwards.

Key points of the Licence

The Premises Licence allows for the Premises to be open from 8am to midnight, 7 days a week.

Supply of alcohol on the Premises from 11am to midnight, 7 days a week.

Live music indoors from 20:00 to midnight, 7 days a week and recorded music indoors from 10am to midnight, 7 days a week.

The evidence in support of the Review

6. The Premises Licence holder will rely on the correspondence passing between his Representative Solicitors and the Council Officers ahead of the Hearing, which can be found within the Bundle.

Summary

In summary, whilst it is accepted that there have been occasional noise issues at the Premises, the primary complainant being the tenant of the flat above the Premises, Premises Licence holder has sought to address these as advised by the Council.

He has also sought to investigate the reasons for the noise escape to the flat above the Premises, which is believed that the primary source of the complaints as set out in the Notice of breach.

7. A request for access for the acoustic engineer retained by the Premises Licence holder to attend the flat above, so as to establish the necessary premises sound insulation to alleviate the escape of sound to the flat above was refused by the resident above, in no uncertain terms.
8. The majority of the Additional representations relied upon in support of the Review have centred around matters relating to the Covid-19 pandemic issues, of patrons gathering outside or opposite the Premises or around the corner of the Premises, which do not “speak” to the objectivity that is required in addressing the issues before the Committee.
9. The Premises Licence holder’s representative reserves the right to address the Committee on specific issues such as those which may be relied upon in support of the Review by the Licensing Officer.

In general terms, we would comment on the additional information relied upon by the Licensing Authority, as follows:

- The additional information fails to identify in particular, the direct relevance of incidents from 31st April until 14th May insofar as the said “evidence” simply generalises and does NOT focus on the matters in relation to which the Notice was served.
- The Presenting officer contends that it is intended to show “how well the licence holder is able to control the behaviour of his customers”.

It is difficult to see how the conduct of patrons “off the Premises”, across the street and the conduct of members of the general public at large can be said to be subject to the licensing conditions at the Broomfield Café and Bar.

Our invitation to the Committee

- The Panel is invited to place more credence on the supporting representations at IP17 by the owner and landlord of 64 Aldermans Hill, which comprises the whole of the building of which the Licensing Premises are on the ground floor and also the representation at IP18 by a local resident of the Lakes Estate, who sets out clear and well-reasoned submissions in support of the Premises Licence holder.

The Applicable Tests

- We would invite the Committee in reaching its decision and in considering the evidence to apply an objective and fair balanced view as provided for under paragraph 3 of the Procedure Rules to be followed at the Hearing of the LSC, which Provides that whilst strict rules of evidence do not apply.; “They will however be followed to a great extent because Licensing sub-Committee decisions MUST be based upon objective assessment of evidence”.
- Paragraph 3.1 of the Procedure rules provides in particular, that “the LSC disregards any evidence or information that is irrelevant to the licensing objectives”.

Finally, we reserve the right to expand on our submissions and the Premises Licence holder’s representations at the oral Hearing.

AKIN PALMER LLP
SOLICITORS
REF: JP/LP/B145/1
9th JUNE 2019

Annex 8

Email of 13 May 2020 to Charlotte Palmer

From: Lyn Piper
Sent: 13 May 2020 16:20
To: Charlotte Palmer
Cc: John Palmer
Subject: Your ref: WK/219013621

Dear Ms Palmer

My client: Arjan Borufi / Broomfield Coffee Bar, 64 Aldermans Hill, London N13 4PP

I act for the above.

I have tried reaching you at the telephone without success.

I have had a chance to review the documentation in this matter and I note that any representations in relation to the application to renew the Premises Licence is to be received by yourselves by 21st May, which is just over one week away.

Naturally, my client is keen to co-operate with yourselves with a view to ensuring a balanced outcome taking into account the interest of all respective stakeholders.

I should therefore be grateful that upon receipt of this letter, you could telephone me for an initial discussion so that we can explore a mutually acceptable way forward, being a path of least resistance.

Kind regards

Yours sincerely
JOHN PALMER

Lyn Piper
(For and on behalf of John Palmer)

We write to advise you of our new working arrangements.

In light of the Government announcements and to enable us to continue to offer our full range of legal services to our clients, we have put in place mobilised structures and procedures to enable staff and Partners to work from home.

We can be contacted by e-mail and telephone and it will be business as usual.

We will continue to give our clients' matters our full attention, save that we will not be holding physical meetings at our offices for the foreseeable future.

We shall keep matters under review subject to Government updates.

Wishing you and your families well in these uncertain times.

Lyn Piper
Akin Palmer Solicitors
3 Angel Gate
326 City Road
London
EC1V 2PT



Answers to Questions

(T) 020 7278 2800

(F) 020 7278 6700

(E) lyn.piper@akinpalmer.com

(W) <http://www.akinpalmer.com>

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We will never send you an email telling you that we have changed our bank account details.

