

# 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\\_MTg3ZTQ1YTMtMGNkNy00ZWNmLTgzZDYtZDkyOTQwNzZjYmRl%40thread.v2/0?context=%7b%22Tid%22%3a%22cc18b](https://teams.microsoft.com/join/19%3ameeting_MTg3ZTQ1YTMtMGNkNy00ZWNmLTgzZDYtZDkyOTQwNzZjYmRl%40thread.v2/0?context=%7b%22Tid%22%3a%22cc18b)

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

## AGENDA – PART 1

### 1. WELCOME AND APOLOGIES FOR ABSENCE (Pages 1 - 6)

### 2. DECLARATION OF INTERESTS

Members are asked to declare any disclosable pecuniary, other pecuniary or non pecuniary interests relating to items on the agenda.

### 3. BROOMFIELD COFFEE BAR, 64 ALDERMANS HILL, LONDON N13 4PP (REPORT NO. 262) (Pages 7 - 170)

Application for a Review of premises licence.

### 4. MINUTES OF PREVIOUS MEETINGS (Pages 171 - 196)

To receive and agree the minutes of the meetings held on Wednesday 18 March 2020 and Wednesday 8 April 2020.

### 5. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, to consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).  
(There is no part 2 agenda)

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## Housekeeping Rules

Applies to the Premises Licence Holder and “Other Persons” who have made representations, or the or the nominated spokesperson/legal representatives.

You can only dial in to the hearing if you have been emailed the joining instructions.

<b>Be on time</b>
<b>Block your telephone number</b> – set Block Caller ID on your phone settings and dial 141 before the meeting phone number that has been sent to you. On the screen, you will note all external attendees will have the same anonymous reference number created by Microsoft Teams for this particular meeting.
<b>Be prepared</b> – please have the Licensing Sub-Committee report on screen or to hand.
<b>Mute by default</b> – if you are not speaking please remain on mute. The Principal Licensing Officer will indicate when it is each party’s turn to present and ask questions.
<b>How to unmute</b> – press *6 when you need to unmute your mic.
<b>Identify yourself</b> – Unmute yourself when it is your turn, state your IP reference e.g. IP2, before you speak. Do not state your name if you wish to remain anonymous.
<b>Limit the use of technical jargon and acronyms</b>
<b>Do not multi-task</b>
<b>Ask for clarification</b> – if there’s something you don’t understand ask
<b>How can I ask a question?</b> – verbally by coming off mute.
<b>How can I see the hearing?</b> – click on the live events link to this hearing on the website and ensure your computer/device is on mute to avoid interference.

**How do I get help if I have IT problems accessing the hearing or during the hearing?** – Contact Enfield’s IT Support, Reece Charles on 02081322623 or email [reece.charles@enfield.gov.uk](mailto:reece.charles@enfield.gov.uk).

**What if an attendee interrupts the meeting?** – if any disruption is caused to the hearing, the Chairperson will issue a warning. If the attendee repeatedly disrupts the hearing, that person will be removed from the meeting.

## **PROCEDURE TO BE FOLLOWED AT HEARINGS OF THE LICENSING SUB-COMMITTEE (USING MICROSOFT TEAMS LIVE EVENTS)**

### **1. PURPOSE**

- 1.1 The purpose of the hearing is to assist the Licensing Sub-Committee to gather evidence and understand the relevant issues in order that the Sub-Committee may determine the application.

### **2. PROCEDURE**

- 2.1 The hearing will generally be in public, but the Chair may exclude the public from all or part of the proceedings where this is in the public interest.
- 2.2 The public can view the live meeting by joining the link published with the LSC agenda.
- 2.3 The quorum will be three members of the Licensing Committee.
- 2.4 The Chair will deal with introductions and explain the hearings procedure.
- 2.5 The applicant and Responsible Authorities must provide: their full name; private or business address and the name of the body they represent, if applicable.
- 2.6 Other Parties must state their IP reference number, applied to their relevant representation in the licensing report. Other Parties are not required to give their name and address at the hearing.
- 2.7 Where necessary, the Chair may require spokespersons to be nominated to represent groups or other large numbers of Other Parties.
- 2.8 The Sub-Committee may seek clarification of any procedural, technical, legal or factual matter at any time during the proceedings from the Legal Adviser or Principal Licensing Officer.
- 2.9 Any party wishing to withdraw a representation may do so orally at the hearing.
- 2.10 If a party does not attend, the Sub-Committee may either proceed in absence or adjourn in accordance with the Licensing Act (Hearings) Regulations 2005.
- 2.11 All parties will be given the opportunity to submit written representations ahead of the hearing, if they are unable to attend, which the Principal Licensing Officer will read out during the hearing.

### **3. EVIDENCE**

- 3.1 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 evidence. Hearsay evidence is permitted but may be given less weight than direct evidence.
- 3.2 The Sub-Committee will receive a copy of the application and details of any representations in advance of the hearing.
- 3.3 The Sub-Committee may take into account documentary evidence submitted either:
  - (a) 5 working days before the hearing; or
  - (b) in **exceptional** circumstances at the discretion of the Chair, less than 5 working days before the hearing. Section 100B of the Local Government Act 1972 requires the Chair to provide in writing reasons for allowing this; or
  - (c) with the consent of all parties, at the hearing.

- 3.4 Copies should be provided to the Principal Licensing Officer of any document that is to be submitted at the hearing.
- 3.5 The Sub-Committee shall disregard any evidence or information that is irrelevant to the Licensing Objectives.

#### **4. ORDER OF PROCEEDINGS FOR A NEW OR VARIATION APPLICATION**

- 4.1 Introduction by the Chairperson;
- 4.2 Opening statement by the Council's Principal Licensing Officer or representative;
- 4.3 Representations from the licence holder or applicant and their witnesses;
- 4.4 Questions from the Licensing Sub-Committee;
- 4.5 Questions from the other parties, which should be directed through the Chair;
- 4.6 Representations by Responsible Authorities and their witnesses;
- 4.7 Questions from the Licensing Sub-Committee;
- 4.8 Questions from the other parties, which should be directed through the Chair;
- 4.9 Representations from Other Parties and their witnesses;
- 4.10 Questions from the Licensing Sub-Committee;
- 4.11 Questions from the other parties, which should be directed through the Chair;
- 4.12 Closing statement of the Council's Principal Licensing Officer;
- 4.13 Closing statement of Responsible Authorities;
- 4.14 Closing statement of Other Parties;
- 4.15 Closing statement of the licence holder or applicant.

#### **5. ORDER OF PROCEEDINGS FOR A REVIEW**

- 5.1 Introduction by the Chairperson;
- 5.2 Opening statement by the Council's Principal Licensing Officer or representative;
- 5.3 Representations from the review applicant and their witnesses;
- 5.4 Questions from the Licensing Sub-Committee;
- 5.5 Questions from the other parties, which should be directed through the Chair;
- 5.6 Representations by Responsible Authorities and their witnesses;
- 5.7 Questions from the Licensing Sub-Committee;
- 5.8 Questions from the other parties, which should be directed through the Chair;
- 5.9 Representations from Other Parties and their witnesses;
- 5.10 Questions from the Licensing Sub-Committee;
- 5.11 Questions from the other parties, which should be directed through the Chair;
- 5.12 Representations from the licence holder and their witnesses;
- 5.13 Questions from the Licensing Sub-Committee;
- 5.14 Questions from the other parties, which should be directed through the Chair;
- 5.15 Closing statement of the Council's Principal Licensing Officer;
- 5.16 Closing statement of review applicant;
- 5.17 Closing statement of Responsible Authorities;
- 5.18 Closing statement of Other Parties;
- 5.19 Closing statement of licence holder.

#### **6. DETERMINATION OF THE APPLICATION**

- 6.1 This will be made at the end of the hearing. The Chair will adjourn the hearing to enable the Licensing Sub-Committee to reach its decision.
- 6.2 Only the Licensing Authority's Democratic Services Officer and the legal adviser may be present during the Licensing Sub-Committee's deliberations at this stage. This is for the purposes of providing legal advice to the Licensing Sub-Committee and to assist in

recording the decision and the reasons. Neither of these officers participates in the actual decision making itself.

6.3 A record of the proceedings will be taken and maintained for six years.

## 7. GENERAL

7.1 The Chair may require any person who is acting in a disruptive manner to leave the hearing.

7.2 If it is not your turn to ask questions or present, attendees' microphones will be muted. This does not apply to the Legal Officer.

13 May 2020

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**MUNICIPAL YEAR 2019/20 REPORT  
NO262**

**COMMITTEE:**  
Licensing Sub-Committee  
17 June 2020

**REPORT OF :**  
Principal Licensing Officer

**LEGISLATION :**  
Licensing Act 2003

Agenda – Part1	Item
<p><b>SUBJECT:</b> Application for a Review of premises licence</p> <p><b>PREMISES:</b> Broomfield Coffee Bar, 64 Aldermans Hill, LONDON, N13 4PP</p> <p><b>WARD:</b> Southgate Green</p>	

**1. LICENSING HISTORY:**

- 1.1 On 22 January 2016, a new premises licence (LN/201500949) was granted for 64 Aldermans Hill, N13 4PP.
- 1.2 On 20 September 2017, a transfer application was made to name Mr Arjan Borufi as the premises licence holder (PLH), to replace Ms Drilona Zeqiri. No objections were received, and the application was granted on 3 October 2017.
- 1.3 On 10 November 2017, Mr Borufi applied to vary the Designated Premises Supervisor (DPS) into his name, again to replace Ms Drilona Zeqiri. No objections were received, and the application was granted on 13 November 2017.
- 1.4 Part A of the premises licence (LN/201500949) is produced in Annex 1.
- 1.5 In summary, the premises licence (LN/201500949) permits the following:

Licensable Activity	Times (daily)
Opening	08:00 to midnight
Alcohol (On sales only)	11:00 to midnight
Live music (indoors)	20:00 to midnight
Recorded music (indoors)	10:00 to midnight

- 1.6 With regards to other licensing matters for background information: On 26 February 2019, Mr Borufi applied for an annual tables and chairs street trading licence, and the licence was subsequently granted on 3 April 2019. The tables and chairs licence (LN/201800896) permits two tables and four chairs outside Broomfield Coffee Bar. This licence is produced in Annex 2.
- 1.7 The renewal for the tables and chairs was due by 2 April 2020, however, due to the current crisis period, there was a delay in the Licensing Team sending the renewal reminder being sent to Mr Borufi and was later sent on 28 April 2020. Mr

Borufi submitted the renewal application and payment on 4 May 2020, and the six-week consultation period for this application closes on 15 June 2020.