We recommend that you call us before sending any funds to verify our account details.

Email to Ms Palmer 26 May 2020

From: Lyn Piper <[REDACTED]>
Sent: 26 May 2020 16:59
To: Charlotte Palmer <[REDACTED]>
Cc: John Palmer <[REDACTED]>
Subject: RE: Your ref: WK/219013621 - Arjan Borufi / Broomfield Coffee Bar, 64 Aldermans Hill, London N13 4PP [SEC=OFFICIAL]

Dear Ms Charlotte Palmer

Please see the attached letter together with enclosures.

Yours sincerely
JOHN PALMER

(Lyn Piper for and on behalf of John Palmer)

Lyn Piper
Akin Palmer Solicitors
3 Angel Gate
326 City Road
London
EC1V 2PT



Answers to Questions

(T) 020 7278 2800
(F) 020 7278 6700
(E) lyn.piper@akinpalmer.com
(W) <http://www.akinpalmer.com>

We write to advise you of our new working arrangements

In light of the latest government update to shut Schools from Friday 20th March, we have decided to close the office to the public from 5.30pm on Thursday 19th March. We have mobilised structures and procedures to enable staff and Partners to work from home and we shall continue to offer our full range of legal services to our clients

We shall keep matters under review as the public information progresses; and subject to government updates

In the meantime please note that we will be in regular touch by e-mail and telephone and it will be business as usual. We will continue to give our clients' matters our full attention, save that we will not be holding physical meetings at our offices for the foreseeable future

Wishing you and your families well in these uncertain times

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We recommend that you call us before sending any funds to verify our account details.**

From: Charlotte Palmer <[REDACTED]>
Sent: 14 May 2020 16:51
To: Lyn Piper <[REDACTED]>
Subject: RE: Your ref: WK/219013621 - Arjan Borufi / Broomfield Coffee Bar, 64 Aldermans Hill, London N13 4PP [SEC=OFFICIAL]

Classification: OFFICIAL

Dear Mr Palmer,

Thank you for your email.

It has been brought to my attention that there have been some alterations to the front of the premises recently.

I have attached a copy of the current plan which is attached to the licence. As the plan forms part of the licence it must legally be accurate. Please speak to your client and ask him to mark on the plan any alterations that have been made so that I can see if the plan needs to be updated and if so whether this can be done via a minor variation application or whether a full variation application is required.

I have also attached guidance notes showing what needs to be shown on a plan.

Many Thanks

Charlotte Palmer
Senior Licensing Enforcement Officer
Environment & Operational Services
Place Directorate, Enfield Council
Silver Street, Enfield, EN1 3ES

E: Charlotte.palmer@enfield.gov.uk
T: 0208 132 2004

Website: www.enfield.gov.uk
Protect the Environment – Think Before You Print.

Enfield Council Pest Control Service

Pest.control@enfield.gov.uk / 0208 379 3433 / www.enfield.gov.uk/pests

Got a pest problem? Then we've got you covered.

"Enfield Council is committed to serving the whole Borough fairly, delivering excellent services and building strong communities".

From: Lyn Piper <[REDACTED]>

Sent: 14 May 2020 16:14

To: Charlotte Palmer <[REDACTED]>

Cc: John Palmer <[REDACTED]>

Subject: Your ref: WK/219013621 - Arjan Borufi / Broomfield Coffee Bar, 64 Aldermans Hill, London N13 4PP

Dear Ms Palmer

Thank you so much for returning my call earlier on in the day and thank you for your constructive discussion as well.

I look forward to hearing from your colleague, the case officer, in relation to any further representations which may be issued by yourselves, following the service of the Notice.

I am discussing with my client fully, the matters which were explored in the course of our conversation and I hope to revert to you with our proposals/suggestions as to how these rather unfortunate incidences can best be addressed to the mutual satisfaction and the benefit of all concerned.

With kind regards

Yours sincerely
JOHN PALMER

Lyn Piper
Akin Palmer Solicitors

3 Angel Gate
326 City Road
London
EC1V 2PT

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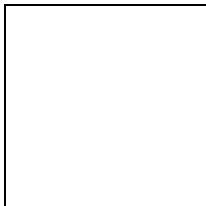
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Our ref: JP/LP/B145/1
Your ref: WK/219013621

Charlotte Palmer
Senior Licensing Enforcement Officer
Environment & Operational Services
Place Directorate, Enfield Council
Silver Street
Enfield
EN1 3ES

By email only: [REDACTED]

26th May 2020

Dear Ms Palmer

My client: Arjan Borufi
Premises: Broomfield Coffee Bar, 64 Aldermans Hill, London N13 4PP

I write further to your email of 14th May regarding some possible alterations to the front of the Premises.