- 1.8 The use of tables and chair licences is currently restricted during the emergency period.

## 2 THIS APPLICATION:

- 2.1 On 23 April 2020 an application was made by the Licensing Authority for a review of the premises licence (LN/201500949) for Broomfield Coffee Bar.
- 2.2 The review application seeks to remove live and recorded music from the premises licence on the grounds that the prevention of crime and disorder and prevention of public nuisance licensing objectives are not being met.
- 2.3 Each of the Responsible Authorities were consulted in respect of the application.
- 2.4 A copy of the review application and additional information is attached as Annex 3. Further information is expected from the Licensing Authority, which will be produced in the Supplementary Report.

## 3 RELEVANT REPRESENTATIONS:

- 3.1 **Responsible Authorities:** No representations have been made in response to this review application.
- 3.2 **Other Persons:** 18 representations were received in relation to this review. 16 representations were received from members of the public who support the review and oppose the licence. These residents live in Grovelands Road, Lakeside Road, Aldermans Hill, Derwent Road and Kingsley Road. These residents are referenced as IP1 to IP16 respectively. The representations are based on all four of the licensing objectives not being met. Some representations seek revocation of the premises licence in its entirety.
- 3.3 A further two representations from Other Persons were received, who oppose the review and support the premises licence holder. These Other Persons are referred to as IP17 and IP18.
- 3.4 The representations and additional information received from Other Persons are attached in Annex 4. This includes a video clip. Reference is made to an audio clip, but the decision has been made not to present this as evidence for this review.
- 3.5 At the time of writing this report, Mr Borufi has not provided a written response to this review application or representations. Mr John Palmer from Akin Palmer Solicitors is representing Mr Borufi and has indicated a response will be sent by 9 June 2020. This will be included in a Supplementary Report.



## **4 PROPOSED CONDITIONS**

- 4.1 Conditions proposed by the Licensing Authority in relation to this review application are presented in Annex 5. The Licensing Authority state in the review that if the Licensing Sub-Committee is not minded to remove live and recorded music from the premises licence, then the Licensing Authority requests that the conditions be amended as detailed in Annex 5 and that the licence be suspended until full compliance with the conditions have been demonstrated. Mr Borufi has not indicated any agreement to the conditions.

## **5 RELEVANT LAW, GUIDANCE & POLICIES:**

- 5.1 The paragraphs below are extracted from either:  
5.1.1 the Licensing Act 2003 ('Act'); or  
5.1.2 the Guidance issued by the Secretary of State to the Home Office of April 2018 ('Guid'); or  
5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2020 ('Pol').

### **General Principles:**

- 5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 5.3 The licensing objectives are:  
5.3.1 the prevention of crime and disorder;  
5.3.2 public safety;  
5.3.3 the prevention of public nuisance; &  
5.3.4 the protection of children from harm [Act s.4(2)].
- 5.4 In carrying out its functions, the Sub-Committee must also have regard to:  
5.4.1 the Council's licensing policy statement; &  
5.4.2 guidance issued by the Secretary of State [Act s.4(3)].

### **Decision:**

- 5.3 As a matter of practice, the Sub-Committee should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas [Guid 9.37].
- 5.4 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:

- 5.4.1 the steps that are appropriate to promote the licensing objectives;
  - 5.4.2 the representations (including supporting information) presented by all the parties;
  - 5.4.3 the guidance; and
  - 5.4.4 its own statement of licensing policy [Guid 9.38].
- 5.5 Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. It may be decided that no changes are required. However, if further steps are required, the available options are:
- (a) to modify the conditions of the premises licence;
  - (b) to exclude an activity from the scope of the premises licence;
  - (c) to suspend the premises licence for a period not exceeding three months;
  - (d) to revoke the premises licence. [Act s.88].

### **Recorded Music**

- 5.6 Certain types of regulated entertainment have been deregulated since April 2015 [Guid Section 16] , meaning existing conditions relating to those activities will not always be enforceable. Premises who are licensed to sell alcohol for consumption 'on' the premises are now automatically allowed to provide recorded music between 08:00 – 23:00 without the need for it to be named on the premises licence. The conditions relating to recorded music are therefore not enforceable during those times.

### **The Live Music Act 2012**

- 5.7 The Live Music Act 2012 permits certain premises in certain circumstances to provide live music between 08:00 – 23:00 without the need for it to be named on a premises licence. Similarly, existing conditions relating to live music provided during those times are not enforceable.

### **5.8 Reviews - Section 11 of the Guidance:**

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare

merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## **5.9 Licence reviews: Live and recorded music**

16.55 On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension<sup>74</sup> and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

## **5.10 Planning and Parking Enforcement**

Reference has been made to alleged planning and parking breaches within some of the representations. Information relating to these issues cannot be taken into consideration for licence reviews.

## **5.11 Covid-19 Guidance**

5.12 Reference has also been made to the social distancing measures being non-compliant within some of the representations, which cannot be taken into consideration for the purposes of licence reviews.

5.13 For background purposes, relevant extracts relating to the most up to date gov.uk guidance for businesses similar to Broomfield Coffee Bar, published 5 June 2020, are produced below. For the full guidance, click [here](#).

### **1. Businesses and venues that must remain closed to members of the public**

To reduce social contact, the government has required by law the businesses and venues in the left-hand column to close to members of the public. Legal exceptions, and guidance on their scope, are set out in the right-hand column.

When using or operating any exemptions to closures listed below, you should follow relevant social distancing guidance.

<b>Food and drink</b>	<b>Exceptions</b>
Restaurants and public houses, wine bars or other food and drink establishments including within hotels and members' clubs, such as dining rooms	Food delivery and takeaway can remain operational. This can be a new activity supported by the new permitted development rights in England. This covers the provision of hot or cold food that has been prepared for consumers for collection or delivery to be consumed, reheated or cooked by consumers off the premises.

### **3. Takeaway food and food delivery facilities may remain open and operational**

This means people can continue to enter premises to access takeaway services, including delivery drivers.

Businesses are encouraged to take orders online or by telephone, and businesses must not provide seating areas, indoors and outdoors, for customers to consume food and drink on. Ordering in advance is strongly encouraged to avoid waiting, as per Public Health England guidelines.

Planning regulations have been changed to enable restaurants, cafés and pubs which do not currently offer delivery and hot or cold food takeaway to do so. The [legislation can be accessed online](#).

People must not consume food or drinks on site at restaurants, cafés or pubs whilst waiting for takeaway food. Those venues offering takeaway or delivery services must not include alcoholic beverages in this list if their licence does not already permit.

### **5. Compliance**

As of [26 March 2020](#) these restrictions became enforceable by law in England. These Regulations were then amended on [22 April 2020](#), [13 May 2020](#) and [1 June 2020](#). Everyone is required to comply with these Regulations issued by the government in relation to coronavirus, in order to protect both themselves and others.

An owner, proprietor or manager carrying out a business (or a person responsible for other premises) who contravenes the Regulations, without reasonable excuse, commits an offence.

In England, Environmental Health and Trading Standards officers will monitor compliance with these regulations, with police support provided if appropriate. Businesses and venues that breach them will be subject to prohibition notices, and a person, who is 18 or over, carrying on a business in contravention of the Regulations may be issued with a fixed penalty. The government has introduced higher fines for those who do not comply, to reflect the increased risk to others of breaking the rules.

With the support of the police, prohibition notices can be used to require compliance with the Regulations including requiring that an activity ceases. It is also an offence, without reasonable excuse, to fail to comply with a prohibition notice.

If prohibition notices are not complied with, or fixed penalty notice not paid, you may also be taken to court with magistrates able to impose potentially unlimited fines.

**Background Papers:**  
**None other than any identified within the report.**

**Contact Officer :**  
**Ellie Green on 020 8379 8543**

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Licensing Act 2003**PART A – PREMISES LICENCE****Granted by the London Borough of Enfield as Licensing Authority****Premises Licence Number :** **Part 1 – Premises Details****Postal address of premises :****Premises name :** **Telephone number :** **Address :** **Where the licence is time-limited, the dates :** **The opening hours of the premises, the licensable activities authorised by the licence and the times the licence authorises the carrying out of those activities :**

- |  |
|--|
| <b>(1) Open to the Public - Whole premises</b> |
| <b>Sunday :</b> 08:00 - 00:00                  |
| <b>Monday :</b> 08:00 - 00:00                  |
| <b>Tuesday :</b> 08:00 - 00:00                 |
| <b>Wednesday :</b> 08:00 - 00:00               |
| <b>Thursday :</b> 08:00 - 00:00                |
| <b>Friday :</b> 08:00 - 00:00                  |
| <b>Saturday :</b> 08:00 - 00:00                |

- |  |
|--|
| <b>(2) Supply of Alcohol - On supplies</b> |
| <b>Sunday :</b> 11:00 - 00:00              |
| <b>Monday :</b> 11:00 - 00:00              |
| <b>Tuesday :</b> 11:00 - 00:00             |
| <b>Wednesday :</b> 11:00 - 00:00           |
| <b>Thursday :</b> 11:00 - 00:00            |
| <b>Friday :</b> 11:00 - 00:00              |
| <b>Saturday :</b> 11:00 - 00:00            |

**(3) Live Music - Indoors**

<b>Sunday :</b>	<b>20:00 - 00:00</b>
<b>Monday :</b>	<b>20:00 - 00:00</b>
<b>Tuesday :</b>	<b>20:00 - 00:00</b>
<b>Wednesday :</b>	<b>20:00 - 00:00</b>
<b>Thursday :</b>	<b>20:00 - 00:00</b>
<b>Friday :</b>	<b>20:00 - 00:00</b>
<b>Saturday :</b>	<b>20:00 - 00:00</b>

**(4) Recorded Music - Indoors**

<b>Sunday :</b>	<b>10:00 - 00:00</b>
<b>Monday :</b>	<b>10:00 - 00:00</b>
<b>Tuesday :</b>	<b>10:00 - 00:00</b>
<b>Wednesday :</b>	<b>10:00 - 00:00</b>
<b>Thursday :</b>	<b>10:00 - 00:00</b>
<b>Friday :</b>	<b>10:00 - 00:00</b>
<b>Saturday :</b>	<b>10:00 - 00:00</b>



**Part 2**

**Name and (registered) address of holder of premises licence :**

<b>Name :</b>	Mr Arjan Borufi
<b>Telephone number :</b>	Not provided
<b>e-mail :</b>	Not provided
<b>Address :</b>	[REDACTED]

**Registered number of holder (where applicable) :** Not applicable

**Name and (registered) address of second holder of premises licence (where applicable) :**

<b>Name :</b>	Not applicable
<b>Telephone number :</b>	
<b>Address :</b>	

**Name and address of designated premises supervisor (where the licence authorises the supply of alcohol) :**

<b>Name :</b>	Mr Arjan Borufi
<b>Telephone number :</b>	Not provided
<b>e-mail :</b>	Not provided
<b>Address :</b>	[REDACTED]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor (where the licence authorises the supply of alcohol) :**

<b>Personal Licence Number :</b>	[REDACTED]
<b>Issuing Authority :</b>	London Borough of Enfield

Premises Licence LN/201500949 was first granted on 22 January 2016.

Signed : 

Date : 22nd November 2017

for and on behalf of the  
London Borough of Enfield  
Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH  
Telephone : 020 8379 3578



## **Annex 1 - Mandatory Conditions**

**The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.**

## **Annex 2 - Conditions consistent with the Operating Schedule**

- 1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.**
- 2. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Designated Public Place Order' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.**
- 3. Alcohol shall only be sold ancillary to a meal purchased at the premises.**
- 4. Alcohol shall only be served to people taking table meals or waiting to be seated for a meal.**
- 5. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately every hour whilst regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.**
- 6. All external doors and windows to be kept closed but not locked whilst regulated entertainment / live or recorded music is being played.**
- 7. The external area at the front of the premises shall be designated for the use of smokers from the time of opening until closing time. There shall be no more than 10 persons using this designated area during these times. The designated area shall be adequately supervised to control the number and behaviour of patrons so as to not cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area during these times.**
- 8. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises area quietly. These notices shall be**

positioned at eye level and in a location where those leaving the premises can read them.

9. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 23:00 hours and 07:00 hours.

10. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.

11. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.

12. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.

13. No bottles or glasses shall be taken off the premises.

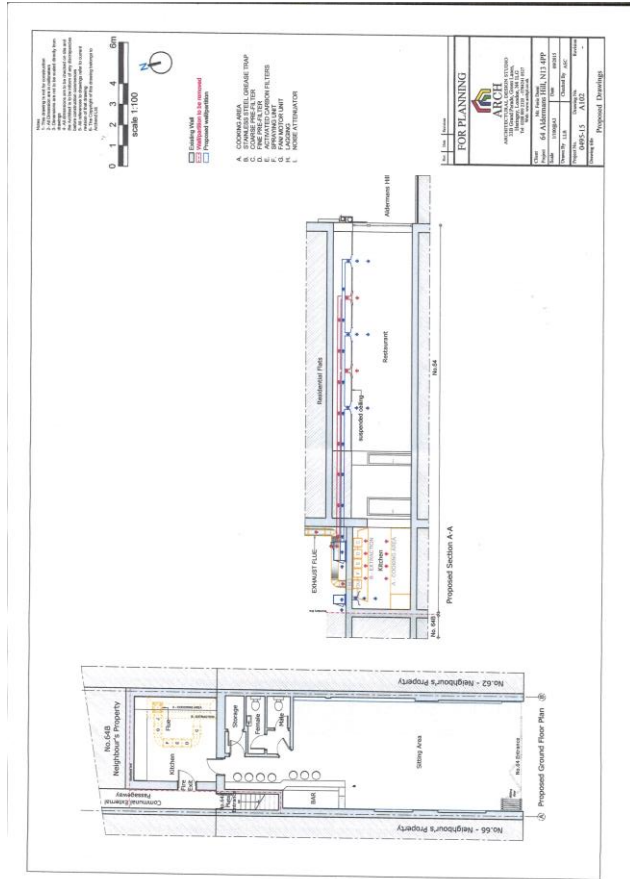
14. No one under the age of 18 years shall be permitted to enter the premises unless accompanied by an adult.

15. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.

**Annex 3 - Conditions attached after a hearing by the Licensing Authority**

**Not applicable**

Annex 4 – Plans





## London Local Authorities Act 1990

### Street Trading Licence for Tables & Chairs on the Highway

This licence is granted by the London Borough of Enfield and is subject to compliance with the Standard Conditions (overleaf) and with any Special Conditions listed below.

Licence Number:

This licence shall expire on:

This licence is in respect of the highway outside:

Premises name:

Address:

Licence Holder:

Licensed Area:

Licensed Days & Hours:

Articles	Max. Quantity:	Max. Measurements:
Tables	2	75cm x 70cm x 70cm
Chairs	4	80cm x 45cm x 45cm
Parasols	0	0

Special Conditions (if any):

Signed: 

Date: 4 April 2019

for and on behalf of the  
London Borough of Enfield  
Licensing Unit, Civic Centre, Silver Street,  
Enfield EN1 3XH  
Telephone: 020 8379 3578



**STANDARD CONDITIONS:**

**PEDESTRIAN MOVEMENT AND SPACE STANDARDS**

1. It is essential in all cases that a minimum width of unobstructed highway to the line of the front face of the kerb or the line of any fixed structure (such as a lamp column or litter bin) is free for safe and convenient pedestrian movement. This would normally be at least 2 metres, but in locations where there is a high flow of pedestrians (even if only during short periods in the day) a greater width may be required.
2. The provision of service to the tables and chairs, including customers serving themselves, must take place within the licensed area.
3. Access for wheelchairs to the tables must be provided.
4. Emergency access must not to be obstructed.
5. Steps will need to be taken to ensure that the highway is not obstructed by customers, standing between tables, chairs and the kerb.

**HOURS OF OPERATION AND REMOVAL OF TABLES AND CHAIRS**

6. Tables and chairs must be removed from the licensed area outside of the licensed hours prescribed overleaf.
7. Service at the tables and chairs must finish at such time before the end of the licensed hours prescribed overleaf to allow for them to be removed by the specified time.

**USE OF BARRIERS (IF APPLICABLE)**

8. Temporary barriers may be used to enclose the licensed area for tables and chairs but they must meet the requirements listed below:
  - (i) Permanent barriers marking the licensed area are not suitable, as the area remains part of the public highway.
  - (ii) The barriers must define the side boundaries of an area occupied by tables and chairs and must extend from the building to the front of the licensed area. An appropriate corner barrier must define the outer corner of the licensed area.
  - (iii) Barriers must fill the area measuring between 100 mm to 800 mm from the ground. They must not measure higher than 900 mm from the ground.
  - (iv) Barriers must be railed, either vertically or horizontally and be complementary to the existing premises frontage.
  - (v) If a property is a listed building or is in a Conservation Area, barriers will only be permitted if they are in keeping with the property or area.
  - (vi) The barriers must not put the safety of pedestrians at risk. Sharp edges and corners are not acceptable.
  - (vii) Damaged barriers must be replaced immediately.
  - (viii) Fixing for barriers must not protrude above ground level when the barriers have been removed.
  - (ix) Barriers should not be capable of falling over or of being blown over.

**SAFETY AND DESIGN OF TABLES AND CHAIRS**

9. Tables and chairs must be suitable for intense outdoor use.

10. Tables and chairs must be stable and adequately designed so they cannot be blown over by the wind.
11. Tables and chairs must be maintained in a safe condition so they do not present a risk to the public.

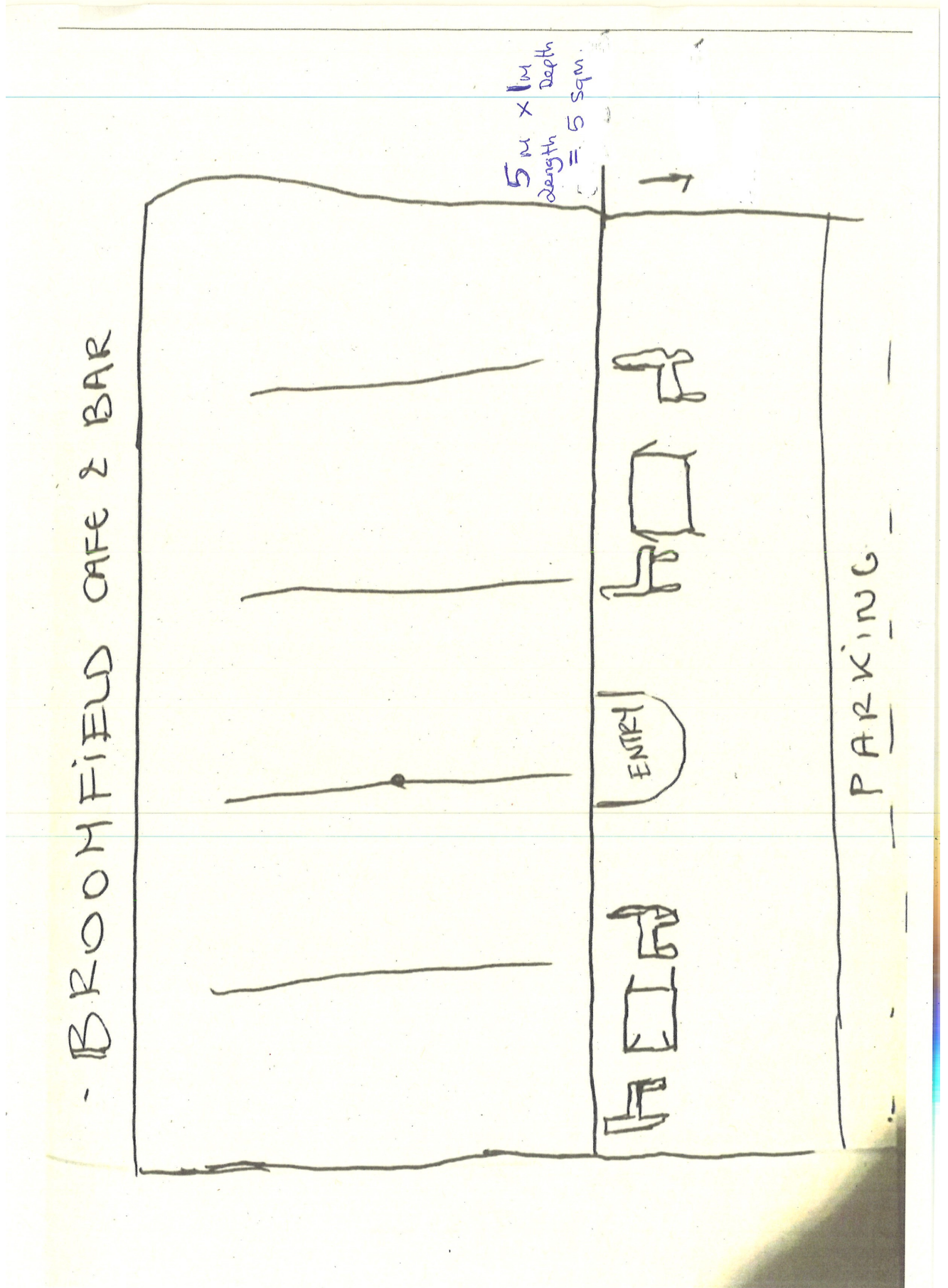
#### **SAFETY AND DESIGN OF OTHER EQUIPMENT**