I have spoken with my client's architect and engineer, who has attended upon the Premises and I accordingly enclose herewith by way of an attachment Drawing no. 353.DL.01 showing plan and section of the existing layout of the Premises along with a photograph of the front elevation of the same.

You will note that the only slight change from the plan which you previously sent to me under cover of your email under reply is that the front bi-folding entrance doors have been set back approximately 950mm and the new bi-folding doors that have been installed are double glazed, instead of the original single glazed ones.

I would welcome your thoughts on this, as on the face of it, having also gone through the Licensing Act 2003 - Quick Guide - Plans, which you also kindly forwarded to me, I do not believe that the slight adjustment to the front of the Premises which was in fact intended to improve the sound-proofing following the recent complaints, offends against any of the provisions of Regulation 23.

I am however happy to discuss this with you further.



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Acoustics engineer/noise limiter

I am awaiting further contact from my client's acoustics engineer and I will revert to you as soon as I have further update on that front.

Review of licence documentation

I have once again cast my eye over the documentation accompanying your letter of 23 April 2020 to my client and whilst I note that under section C of the same, there is a sub-heading relating to complaints and visit history of premises since the current PLH took over, the background information section does confirm that the Premises were transferred to my client from the previous PLH on 3rd October 2017 and the Designated Premises Supervisor was varied to name my client as DPS on 22nd November 2017.

HOWEVER, the history of complaint and visit history to the Premises goes back to 22nd June 2017, which is entirely inconsistent with the preceding part of your documentation.

Accordingly, I would request that in the interest of fairness, all reference to previous incidents prior to my client becoming the DPS, i.e. before 22nd November 2017, be excised from the documentation.

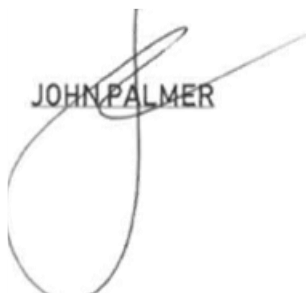
I very much hope we can agree this, as clearly, since my client was not the party responsible for the Premises from the earlier date set out in your report then that is not relevant for the purposes of this application.

Again, I very much hope that we can work together to find a fair and just way forward.