12. Tables and chairs must be kept free of loose-sheet advertising (such as menus) and napkins, which are likely to be blown away by the wind and generate litter.
13. The placement of menu stands must be stable and do not present a safety hazard. The position of menu stands must be shown on the plan.
14. If umbrellas are used they must be of a minimum height of 2.4 metres.
15. The Council does not authorise the use of patio-heaters.

#### **OTHER CONDITIONS**

16. The licence holder must not interfere with the surface of the highway.
17. Applicants and their employees must not dispose of any refuse in permanent litter bins provided by the Council.
18. The licence holder is required to keep the area of licensed highway free from litter and detritus, including cigarette ends by sweeping or washing the area during and at the end of the trading day.
19. The trading area shall not exceed the dimensions specified on the licence and any pitch limits marked on the ground during trading hours.
20. The licence holder shall trade only from the position indicated on the licence.
21. The licence holder must remove the tables and chairs immediately if requested to by the Council, its contractors, statutory undertakers or the Police, and must not replace them until they have been authorised to do so by the requesting authority or the Council.
22. The licence holder shall be responsible for any rates, taxes and other charges which may be levied in connection with the licensed area.
23. The licence holder must notify the Council of any permanent change of address as soon as it occurs.
24. The licence holder must not use, or permit to be used, on the licensed area or within the immediate vicinity any equipment to produce, generate or amplify sound. The licence holder must ensure that the activities or actions of persons using the licensed area do not disturb nearby occupiers.
25. The licence holder must indemnify the Council against any claim arising from this use of the highway up to £3 million for any single event, and shall provide and display such insurance cover as required by the Council.
26. This licence shall be exhibited at the main-entrance to the premises.
27. The number of tables or chairs or parasols within the licensed area shall not exceed the maximum quantities prescribed overleaf.

PLAN:





**Application for the review of a premises licence or club premises certificate  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I **Charlotte Palmer Senior Licensing Enforcement Officer**

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Broomfield Coffee Bar 64 Aldermans Hill	
<b>Post town</b>	<b>Post code (if known)</b>
London	N13 4PP

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Mr Arjan Borufi

<b>Number of premises licence or club premises certificate (if known)</b>
LN/201500949

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Charlotte Palmer Licensing Authority London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH
Telephone number: 020 8132 2004
E-mail address: charlotte.palmer@enfield.gov.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |   |
|---|---|
| 1) the prevention of crime and disorder | X |
| 2) public safety                        |   |
| 3) the prevention of public nuisance    | X |
| 4) the protection of children from harm |   |

**Please state the ground(s) for review:** (please read guidance note 1)

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that the premises have breached an abatement notice in respect of statutory nuisance arising from the production of noisy music.

This review is primarily based on the prevention of public nuisance and the prevention of crime and disorder licensing objectives. The review application is to remove live and recorded music from the licence.

**Background Information:**

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

The Premises Licence for this premises was transferred to the current Premises Licence Holder (PLH) on 03.10.2017. However, the current PLH appears to have owned the premises since June 2017. The Designated Premises Supervisor (DPS) was varied to name the PLH as the DPS on 22.11.2017.

**Complaint and visit history of premises since current PLH took over:**

**22.06.2017** – Complaint received regarding loud music coming from the premises.

**24.06.2017** – 21:01 – Complaint received regarding loud music coming from the premises. 22:37 – Out of Hours Noise Officers visited as shutters were going down. Appears the premises is in the process of changing ownership. Business known as Bambinos.

**27.06.2017** – Complaint received regarding loud music and vibration coming from the premises.

**30.06.2017** - 19:30 - 19:52 - Out of Hours Licensing Enforcement Officers (CPX/VPK) visited the premises and carried out a full licence inspection. The following conditions were non-compliant:

2. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Designated Public Place Order' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

3. Alcohol shall only be sold ancillary to a meal purchased at the premises.

4. Alcohol shall only be served to people taking table meals or waiting to be seated for a meal.

7. The external area at the front of the premises shall be designated for the use of smokers from the time of opening until closing time. There shall be no more than 10 persons using this designated area during these times. The designated area shall be adequately supervised to control the number and behaviour of patrons so as to not cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area during these times.

8. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

10. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.

11. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.

12. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.

13. No bottles or glasses shall be taken off the premises.

The Officer advised that premises licence annual fee had not received by the Licensing Team - claimed it has been paid - advised must provide evidence and also transfer the licence and vary the DPS as there is a new owner. Discussed noise complaints. Staff will try and find out if any work has been done to the premises that affect sound escape. At time of visit music was background level only and was radio so not licensable - speakers in ceiling - advise they might need to use speakers somewhere else. Inspection report completed and a copy given to staff. **See Appendix 1.**

**30.06.2017** – 22:07 – Complaint regarding loud music coming from the premises. 23:15 – music ceased so no visit made.

**08.07.2017** – 21:03 – Complaint received regarding loud music coming from the premises. No visit made.

**11.07.2017** – 21:03 – Complaint received regarding loud music coming from the premises. 21:55 – music no longer an issue so no visit made.

**13.07.2017** – Link to application forms sent to new owner along with resources to help comply with the licence conditions. Officer also advised that the Licensing team had still not received proof that the annual fee had been paid and that further noise complaints had been received.

**14.07.2017** - 22:35 - 22:50 - Out of Hours Licensing Enforcement Officers (CPX/EVG) visited the premises and carried out a licence inspection revisit. Observations carried out outside. No music audible with car windows down. Entered premises, no noise issues, radio on at time of visit. Discussed recent complaint and owner agreed to change speakers so not in ceiling.

**22.07.2017** – 22:33 – Complaint received regarding loud music coming from the premises. 23:10 music reduced so no visit made.

**23.07.2017** - Complaint regarding regular issue with loud music coming from the premises from 6:45 sometimes until 01:00.

**31.07.2017** – Senior Licensing Enforcement Officer (CPX) wrote to the new owner of the premises to advise them that complaints regarding the level of the music were still being received and that a Transfer and Vary DPS application were still required. **See Appendix 2.**

**08.09.2017** - 19:40 - 20:00 - Out of Hours Licensing Enforcement Officers (EVG/VPK) visited the premises and met with the new owner Mr Arjan Borufi. He was sitting at a table with friends (only table) on arrival. On the table were a few bottles of Budweiser beer and lots of empty dinner plates and platters. The Officers checked the outstanding conditions, following still in breach: C7, C10, C12. Discussed why DPS and transfer applications not submitted: DPS is still involved in the business but Mr Borufi is awaiting results of personal licence exam before he can apply. Requested that he keep officer updated. Officers noted that music was only at background level. Inspection report completed, copy signed by and issued to Mr Borufi. **See Appendix 3.**

**11.09.2017** – Resources sent to owner to help with compliance with licence conditions.

**19.10.2017** - Officer Revisit - C2, 7, 10, 11, 12 still outstanding and transfer and vary DPS still need to be submitted. Owner not on site so officer advised staff they would return tomorrow night when he would be there. Inspection report completed. **See Appendix 4**

**20.10.2017** - 22:00 - 22:10 - Out of Hours Licensing Enforcement Officers (EVG/CPX) visited the premises. C2 - Poster currently in place but needs amending as the details don't match the conditions. C10, 11 - Training to be carried out and documented. Transfer and vary DPS still required. Set up to provide live music. Recorded music on at time of visit - no longer using ceiling speakers. Music was louder than last time Officers visited and there were quite a few men outside smoking on officers arrival. The premises was busy with mainly male customers. Inspection report completed. **See Appendix 5.**

**24.10.2017** – Senior Licensing Enforcement Officer (CPX) telephoned the complainant to see if issues had stopped. Complainant advised the issue hasn't stopped they had just stopped reporting it as it is easier to go out instead. They advised that the music went on until 01:30 and that on one night over the weekend it was so loud their floor was moving. The officer then telephoned the premises and was advised that there was a party on Friday night and that they had live music for the first time. The officer advised the member of staff that a noise complaint has been received and that the music allegedly went on until 01:30. The member of staff claimed it stopped at midnight. When asked the member of staff advised that the premises is now trading as Broomfield Coffee Bar and that signage will be changed.

**24.10.2017** – 00:38 - Complaint regarding loud music, screaming and shouting coming from the premises. 01:35 – Out of Hours Noise Officers called the complainant; the music has ceased.

**15.11.2017** – Complaint received in relation to large groups of males outside the premises drinking. Local residents find it intimidating to walk past.