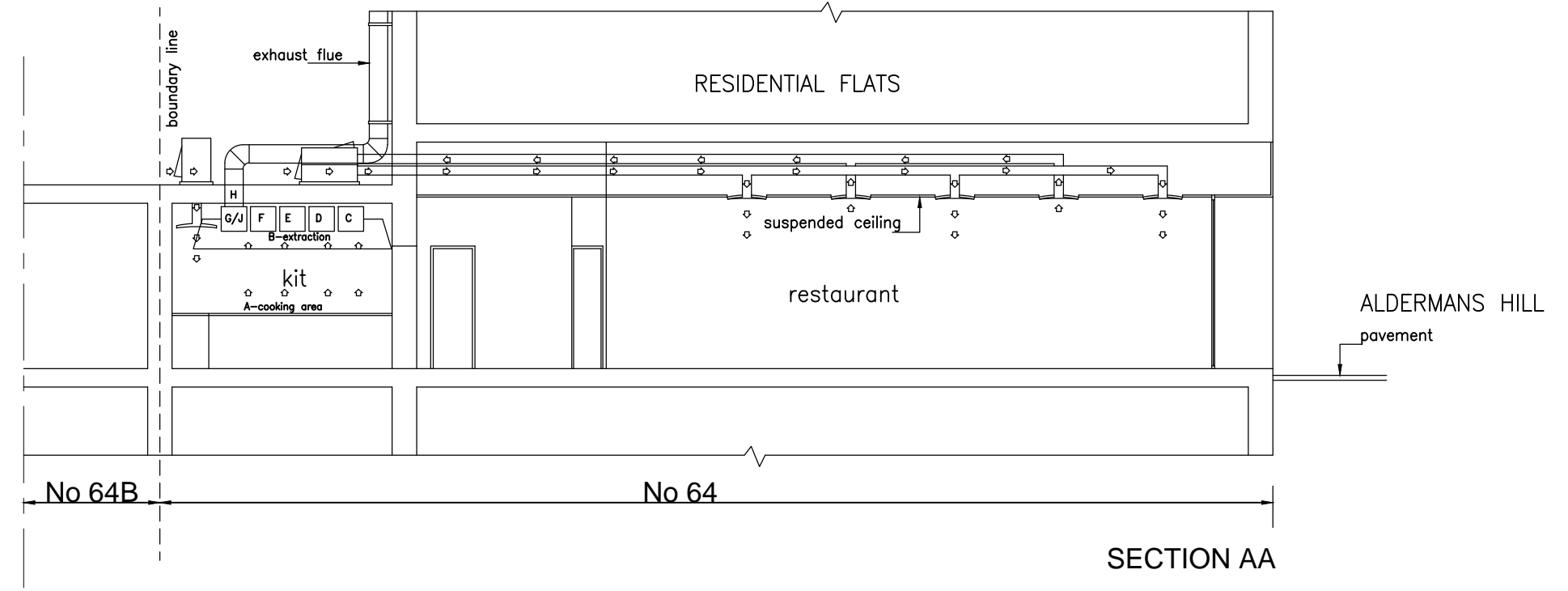
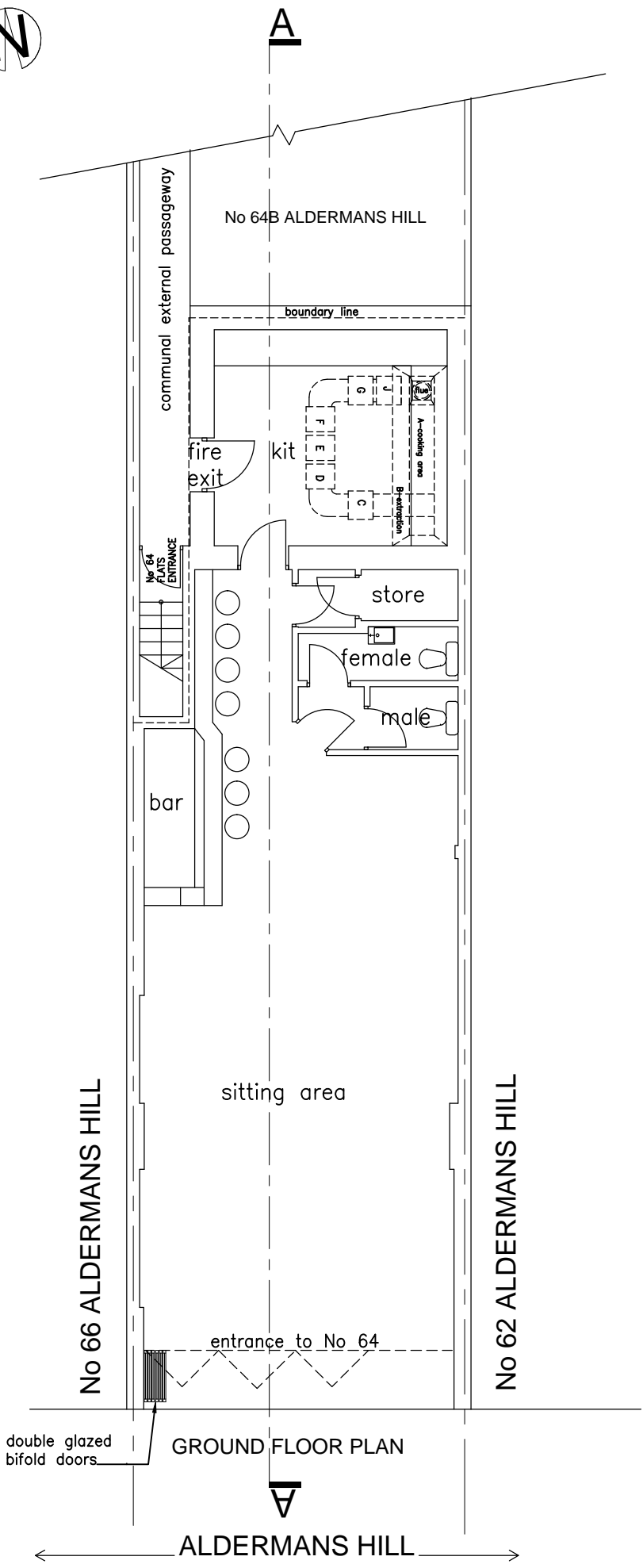
I also look forward to hearing from you in relation to any additional documentation or information which your colleague will be looking to rely on.

Finally, I enclose herewith recent copy photographs of the Premises showing signs which have been put up by my client in relation to the patrons showing respect for their neighbours and I very much hope that this will demonstrate that my client constantly seeks to move matters in the right direction.

Yours sincerely


JOHN PALMER

- A. Cooking Area
- B. Stainless steel grease trap
- C. Coarse pre-filter
- D. Fine pre-filter
- E. Activated carbon filters
- F. Spraying unit
- G. Fan / motor unit
- H. Lagging



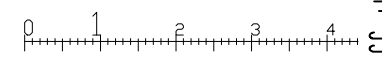
double glazed bifold doors
 GROUND FLOOR PLAN
 ALDERMANS HILL

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revisions	job title
	64 ALDERMANS HILL N13 4PP
	drawing title
	PLAN & SECTION



Project No 353	date May 20
scale 1:100 @A3	drawn ap
drawing No	
353.DL.01	

do not scale off this drawing, all dimensions to be checked on site. any discrepancies to be referred to the Surveyors

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Distance between the original and new bi-folding is approximately 950mm

New position of the new double-glazed bi-folding

020 8882 2705

BREAKFAST * LUNCH * DINNER



Position of original single glazed bi-folding doors

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Photos accompanying Email to Ms Palmer 13/05/2020 at 16.20











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Email to Ms Green 5 June 2020

From: Lyn Piper
Sent: 05 June 2020 19:02
To: Ellie Green
Cc: John Palmer
Subject: Broomfield Coffee Bar Review

Dear Ms Green

I refer to our telephone conversation of 4th June and confirm safe receipt of the various documents you had forwarded by email.