**18.11.2017** - 20:45 – Police Licensing Officer (MFX) visited the premises. His notes state - Upon parking up I stood approximately 25 yards from the entrance to the restaurant and could see a group of approximately 6 males outside smoking. I could also hear quite clearly loud amplified singing from within the venue and music. Upon entering the restaurant was quite full and on my left hand side next to the bar was a male sitting down playing a guitar and standing in the middle of the restaurant was another male singing in to a microphone. I then identified myself to a member of staff and produced my warrant card and introduced my colleague, PC Cahill. We asked the staff member to turn the music down which he promptly did. We asked to speak to the manager but were told that he had just left but would be back soon. A phone call was made and we were told that he would return to speak with us. Shortly afterwards the owner returned and introduced himself as Arjan Borufi. We checked the signage relating to condition number C7 as required. There were two posters on display relating to customers leaving quietly and terms of use of the outside area but not one relating to taking alcoholic drinks outside. Mr Borufi stated that he had one on his computer but hadn't printed it off as yet. I advised him to do so as soon as possible which he agreed to do. We then discussed the fact that he had not transferred the premises licence in to his name yet or varied the DPS.. He stated that he now had his personal licence and produced it to me. I explained how to access the relevant forms on line and that if he had problems filling them out he could either contact me or the LBE licensing team. I left relevant contact numbers for both. I then stated that I expected applications to be logged at LBE licensing by Friday 24th November 2017 or I would revisit with a view to issuing a closure notice for breach of conditions. Mr Borufi stated that it would be done.

**22.11.2017** – Complaint received regarding a fight taking place at the premises.

**30.11.2017** – 11:10 – 11:43 – Senior Licensing Enforcement Officers (CPX, VPK) and the Police Licensing Officer (MFX) and three local police officers visited the premises as part of a joint visit to discuss the recent complaint regarding a fight at the premises and to check the CCTV footage. The owner knew which incident the officers were talking about and advised that he knew the group. He advised that the group of men work together and there had been a disagreement at work. The group attended the premises after work and later in the evening the disagreement had come up again. Officers checked the CCTV at various times leading up to the incident. At 19:53 there was a total of 8 (male) customers inside the premises all sitting together, plates could be seen on the table in front of them. All males appear to be wearing similar tops and a couple were wearing high vis jackets suggesting they do all work together.

21:20 - one male outside premises wearing a his vis jacket  
21:21 - Male returned inside, no one could be seen outside  
21:23 - 1 male outside smoking  
21:35 - No one could be seen outside  
21:41 - 4-5 males outside  
21:44 - inside camera show total of 8 males inside premises at table, plates and bottle of bud on table.  
21:47 - altercations occurs between 2 males outside, 6-7 males go outside, others from the table have come out to see what is going on and to intervene. Some pushing and shoving.  
21:49 - Two males outside. Issue seems to have been resolved.  
Advised PLH that local residents find it intimidating to walk past the premises when groups of males are standing outside - the pavement is quite narrow. The table and chairs that were outside have been removed and an application for a table and chairs licence is being submitted. Agreed to put up signage in both English and Albanian reminding customers not to take drinks outside - this was not seen on the CCTV but was part of a complaint. Will also ask those smoking outside not to block the pavement - prior to the altercation this wasn't witnessed on the footage but as pavement is narrow it would not take many people to make it hard to pass. Customers have to come outside to smoke. Reminded to keep music at a lower level as Police Licensing Officer had witnessed loud live music on a previous visit. An inspection report was completed, signed by and a copy given to the PLH. **See Appendix 6.**

**16.12.2017** – 22:52 - Complaint regarding loud music coming from the premises.  
22:56 – Out of Hours Noise Officers called the complainant; the music has ceased.  
00:15 – Further complaint regarding loud music coming from the premises.

**18.12.2017** – 00:15 - Complaint regarding loud music and shouting coming from the premises. 00:46 – Out of Hours Noise Officers called the complainant; the problem has ceased.

**19.12.2017** – Complaint received during the day regarding loud music (karaoke) and belly dancing taking place at the premises until 01:00 (not licensed for performance of dance).

**08.06.2018** – Out of Hours Noise Officer witnessed loud noise in the street coming from the premises, live band leaving at 00:15

**19.01.2019** – 22:53 - Complaint regarding loud music coming from the premises.  
23:17 - Out of Hours Noise Officers called the complainant; the music has ceased.

**09.02.2018** – 20:26 – Complaint received regarding loud music coming from the premises. No visit made.

**08.03.2019** – 21:12 - Complaint regarding loud music and swearing coming from the premises. 22:18 – Out of Hours Noise Officers visited the complainant. Music was very loud with bass causing the floor to vibrate. **Officer of the opinion that music level is definitely a nuisance.** Complainant advised the officer that the level of the music prevents them from listening to their radio and distracts them from reading and that it happens at least once a week but can be up to 3 times a week. 22:32 – music is still loud with bass and lyrics audible. The officer visited the premises and instructed staff to turn the music down and bass off which they did. The officer also asked to see the premises licence but there did not seem to be a copy of the premises (legal requirement). Officer left site at 23:35. **A Notice was not served.**

**15.03.2019** – 21:22 - Complaint regarding loud music. 21:28 - Out of Hours Noise Officers called the complainant; they had left their premises because of the music so Officer were unable to visit.

**23.03.2019** – 21:02 - Complaint regarding loud music, screaming and shouting coming from the premises. 21:36 - Out of Hours Noise Officers visited the complainant; the music had been reduced and then went off completely.

**27.03.2019** – Complaint received regarding loud music coming from the premises on a regular basis disturbing residents. Warning letter sent to the premises regarding complaint and office observations on 08.03.2019. **See Appendix 7.**

**29.03.2019** – 22:35 Out of Hours Noise observations. The premises was open with approximately 8 people inside sitting at tables. No noise or anti-social behaviour evident.

**17.04.2019** - 09:35 - 10:05 Full licence inspection carried out (CPX). The following conditions were non-compliant - C2, 5, 10, 11, 12. Advised regarding noise complaints. Spoke to owner on the phone who said warning letter was not received - agreed to resend. Given 14 days to comply. Inspection report completed. **See Appendix 8.**

**23.04.2019** – Resources and letter resent to PLH to assist with complying with the licence conditions.

**08.05.2019** – Officer contacted PLH and requested evidence of compliance with remaining outstanding conditions.

**23.05.2019** – General complaint received regarding loud music coming from the premises.

**03.06.2019** – Complaint received regarding loud music being played at a volume loud enough to be wake residents up at 6:30am. This music allegedly comes from speakers in the ceiling. Letter sent to the premises regarding complaint – **See Appendix 9.**

**05.06.2019** – Officer contacted PLH chasing up evidence of compliance and advising of noise complaint.

**25/06/2019** – Complainant regarding loud music coming from the premises from 8am this morning till 23:00.

**29.06.2019** – 21:03 Complaint regarding loud music. Issue is now allegedly 7 days a week from 07:30 – 23:00. 22:16 – Officer visited complainant. Bass was audible in complainants property and bass could just be felt under the officers feet. Officer left at 22:36. 23:30 – Further complaint regarding loud music and shouting from people on outside chairs/tables. 00:40 Officer arrived back at premises, Front folding doors open with one table and 2 chairs on pavement outside premises. Two men sitting at table, men could be heard talking loudly. One of the males advised the officer that they were the manager tonight and that the ceiling speakers had been turned off 2 hours before hand. Males believed they had a tables and chairs licence until 11pm. Officer advised it was now 00:45. Table and chairs taken inside and folding doors closed. 00:51 – Officer left, no noise audible outside.

**09.07.2019** – 22:30 – Complaint regarding very loud music coming from the premises. 23:25 – Further complaint received regarding people shouting loudly on the pavement outside the premises.



**11.07.2019** – 23:42 – Complaint regarding loud music being played and people shouting loudly on the pavement outside the premises.

**12.07.2019** – 00:02 - Complaint received in relation to loud music coming from the premises.

**12/07/2019** – 22:44 – Complaint received in relation to loud music coming from the premises. 23:53 – Officers visited the premises. On arrival there was loud music audible and a group of males inside the shop with the front door open. Spoke to male who claimed to be the owner and to have a licence until midnight. Officer advised they still needed to control the level of the music. Music was turned down. Officer left. 00:06 – Further complaint receive alleging very loud cheering and talking audible coming from the premises.

**16.07.2019** – 20:43 – Complaint regarding loud bass music coming from premises.

**09.08.2019** – 21:19 Out of Hours Licensing Enforcement Officers (CPX/VPK) carried out observations of the premises - premises closed.

**06.09.2019** 21:15 - 21:45 - Out of Hours Licensing Enforcement Officers (VPK) visited and carried out a full licence inspection. The following conditions were non-compliant. C5 Noise checks to be carried out and documented. C10 & 11 - Induction training must be given to all staff selling alcohol. C12: Refusals book required. Inspection report issued - **See Appendix 10.**

**26.09.2019** – 18:08 – Complaint regarding people sitting in front of the premises and making noise, disturbing local residents and making comments to women as they pass by.

**07.02.2020** – 23:08 – Complaint regarding loud music. 23:39 – Out of Hours Noise Officer visited complainant, music very loud in their bedroom and deemed to be a statutory nuisance. 00:00 – Officer visited premises. Recorded music being played – Wedding function. Music in the premises was so loud it had to be turned down so that the Officer could speak to staff. The Officer asked who was in charge and no one took responsibility for the premises. 00:15 Disentila Haxhija arrived at the premises advised she owned the business. Officer spoke to her. She told the Officer that when the complaint came in it was during their licensed hours. The Officer advised that whether they had a licence or not the level of the music had been too loud. Officer left at 00:18.

**20.02.2020** – 17:30 **An Officer delivered two Abatement Notices in respect of the Statutory Nuisance witnessed on 07.02.2020. One to Disentila Haxhija – See Appendix 11i and 11ii and one to the Premises Licence Holder Mr Arjan Borufi – See Appendix 12i and 12ii.** The notices required them to prohibit the recurrence and to exercise proper control of the volume of sound generated at the premises to ensure that the total volume was not likely to cause a nuisance to persons living in the vicinity.

**27.02.2020** – 21:50 – 22:10 – Out of Hours Licensing Enforcement Officers (EVG/VPK) visited the premises and carried out a full Premises Licence inspection and discussed terms of Tables and Chairs Licence. The following licence conditions were not being complied with.

C5 - No sound checks carried out. Advised to complete.

C2 and 8 - Reminder that all notices need to be re-displayed after decoration. Leave quietly sign needs to prominently face customers as they leave the premises.

C10 and 11 - All staff must be trained and refresher training carried out. Staff on duty not named in records.

C12 – Refusals book - dates and times not recorded, advised.

Part B of premises licence is was not on display – legal requirement. Staff advised a party is booked for 14th March 2020. Discussed noise notice recently served and that rather than having the licence reviewed at this stage there were being given the opportunity to voluntarily submit a minor variation to strengthen the licence conditions. Owner was agreeable and also agreeable to finishing music at 11pm. Minor variation letter hand delivered. **See Appendix 13.** Owners advised that they now have double glazed doors at the front of the premises (cost £5500). Inspection report completed – **See Appendix 14.**

**14.03.2020** – 21:24 - Complaint regarding loud music coming from the premises. 22:10 – Out of Hours Noise Officer arrived at complainants property. Music clearly audible in property, very loud. Music, singer, lyrics has allegedly been audible since 5pm. Officer of the opinion that any reasonable person would have difficulty sleeping in the property given the noise so a statutory nuisance in their opinion. 22:30 – Officer visited premises and advised manager of complaint. Staff advised that they had certificates showing the ceiling was insulated. No records of any noise assessments have been carried out that evening. **Abatement Notice in respect of Statutory Nuisance was served. See Appendix 15.**

**23.03.2020** – Two complaints received alleging that lots of men congregate on the pavement making it difficult for people to pass at a safe distance (COVID 19). Officer (CPX) phoned PLH and advised 2 complaints received regarding the number of people outside. He advised that there have been 2-3 people outside at the most and that they are trading as a takeaway premises at the moment. When asked he said that he does not have the tables and chairs outside. Officer advised to make sure they are not put outside and that chairs and tables inside are stacked and put to one side. If anyone is let inside they must be spaced 2m apart and if possible to keep customers outside 2m apart. Officer recommended marking the pavement with chalk or tape but nothing permanent or that would cause any damage or danger to the public. PLH advised that he is not sure how much longer they will stay open. The pavement outside this premises is not very wide so it is unlikely that people could pass those outside with a 2m gap even if one 1 person was outside.

**27.03.2020** – Out of Hours Noise Team observations. Premises appeared closed.

**28.03.2020** – Out of Hours Noise Team observations. Premises appeared closed.

**02.04.2020** – Complaint received alleging premises was having lock-ins and that noise from bags of bottles being thrown into bins could be heard. Phoned PLH and advised that a complaint has been received. He advised that he is at the premises with his wife and two other family members decorating the premises. He said that they are not trading. The officer advised him that it should only be people who live in the same household who should be there in that case. He claimed they were. He said that they have been there decorating for the last 3 days. Police attended. Four adults and three children inside premises, sitting around table. Police advised that driving to the premises was non-essential travel and to go home. Started to pack up.

**02.04.2020** – Complaint from another local resident in relation to loud music coming from the premises.

**03.04.2020** - Out of Hours Noise Team observations. Premises appeared closed.

**04.04.2020** - Out of Hours Noise Team observations. Premises appeared closed.

**08.04.2020** – Complainant received from another resident in relation to the premises. The following issues were listed in the complaint:

1. Abusing the right of way on the pavement as the bar's customers do not sit at the chairs and tables outside causing pedestrians to have to walk at the edge of the pavement to get by or even stop and ask bar customers to move out of the way.
2. Cigarettes smoked outside by bar customers are generally thrown on the ground or into the road (complainant was nearly hit by a still-lit cigarette thrown across the pavement as they walked by).
3. The overflowing rubbish bins that are regularly left without the brake handle on causing them to block the pavement or move into Grovelands Road
4. Employees of the bar putting bags of their rubbish into the residents' black bins stored on Grovelands Road.
5. The music is played too loudly and can be heard on the approach to and from the premises.
6. Concerns about recent reconstruction of the front of the bar allowing the licensee to have a bigger outdoor space. Residents claims they have not received any notice regarding the redevelopment.

The complainant also raised concerns about people being inside the premises when they should not have been and that the police had to visits and tell them to leave. They advised this was also an issue on Sunday 5<sup>th</sup> April 2020.

**08.04.2020** – PLH telephoned officer and advised that he wants to reopen premises doing takeaway food during the corona pandemic. This is permitted but as the licence is only for on sales customers will not be able to purchase alcohol to takeaway only food and only in line with licensed hours. Officer stressed to him that he must ensure social distancing is complied with and emailed him links to government advice.

**09.04.2020** – Concerns raised by local resident about potential for social distancing issues at premises if they reopen as a takeaway business during the Covid 19 pandemic. Complainant alleges that they have previously been the victim of aggression and have been threatened by the management of the premises.

**09.04.2020** – Senior Environmental Health Officer (TW) emailed PLH a poster to display and advice for food businesses regarding Covid 19.

**10.04.2020** – Complaint received alleging people are congregating outside the premises.

**10.04.2020** – Complaint received alleging people are congregating outside the premises. Police in attendance.

**10.04.2020** – Complaint received alleging groups of 2-5 people are congregating outside the premises. Allegation customers are driving to the premises.

**13.04.2020** – Complaint alleging that complainant has been threatened with physical violence by a male from a building company which allegedly has connections to this premises.

**14.04.2020** – Complaint received in relation to people congregating outside premises.

**14.04.2020** – Complaint received alleging group of 5 males are taking up pavement meaning those passing need to walk in road to get past.

**14.04.2020** - Senior Environmental Health Officer (TW) phoned the PLH and advised him of complaints received. The Officer advised that the PLH must instruct customers not to gather or loiter outside after they have made their purchase. He must ensure that there are adequate numbers of 2m spaced markings on the

pavement outside and inside. He was advised to display a sign in the window instructing customers not to remain outside/in the vicinity of the shop after being served. He was also advised to ensure that customers who have made orders by phone are asked to collect at sufficiently spaced times so that they are not arriving at the same time and that he should be available during trading to adequately manage customer activity both inside and outside. The PLH advised he had not received the email the officer made reference to having sent previously with advice. He also denied the lock-ins. The PLH stated that he has been following the previous advice given by another officer, had 2m marking on floor in shop, had put sign up and was not allowing people to congregate outside of shop. PLH advised he was organising disinfection of shop and COVID 19 training for staff. He advised there is only one section of tape outside and that deliveries are carried out by Uber Eats. Trading from 08.00/09.00 to 18.00/18.30 or latest 19.00. The officer resent their email with advice, a food registration form and what had been discussed on the phone to a new email address.

**14.04.2020** – 15:00 – Senior Environmental Health Officer (RCA) carried out observations outside the premises in response to the complaints regarding social gatherings. Two males were standing next to a vehicle parked outside another nearby coffee shop. These two males were in conversation with another male standing in the door entrance to the other coffee shop. At approximately 15:20 a male left Broomfield Coffee Bar carrying hot drinks and took them over to another vehicle parked opposite the premises with approximately 3 persons (male) inside. These males got in and out of the vehicle periodically and stood next to the vehicle. Approximately 20 minutes later a female came out of Broomfield Coffee Bar with more hot drinks which she gave to the occupants of the car. At approximately 15:45 the 3 males outside the other coffee shop dispersed. At 16:00hrs one male came out of the vehicle and went into the park. The officer left at 16:30.

**14.04.2020** – Complaint received in relation to very loud music coming from the premises.

**16.04.2020** – Senior Environmental Health Officer (RCA) contacted the premises and spoke to Mr Borufi Director and Food Business Operator. The officer made him aware of the complaints received by the council and also their observations. Mr Borufi said he has tried to address these issues after being contacted by another officer. He advised that he is now at the premises daily to ensure that social distancing is being observed.

**16.04.2020** – Food Team Officer was notified that the premises has employed Ziya Mart Euro Safety International consultant to carry out sanitising of premises, training of staff and give advice.

**17.04.2020** – Complaint received alleging people are congregating outside the premises and on the corner of the road.

**17.04.2020** – Email sent (EVG) to PLH advising of noise complaint.

**17.04.2020** – 19:35 - Out of Hours Noise Officers carried out observations of the premises. It was closed.

Complaints have come from 6 different named individuals.

## **Recorded Music**

Certain types of regulated entertainment have been deregulated meaning existing conditions relating to those activities will not always be enforceable. Premises who are licensed to sell alcohol for consumption 'on' the premises are now automatically allowed to provide recorded music between 08:00 – 23:00 without the need for it to be named on the premises licence. The conditions relating to recorded music are therefore not enforceable during those times.

## **The Live Music Act 2012**

The Live Music Act 2012 permits certain premises in certain circumstances to provide live music between 08:00 – 23:00 without the need for it to be named on a premises licence. Similarly, existing conditions relating to live music provided during those times are not enforceable.

As noise complaints have been received about loud music being played throughout the day as well as the evenings and a statutory noise nuisance has been witnessed as early as 22:10 the Licensing Authority does not deem it appropriate for this premises to be able to make use of this Live Music Act 2012 provisions or the deregulation of recorded music.

Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 – April 2018 states the following in relation to this situation:

Licence reviews: Live and recorded music

16.55 On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension 74 and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

16.56 An application for a review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements.

## **Conclusion:**

Music has been provided at such a level to be deemed a statutory noise nuisance on three separate occasions, with abatement notices having been served twice. There are residential properties directly above this parade of shops and sound insulation between the premises and residential properties appears to be poor. **The Licensing Authority does not think that this is a suitable venue for music and is therefore seeking to remove both live and recorded music from the premises licence and that the following condition be added to the licence.**

- Neither live nor recorded music shall be provided at the premises at any time. Section 177A of the Licensing Act 2003 does not apply to this condition.

*It should be noted that live television and live radio broadcasts are not licensable under the Licensing Act 2003 so use of these cannot be prevented by the Licensing Authority. Incidental background level recorded music is also not licensable. However, it is likely that any further breaches of the abatement notice would lead to prosecution proceedings being instigated under the Environmental Protection Act 1990.*

**If the committee is not minded to remove live and recorded music from the premises licence, then the Licensing Authority requests that the conditions be amended as detailed below and that the licence be suspended until full compliance with the conditions have been demonstrated.**

### **Current Conditions**

13. No bottles or glasses shall be taken off the premises.

### **Remove – repeat of C2.**

*This premises licence is for 'on' sales only and the outside area does not form part of the plan. Alcoholic drinks cannot legally be removed from the licensed area.*

15. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.