I shall review the same shortly and revert to you.

In the meantime, kindly note that my client's acoustic engineer has scheduled an appointment at the premises and I shall shortly let you have their indications.

I would also add that my client has, through the landlord of the premises, sought to arrange inspection of the flat of the tenant above the premises, with a view to establishing what efforts can be made to assist with the noise escape into the upstairs flat and to establish whether or not this is a structural issue which can be addressed in the appropriate manner.

Unfortunately, the tenant has declined to allow access or even to meet with the acoustic engineer.

I understand that the landlord will forward to us copies of the emails, evidencing the refusal of the tenant of the flat above, to assist in alleviating the issues in this matter.

My client, for his part, will continue to do his best to minimise any disruption or issues arising in this matter.

Yours sincerely
JOHN PALMER

Lyn Piper
Akin Palmer Solicitors
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We write to advise you of our new working arrangements

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We shall keep matters under review as the public information progresses; and subject to government updates

In the meantime please note that we will be in regular touch by e-mail and telephone and it will be business as usual. We will continue to give our clients' matters our full attention, save that we will not be holding physical meetings at our offices for the foreseeable future

Wishing you and your families well in these uncertain times

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We will never send you an email telling you that we have changed our bank account details.
We recommend that you call us before sending any funds to verify our account details.**

Our ref: JP/LP/B145/1
Your ref:

Ellie Green
Principal Licensing Officer
Licensing Team
Environment & Operational Services
Place Directorate
Enfield Council
Silver Street
Enfield
EN1 3ES

By email only: [REDACTED]
Cc: [REDACTED]

9th June 2020

Dear Ms Green

Premises Licence – Broomfield Coffee Bar

Thank you for your recent communication as well as the documentation in relation to various representations received on this matter.

I have to say that upon the initial consideration of the lot of the material forwarded, the same appear to leave quite a lot to be desired and raise a number of grave concerns as follows.

1. A number of the representations refer to issues of social distancing and matters which post the date of the Notice served.
2. Further, a number of the representations also make reference to matters which are not within the scope of the application for review. For instance, one of the representations IP3 refers to “the bar is in a conservation area and they took out the front of the premises without planning permission”.

These as stated above give cause for concern, as frankly, that item is not within the scope of the application and further, one begins to query the source of this information contained within the representation as it is unusual for a party making representations objecting to the renewal of a licence, to refer to matters which could only be within the scope of the licensing authority.

IP9 representation of 14th May begins as follows:

“Dear Licensing Team
Thank you for responding to our email. In light of your request I state as follows”



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AKIN PALMER

This clearly suggests that there has been an email sent from the Licensing Team requesting information or additional information or material from this person, yet, the email from the Licensing Team has not been included in the documentation.

I must therefore ask that ALL communications between your team and the representations be included in the material, as it is wholly inappropriate to include one side of the documentation, which fails to give a balanced picture to the committee.

This further raises the question as to the degree of objectivity with which this matter is being addressed by yourselves.

Audio recording

3. In your email of 28th May 2020, you have included an audio recording in MP4, a recording which clearly is a covert recording of exchanges between my client and a third party.

As you will be aware, it is inappropriate, if not illegal, for one party to covertly record a conversation with another party, on the face of it, that recording is in breach of my client's privacy rights.

Insofar as the recording party ought to have notified my client of the intention to record the conversation and to obtain my client's consent. That evidence is clearly tainted and MUST be excised from the documentation/representations.

Photographic Material

4. There appear to be various photographs of my client and/or his family and indeed his vehicle INCLUDED in the representations, again taken covertly and without my client's knowledge or consent, thereby breaching my client's rights of privacy.
5. I note that a fair bit of the "evidence being put forward" relates to allegations of my client's vehicles being parked away from the Premises etc. Again, these matters are entirely outside the scope of the Notice and issues before the Panel, and Frankly, one struggles to understand why you feel this be relevant to the matter in hand.

Am utterly taken aback that a government body would appear to have encouraged or at least acquiesced to such blatant breaches of my client and his family's right to privacy in this manner.

In all, a fair swathe of the evidence being put forward would appear to be entirely prejudicial and not directed at the purpose for which the Notice was served, it therefore seems to me, that serious questions of the admissibility of a lot of these matters will be raised.

Further, it is difficult to understand which aspects of the Notice served, to which parts of this evidence is intended to go towards.

Assistance to the Panel

Given the grave concerns expressed above, it would be helpful to the panel if you could prepare a concise summary of the evidence which you intend relying on and how you say the same applies to the specific aspects of the Notice, which is the subject matter of the Hearing, so that we know precisely what part of the Notice your "evidence" is intended to address.

AKIN PALMER

As things stand, at the moment, we have a mishmash of opinions, which adopt a scattergun approach, intended to be randomly prejudicial highly with a mix of unfair and unsubstantiated comments and observations all lumped together.

I reiterate that there appear to be significant breaches of my client's rights to privacy and GDPR rights and I would invite yourselves to carefully review this purported evidence as clearly, a number of these matters cause great concern, not only in terms of breaches of my client's rights to privacy as well as to that of his family. It is of course convenient for various representation to be made under the cloak of anonymity where the party making the allegations draws comfort from being able to hide behind the cloak.

Accordingly, I would invite you to review your evidence and to put the same in a cogent and concise form.

Likely timescale of the Hearing

Given the evidence as it currently stands, it seems to me that in order to address each and every item, we are likely to run into well over a day for representations.

Could you please therefore clarify the timescale which has been set aside for the Hearing on 17th June.

Please also confirm that the meeting will be minuted or alternatively properly recorded.

Our Photographic evidence

We previously sent photographs of the Premises, with appropriate notices to your colleague Ms Palmer.

I note that these have not been included in the documentation and should be grateful if you would confirm that the photographs along with a copy of this letter will now be included in the bundles to be utilised at the Hearing.

Please also include a copy of the Premises Licence and the Notice served in the Bundle as well.

I await hearing from you as a matter of urgency.

Yours sincerely



JOHN PALMER

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Email to Ellie Green 9 June 2020 at 20.37

From: Lyn Piper
Sent: 09 June 2020 20:37
To: Ellie Green
Cc: John Palmer; Charlotte Palmer
Subject: RE: Broomfield Coffee Bar Review [SEC=OFFICIAL]

Dear Ms Green

Thank you for your email of 9th June, 17:39

I also enclose herewith my 2nd letter together with:

1. My 1st letter of today's date
2. My email of 5th June
3. My emailed letter of 26th May to Charlotte Palmer together with enclosures
4. My email of 13th May to Charlotte Palmer

Kindly acknowledge safe receipt.

Yours sincerely
JOHN PALMER

Lyn Piper
Akin Palmer Solicitors
3 Angel Gate
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EC1V 2PT



Answers to Questions

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*We shall keep matters under review as the public information progresses; and
subject to government updates*

*In the meantime please note that we will be in regular touch by e-mail and telephone
and it will be business as usual. We will continue to give our clients' matters our full
attention, save that we will not be holding physical meetings at our offices for the
foreseeable future*

Wishing you and your families well in these uncertain times

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We will never send you an email telling you that we have changed our bank
account details.
We recommend that you call us before sending any funds to verify our
account details.**

From: Ellie Green
Sent: 09 June 2020 17:39
To: Lyn Piper
Cc: John Palmer; Charlotte Palmer
Subject: FW: Broomfield Coffee Bar Review [SEC=OFFICIAL]

Classification: OFFICIAL

Dear Mr Palmer

Thank you for your letter and comments, which have been discussed with the Legal
Team (who are not involved in the hearing next week in any way).

In response to the queries raised, please be advised of the following:

The review application is primarily based on the prevention of crime and disorder,
and the prevention of public nuisance licensing objectives, therefore representations
were accepted if they made comments to this effect.

Within some representations, comments have been made in relation to social distancing, parking and planning issues. The Licensing Sub-Committee (LSC) are fully aware that these cannot be taken into consideration as the main basis for reviews or the decision making, and the covering report reiterates this. The representations do give an overview of the premises and how they are run in general. Therefore, the content of the representations have been included as a whole, and not been altered in anyway, other than redacting personal data/information.

The emails between those making representations and the Licensing Team establishes the required criteria for the representation to be accepted, such as confirming to which of the licensing objectives the representation relates, or, the full name and address of the "Other Person". Therefore, full disclosure of the emails is not a requirement under the licensing regime.

We agree that the audio recording should not be disclosed, and this has been omitted from the public report.

We also agree that any reference or photograph displaying vehicle registrations should be redacted, and you will note this has been applied in the published documents.

The Licensing Sub-Committee will have read the full report before the hearing. Members will be advised to focus on the licensing objectives only. The Licensing Sub-Committee will consider the information they deem appropriate, and there will be the opportunity for questions. The legal advisor will be present to assist in all matters.

The hearing is scheduled between 10am and 1pm on Wednesday 17 June 2020. This is deemed a reasonable amount of time to provide a full opportunity to present your client's representation concisely. Please note that most of the "Other Persons" are being represented by two nominated spokespersons. If you feel that the time allocated is inadequate on the day, please feel free to address the Chairperson on this.