**Amend to: A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.**

### **Additional conditions to be added to the licence:**

- i. A noise-limiting device shall be installed to any amplification equipment in use on the premises. The noise-limiting device shall be maintained in effective working order and set to interrupt the electrical supply to any amplifier should the volume of the music be audible at the perimeter of the premises.
- ii. Prior to the commencement of any live/recorded music staff shall check that all amplified equipment to be used is connected to the noise limiter. Records of these checks shall be documented and records kept for 6 months.
- iii. The noise limiter shall be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur. A copy of the calibration certificate shall be kept on the premises and made available to the Police or Council Officer on request.
- iv. Speakers shall not be attached to, or located in, the ceiling.
- v. Section 177A of the Licensing Act 2003 does not apply to this premises licence (meaning conditions relating to music must be complied with at all times that the licence is in use).

The Licensing Authority reserve the right to add any additional information to support this review application.

<b>Suspension of Licence:</b>	<b>N</b>
<b>Revocation of Licence:</b>	<b>N</b>
<b>Recommended period of suspension (max 3 months):</b>	
.	

**Please tick yes**

Have you made an application for review relating to this premises before  No

If yes please state the date of that application

Day Month Year

**If you have made representations before relating to these premises please state what they were and when you made them.**

**Please tick yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate  Yes
- I understand that if I do not comply with the above requirements my application will be rejected  Yes

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

*Palmer*

**Signature:**

**Date:** 23<sup>rd</sup> April 2020

**Capacity:** Senior Licensing Enforcement Officer

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



**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 submitted on 23/04/20:**

**23/04/2020** – 14:27 – Complaint received alleging that customers travel by car to the cafe to purchase coffee and then congregate on the other side of the road. Photo attached to email showing a group of 6 men on the opposite side of the road to the premises.

**23/04/2020** – Complaint received raising concerns about groups of people gathered outside the premises consuming food and drinks during the Covid 19 pandemic. The complainant stated that they don't believe that these groups of people are from the same household and they don't seem to care about the risk that they are posing to people in the nearby area and to those who want to walk past and maintain a safe social distance.

**24/04/2020** – Food Officer (TW) phoned the Premises Licence Holder to remind him that he and his family are also required to follow the requirements regarding social distancing. They asked him who he was in the park with yesterday and he stated that his children were there with his brother. He also said that his brother lives in his house. The officer reminded him that the daily exercise was limited to a short period. Also that he had to behave responsibly in order to keep his family safe. The Premises Licence Holder stated that the people making the complaints are influencing each other and that the man upstairs was always making complaints, people did not like him and that he was only trying to make a living rather than claim benefits. The officer reminded him about the sign they asked him to put in the front requesting that his customers do not remain in the street after making their purchase. He said he would do it today. The officer reminded him that they had seen a group of men (initially 3 becoming 5) who had bought drinks from his cafe talking on the opposite side of the road and told him that the complainants had a legitimate concern about this as it is not allowed and it could encourage the spread of the virus within the community. He acknowledged this and was willing to inform his customers who purchase drinks from his cafe. He had 3 social distancing markings inside the shop and 1 in the entrance. The officer advised him to have additional ones so that customers would be encouraged to queue on the marks rather than stand in the street and obstruct pedestrians.

Telephone call from the Premises Licence Holder to Food Officer to discuss the wording to be placed on the sign warning about customers about loitering.

**25/04/2020** – Out of Hours Noise Officer (MW) observations between 21:30 - 23:15 - premises closed.

**28/04/2020** – Allegation received alleging alcohol being sold for consumption off the premises. Photos received showing a male handing a bag into a car and what looked like a bottle of beer being held by the driver of the vehicle.

**29.04.2020** – Email sent to Premise Licence Holder advising that a complaint had been received alleging that the premises is selling alcohol as part of the takeaway service and that photos allegedly showing a male taking a bag of beers out to a car parked opposite the premises had been received. Concerns raised about drink driving and reminded that premises is only licensed for sales of alcohol for consumption 'on' the premises so alcohol cannot be sold as part of the takeaway service (as mentioned in the second email dated 8<sup>th</sup> April 2020).

**30.04.2020** – Email from Premises Licence Holder advising that he is there every day and they are not selling alcohol. He asked to see the photos. The officer did not share the photos but instead gave a description of the male who handed over the drinks so he could check his CCTV and see if the description matched any of the staff that were working that day.

**01/05/2020 and 02/05/2020** – Out of Hours Noise Team Observations (MW) - premises closed, no activity seen.

**04/05/2020** – 10:45 - Senior Licensing Enforcement Officer (CPX) carried out observations outside the premises. Four males standing on park side of road – two groups of two. Groups standing about 1m apart. One male drinking from takeaway coffee cup. Two males pulled up in a van and parked about 50m away from premises. Walked up to premises and went inside, came out with takeaway cups. A workman's truck arrived and parked nearby, two males got out and approached the premises. Males leaving and those arriving had a very brief passing conversation. A further younger male could be seen standing about 5m from entrance to shop talking on a mobile phone and smoking. Very few other places open on the road. Two males left premises, one crossed over to a car opposite and sat on the bonnet talking with occupant. Male from van left – kept going back and forth. 10:53 – no one directly outside premises, pavement is clear. Male from van returned and waited for his colleague on corner of Grovelands Road where pavement is much wider. His colleague came out of the premises carrying what looked like an iced coffee. Three males standing next to silver car on park side talking. Female walked past premises. Man got in silver car and left, 2 other males walked away. Four men still on park side talking. Several people walking past the premises, no issues getting past. No tables and chairs outside premises at time of visit. Two older ladies entered café and left carrying takeaway cups. Male still nearby talking on phone. Four individuals walked past premises. One male walked up to premises looked inside and walked back the same way he'd come from. Two males walked past premises. Male who had been on phone now seen holding two takeaway cups. One of the four men opposite entered premises and came out with a takeaway cup. More people walking past premises – area is reasonable business with passing pedestrians. Possibly as train station is on this road or on way to Green Lanes which was very busy. 11:00 – only man on phone on shop side of road. Owner came outside seemed to say something to the male who moved further away from the premises. Males talking on park side of the road started to move away. Officer moved on by traffic warden so observations cease at 11:05. Owner waved at officer on way past premises, he and other males in street had become aware that observations were being carried out.

**04/05/2020** – Annual Renewal for a Table and Chairs Licence submitted.

**04/05/2020** – Complaint regarding seven customers standing around outside and sitting at the outdoor tables chairs. Non-socially distancing and all making the pavement narrower for everybody else. As the complaint stood nearby a car pulled up, parked dangerously on the double yellow lines leaving its rear sticking out into the road and driver went into the café. Officer advised Premises Licence Holder tables and chairs must be taken inside as takeaway only permitted at current time.

**06/06/2020** – An Officer (CPX) looked at the premises on Google Street view in relation to the Tables and Chairs licence. The image shows that there is a parking meter to one inside of the premises. There are tables and chairs outside the premises and a couple are walking past the premises side by side. There is another male standing on the kerb smoking. There is one male sitting at one of the chairs who appear to be making an obscene jester at the camera as it goes past. **See Appendix 16.**

**11/05/2020** – Complaint received relating to men gathering outside the premises and disregarding social distancing rules. It is alleged that the men stand a few metres away from the cafe on the pavement making it impossible for anyone else to get by and to stick to social distancing. It is also alleged that the men drive in convoys to meet there and when they meet they hug each other. The complainant claims to have seen the owner Mr Borufi doing this on Friday. The complaint stated that there is now a feeling of unease in the area due to the large groups of men who congregate at the café breaking social distancing rules.

**12/05/2020** – Concerns raised by local resident about alterations that have been made to the front of the shop which reduced the internal area and created an external area where customers were allegedly allowed to smoke and whether this complies with smoking regulations.

**13/05/2020** – Officer (CPX) sent an email to Planning Enforcement to see if the alterations to the shop front required planning permission if so if it had been applied for and granted and if there any conditions attached to their planning permission? No response to date.

**13/05/2020** – Complaint received in relation to men standing outside the premises making it impossible to pass by with 2m gap. Two photographs attached to email complaint showing three men standing next to a car parked outside the premises.

**14/05/2020** – Email sent to Premises Licence Holder's Solicitor asking for an updated plan to be submitted so that officers can advise if a new plan needs to be formally submitted via a minor variation or a full variation.

### **Location**

This premises is located opposite Broomfield Park close to one of the main entrances in to the park. There is also a railway station located on this road.

### **Complaints relating to the Coronavirus and Licence Reviews**

Public Safety is one of the four licensing objectives and many of the recent complaints have related to public safety and social distancing due to the current Coronavirus pandemic.

**18/09/2020** – 20:50 – 21:00 Officer (CPX) measured the pavement outside the premises and the pavement on the opposite side of the road. There is a parking metre to one side of the premises with a plant pot outside a neighbouring business opposite the parking metre. Three photos were taken – **see Appendix 17i-iii**. At this point, which is the narrowest, the accessible pavement is 2m 3.8cm wide. At the other end of the shop front the width is 3m 3.4cm wide. According to the 'Metric Planning and Design Data Handbook' 4<sup>th</sup> Addition 2012 by David Littlefield the average shoulder width of an adult male is 46.5cm. As it is unlikely that people would walk on the very edge of the kerb or right up against the building it is also unlikely that 2 people could pass each other on this part of the pavement and comply with the 2m social distancing rule even if no one was outside the premises and it was closed.

The 2m social distancing problem exists whether the premise is open or not but the Licensing Authority accepts that if people are outside the premises, either standing or sitting at tables and chairs the pavement would be made narrower and it would make the situation worse.

The pavement on the opposite side of the road to the premises, which it is alleged has also been used by customers to congregate is 2m 46cm wide.

The premises was closed at the time of the visit. There was no one outside the premises but there was a group of 5 males (early 20s) standing together on the opposite side of the road approximately 8-9m away from the premises. They were not complying with social distancing regulations. The location of the premises may encourage more people congregate in this area. This premises is located opposite Broomfield Park close to one of the main entrances in to the park. There is also a railway station located on this road.