I can confirm that the premises licence will be included in the LSC report, and the Noise Abatement Notices are produced in the supporting review documentation from the Licensing Authority, namely Appendix 12 and Appendix 15.

I understand that you have sent information to Charlotte Palmer regarding the plan. Unfortunately it was not made clear that this was intended to form part of your written response to the review application. As per my email to you on Wednesday 27 May 2020, it was requested that any information that you wish to be considered by the LSC should be sent to me, and by the end of today.

Please advise whether you wish for your letter (attached) which was sent today, is to be included in the LSC report?

If you have additional information to submit, for completeness, I reiterate my request that you send one final covering document with clearly labelled appendices of all

information that you wish to provide and rely upon at the hearing, and which will be included in the LSC report. I must receive this by midnight tonight (9 June 2020).

Finally, I can confirm that minutes of the licensing hearing will be taken by a Democratic Services officer and will be published on the website, alongside the LSC documentation for this review application.

Kind regards

Ellie

Ellie Green

**Principal Licensing Officer
Licensing Team
Environment & Operational Services
Place Directorate
Enfield Council
Silver Street
Enfield
EN1 3ES**

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From: Lyn Piper

Sent: 09 June 2020 13:02

To: Ellie Green

Cc: John Palmer; Charlotte Palmer

Subject: RE: Broomfield Coffee Bar Review [SEC=OFFICIAL]

Dear Ms Green

Thank you for your email.

Please see the attached letter.

Yours sincerely
JOHN PALMER

Lyn Piper
Akin Palmer Solicitors
3 Angel Gate
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We shall keep matters under review as the public information progresses; and subject to government updates

In the meantime please note that we will be in regular touch by e-mail and telephone and it will be business as usual. We will continue to give our clients' matters our full attention, save that we will not be holding physical meetings at our offices for the foreseeable future

Wishing you and your families well in these uncertain times

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We will never send you an email telling you that we have changed our bank
account details.
We recommend that you call us before sending any funds to verify our
account details.**

From: Ellie Green <Ellie.Green@Enfield.gov.uk>
Sent: 08 June 2020 10:04
To: Lyn Piper <lyn.piper@akinpalmer.com>
Cc: John Palmer <john.palmer@akinpalmer.com>
Subject: RE: Broomfield Coffee Bar Review [SEC=OFFICIAL]

Classification: OFFICIAL

Dear Mr Palmer

Thank you for your email.

I need to send the first report to Democratic Services today, so anything you send by midnight tomorrow will be included in a Supplementary Report.

I have made the Licensing Authority aware of your comments regarding the noise acoustic engineer and also the tenant for their information only, and I presume you will include in the written information that you send to me.

Please send one final document, with any appendices clearly labelled.

Kind regards

Ellie

Ellie Green

**Principal Licensing Officer
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Sent: 05 June 2020 19:02
To: Ellie Green
Cc: John Palmer
Subject: Broomfield Coffee Bar Review

Dear Ms Green

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I shall review the same shortly and revert to you.

In the meantime, kindly note that my client's acoustic engineer has scheduled an appointment at the premises and I shall shortly let you have their indications.

I would also add that my client has, through the landlord of the premises, sought to arrange inspection of the flat of the tenant above the premises, with a view to establishing what efforts can be made to assist with the noise escape into the upstairs flat and to establish whether or not this is a structural issue which can be addressed in the appropriate manner.

Unfortunately, the tenant has declined to allow access or even to meet with the acoustic engineer.

I understand that the landlord will forward to us copies of the emails, evidencing the refusal of the tenant of the flat above, to assist in alleviating the issues in this matter.

My client, for his part, will continue to do his best to minimise any disruption or issues arising in this matter.

Yours sincerely

JOHN PALMER

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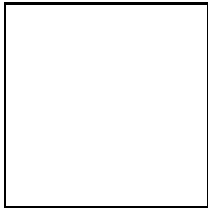
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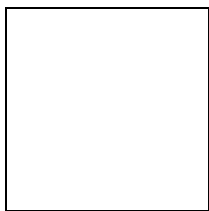
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Ellie Green
Principal Licensing Officer
Licensing Team
Environment & Operational Services
Place Directorate
Enfield Council
Silver Street
Enfield
EN1 3ES

By email only: [REDACTED]

9th June 2020
(Second letter)

Dear Ms Green

Premises Licence – Broomfield Coffee Bar

Thank you for your letter/email received at 17:39.

Firstly, I note that the basis of the review application, as stated by you, is as follows:

“Primarily based on the prevention of crime and disorder, and the prevention of public nuisance licensing objectives, therefore representations were accepted if they made comments to this effect.”

I also note that you state that the Licensing Sub-Committee (LSC) are fully aware that representations made in relation to parking and social distancing issues cannot be taken into consideration.

It therefore begs the question as to why you deem it fit to include these in the evidence, nonetheless.

You will no doubt be mindful of the fact that the procedure to be followed at the Hearing by the LSC provides at point 3, evidence 3.1 as follows:

“The strict rules of evidence do not apply. They will however be followed to a great extent because Licensing Sub-Committee decisions must be based UPON AN OBJECTIVE ASSESSMENT OF THE EVIDENCE”

Accordingly, one simply fails to see how evidence that cannot be taken into consideration, but can only be construed as intended to be entirely prejudicial can be deemed appropriate to be placed before the Committee, notwithstanding your assertions to the effect that the Committee are fully aware of their obligations.



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AKIN PALMER

Clearly, the matters to be placed before the Committee should be probative of the matter before them and intended to assist them and not cloud the issues.

Further, the statement to the effect that the representations give an “overview of the Premises and how they are run in general” is again highly prejudicial and irrelevant to the matters in hand.

I would therefore invite you to reconsider your position on these, of course we nonetheless reserve the right to make submissions and will be made to the Committee in this regard.

Emails between 3rd Party representations and the Licensing Team

I note your observations to the effect that:

“The emails between those making representations and the Licensing Team establishes the required criteria for the representation to be accepted, such as confirming to which of the licensing objectives the representation relates, or, the full name and address of the “Other Person”. Therefore, full disclosure of the emails is not a requirement under the licensing regime.”

I disagree with this insofar as the rules of evidence require an “equality of arms”. We do not require detailed information or the names of the persons making the representations. What we wish to see and are entitled to see is the basis of the request made by yourselves which prompted further representations.

In other words, what were the question put by yourselves that led to the answer?

Audio recordings

It is only right and proper that these be excluded.

Photograph displaying vehicle registrations

Am afraid your reply addresses a separate and distinct point from my query.

My query is directed to the appropriateness of what in essence amounted to long-term photographic surveillance of my client by the parties making the observations.

The Licensing Sub-Committee having read the full report before the Hearing

Clearly, by introducing what I had described as highly prejudicial evidence and inviting the LSC to pre-read the same, you are seeking to predetermine the outcome of the application notwithstanding your contentions to the effect that the legal adviser will be present to assist in all matters.

I would invite you to put my objections at this point to your legal adviser and to seek advice and guidance as to the appropriateness of the manner in which the evidence is being sought to be adduced, particularly in respect of my observations as to the prejudicial nature of the same.

Time allocation

To the extent that matters overrun or the allotted time proves insufficient time, this will depend entirely on the way in which you put your case, as that will determine the points we need to address. Accordingly, if necessary, it would be appropriate to seek an adjournment if the time allowed proves inadequate.

AKIN PALMER

Plan of the Premises

I enclose herewith copy email and revised Plan from the client's architects. I would invite yours and Ms Palmer's comments on the same and to the extent that you consider it to be in satisfactory form, given that Ms Palmer's request for the Plan to be revised was based on your observations, then we shall submit an application for a minor variation.

To the extent that you consider the Plan to be not as required, kindly advise as to what you would wish to see rectified.

My letter of today's date and this letter

I confirm that I wish these two letters to be included in the LSC Report.

Additional information

I note that you would wish to receive any other additional information by midnight tonight 9th June.

Of course, the requirement is that any evidence/submissions should be put forward within 5 working days before the Hearing and if any evidence is to be adduced in less than 5 working days, that would be under the discretion of the chair and Section 100B of the Local Government Act 1972 requires the chair to give written reasons or with the consent of the parties.

For the avoidance of doubt, the substantive contents of my earlier letter and this letter, will form the basis of my submissions to the LSC, thus my request that the same be included in the Bundle.

I would also wish to have a copy of my email of 5th June to yourselves timed at 19:02 to be included in the documentation and for the sake of completeness and convenience, I enclose herewith a further copy of that email and look forward to your confirmation that the same will be included in the Bundle.

Minutes of the Licensing Hearing

I am grateful for the confirmation that the meeting will be appropriately minuted.

Accordingly, I am now able to confirm that my understanding of the documents to be included in the Bundle would be as follows:

Part A – Your evidence against

Part B – Our evidence in support, namely the representations in support of our client's case, being:

- (i) IP17 Representation dated 30th April 2020
- (ii) IP18 Representation dated 3rd May 2020
- (iii) My email of 13th May 2020 to Ms Palmer timed at 16:20
- (iv) My letter of 26th May to Ms Palmer, evidencing the signs displayed around the Premises in respect of the need for patrons to respect the neighbours and the rules
- (v) My email to Ms Green dated 5th June
- (vi) My first letter to Ms Green dated 9th June sent at 13:02
- (vii) My second letter to Ms Green dated 9th June

Yours sincerely


JOHN PALMER

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