This review was submitted as a result of issues that occurred prior to the pandemic and although all complaints have been included in this review my intention is to focus on issues that have occurred at times when the licence has actually been in use, i.e. when alcohol was being sold or regulated entertainment was taking place. If the licence is not being used then the licence conditions are not enforceable and licence objectives cannot be undermined.

The licence is for 'on' sales of alcohol only so alcohol sales are not permitted whilst the premises is trading as a takeaway only premises. (When alcohol sales resume the licence holder is reminded that alcohol cannot be removed from the licensed area, meaning customers cannot take their drinks outside and consume them in the street even if a tables and chairs licence is in place). In order for music to be considered regulated it must be for an audience. As a takeaway it is unlikely there would be an audience.

The complaints that have been received in relation to social distancing do give an indication of how well the licence holder is able to control the behaviour of his customers. In the interest of fairness, we must try and separate what is typical behaviour at this premises and what is the result of the unusual situations businesses currently find themselves in.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: [charlotte.palmer@enfield.gov.uk](mailto:charlotte.palmer@enfield.gov.uk)



Signed:

Date: 21/05/2020

REF: WK/ 217021978

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Broomfield Coffee Bar	
Premises Address	64 Aldermans Hill N13 4PP	
Time of Visit:	Start: 19:30	Finish: 19:52

During an inspection of your premises on Fri 30<sup>th</sup> June 2017, the following was checked:

Part B of Premises Licence displayed? Yes  No   
 Address & tel no. of PLH & DPS on licence correct? Yes  No  (If incorrect, insert new details below)  
 Conditions of licence checked? Yes  No

No. of condition not in compliance	Evidence/Advice
2	You must display a drinking control zone poster.
3 & 4	Alcohol must only be served with a meal.
7	Display notices in smoking area, NO drinks outside.
8	Display leave quietly poster
10 & 11	You must provide induction training to all staff You must document all training
12	You must keep and use a refusals book
13	You must operate a local authority or similar Proof of age Scheme.

Any other matter(s) that need addressing: \*You must provide evidence of annual fee payment \* You must apply to transfer the licence if the licensee has changed \* You must apply to vary the DPS.  
 \* Advised re noise complaints. Please find out if there have been any structural changes to ceiling.

You are required to have the above matters attended to within .....days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Signature of Officer on visit: 	Signature: 
Print Name: CHARLOTTE PALMER	Print Name & Position: ARJAN BORUEI
Email/Tel: 0208 379 3965 ...charlotte.palmer.....@enfield.gov.uk	Email/Tel: f [Redacted]

Application forms can be downloaded at <https://new.enfield.gov.uk/services/business-and-licensing/>.

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**From:** Charlotte Palmer  
**Sent:** 31 July 2017 15:42  
**To:** [REDACTED]  
**Subject:** 64 Aldermans Hill [SEC=OFFICIAL]

Classification: OFFICIAL

Dear Mr Boruei,

I write further to the visits I have made to the above named premises to advise you that the council are still receiving complaints about loud music coming from your premises. I am advised that it was allegedly very loud on Thursday.

Please can you update me as to what action you have taken to resolve this issue? Have you ceased to use the ceiling speakers?

Please also let me know what name the premises is currently trading under and when a premises licence Transfer and Vary DPS application will be submitted.

The Licensing Team have still not received any evidence to show that the licence annual fee has been paid. The licence has therefore been suspended and no licensable activities - including the sale of alcohol can take place until evidence of payment has been received by the Licensing Team.

Please ensure that all licence conditions are being complied with.

**Failing to comply with any condition attached to a Premises Licence is a criminal offence, which on conviction is punishable by an unlimited maximum fine, up to six months imprisonment or both.**

I have also written to the current premises licence holder to make her aware of these issues.

Please respond to this email by Friday 4<sup>th</sup> August 2017 – [charlotte.palmer@enfield.gov.uk](mailto:charlotte.palmer@enfield.gov.uk).

Regards

Charlotte Palmer  
Senior Licensing Enforcement Officer  
Council Housing and Regulatory Services  
Health, Housing and Adult Social Care  
Enfield Council  
Silver Street  
Enfield  
EN1 3XY

Tel: 0208 379 3965

Email: [charlotte.palmer@enfield.gov.uk](mailto:charlotte.palmer@enfield.gov.uk)

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

Classification: OFFICIAL

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REF: WK/ 217024018

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Bambino's on The Park	
Premises Address	67 Aldemans Hill, N13 4PP	
Time of Visit:	Start: 19.40	Finish: 20.00.

During an inspection of your premises on 8 September 2017, the following was checked:

Part B of Premises Licence displayed? Yes  No

Address & tel no. of PLH & DPS on licence correct? Yes  No  (If incorrect, insert new details below)

Conditions of licence checked? Yes  No

No. of condition not in compliance	Evidence/Advice
C. 7	Notice still required advising customers smoking outside to respect neighbours.
C.10+11	Staff training for all staff must be completed repeated every 3 months and documents of training to be kept.
+12	
DPS named	still involved in business. Mr Borufi awaiting results of personal licence exam before submitting applications. Please keep Charlotte updated

Any other matter(s) that need addressing:  
 CBE to send training booklets, training book + refusals book to arjanborufi@yahoo.com.  
 Music at background level. Customers with alcohol also have table meal.

You are required to have the above matters attended to within .....days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Signature of Officer on visit: EUG	Signature: 
Print Name: Ellie Green	Print Name & Position: Arjan Borufi, Owner to be
Email/Tel: 0208 379 3965 charlotte.palme@enfield.gov.uk	Email/Tel: 

Application forms can be downloaded at <https://new.enfield.gov.uk/services/business-and-licensing/>.

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REF: WK/217024018

Appendix 4  
LICN\_1

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Bambinos 64 Aldermans Hill, N13 4PP	
Premises Address	→	
Time of Visit:	Start: 10.35	Finish:

During an inspection of your premises on Tuesday 19th Oct 2017....., the following was checked:

Part B of Premises Licence displayed? Yes  No

Address & tel no. of PLH & DPS on licence correct? Yes  No  (If incorrect, insert new details below)

Conditions of licence checked? Yes  No

No. of condition not in compliance	Evidence/Advice
	Revisit to check C2, 3, 4, 7, 8, 10, 11, 12, 13
C2.	Designated Public Place order poster to be displayed This has already been emailed
C7	You need to put signs on the tables outside advising customers that they can't drink alcoholic drinks outside & asking them to use the area quietly & no more than 10 people outside at any one time.
C10, 11	Evidence of training required - please email me the records

C12 Refusals book required.

Any other matter(s) that need addressing: A licence transfer application needs to be submitted. Also a very DPS application needs to be submitted as Dr-lara Zegiri no longer works at the premises. Links to the Council website where applications can be downloaded have been emailed to Mr Bouhi previously. The link is also at the bottom of this form \*2

You are required to have the above matters attended to within 14 days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Signature of Officer on visit: 	Signature: 
Print Name: CHARLOTTE PALMER	Print Name & Position: Alfredo
Email/Tel: 0208 379 3965 charlotte.palmer@enfield.gov.uk	Email/Tel: [Redacted]

Application forms can be downloaded at <https://new.enfield.gov.uk/services/business-and-licensing/>

Officer will come back on Friday evening to check all outstanding issues.

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REF: WK/ 21706 24018

Appendix 5  
LICN\_1

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Bambino's On The Park	
Premises Address	64 Aldermans Hill	
Time of Visit:	Start: 22.00	Finish:

During an inspection of your premises on 20 October 2017, the following was checked:

Part B of Premises Licence displayed? Yes  No

Address & tel no. of PLH & DPS on licence correct? Yes  No  (If incorrect, insert new details below)

Conditions of licence checked? Yes  No

No. of condition not in compliance	Evidence/Advice
7	Poster currently in place needs to be replaced with wording so condition fully met.
10+11	No training completed. Book available.
NB. Ceiling speakers now disconnected. No recent complaints!	

Any other matter(s) that need addressing: Transfer & DPS applications should have been completed by agent today. Male singer + 1 male double keyboard set up for live music performance. Recorded music (jazz style) playing louder than previous visits. Advised to keep music level down to avoid noise complaints. 2 tall speakers in far right corner of premises standing on the floor.

You are required to have the above matters attended to within ..... days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Signature of Officer on visit: 	Signature: 
Print Name: Charlotte Palmer	Print Name & Position: Arjan Barofi, Owner
Email/Tel: 0208 379 3965 charlotte.palmer@enfield.gov.uk	Tel: 

Application forms can be downloaded at <https://new.enfield.gov.uk/services/business-and-licensing/>.



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REF: WK/217057107

LICN\_1

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Broomfield Coffee Bar	
Premises Address	64 Aldemans Hill, London, N13 4PP	
Time of Visit:	Start: 11.10	Finish: 11.43

During an inspection of your premises on Thursday 30th Nov 2017, the following was checked:

- Part B of Premises Licence displayed? Yes  No   
 Address & tel no. of PLH & DPS on licence correct? Yes  No  (If incorrect, insert new details below)  
 Conditions of licence checked? Yes  No

No. of condition not in compliance	Evidence/Advice
	with visit to premises, Police Licensing Officer Motyn Fisher & local police team to discuss recent complaints from 2 residents. Complainers allege large groups of males stand outside the premises drinking which is intimidating for those walking past. Also allegation of a fight outside the premises on Wednesday 22nd November 2017. Checked CCTV for incident - there was an altercation between a group who

Any other matter(s) that need addressing: had been sitting together inside - were colleagues, were dishes on table & bottles of bud 21.47. 8 males inside when incident occurs all go outside to see whats going on & to try & break it up. Agreed to put up more signage in 2 languages to remind customers not to take drinks outside - wasn't seen on footage. Will ask those smoking not to block pavement. Prior to altercation this You are required to have the above matters attended to within .....days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you. wasn't seen on the footage for that night. Tables & chairs outside

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Signature of Officer on visit: 	Signature: 
Print Name: CHARLOTTE PALMER	Print Name & Position: ARJAN BOKURI
Email/Tel: 0208 379 3965 charlotte.palmer@enfield.gov.uk	Email/Tel: 

Application forms can be downloaded at <https://new.enfield.gov.uk/services/business-and-licensing/>.

have been removed & a ~~new~~ table & chairs licence is being applied for. Reminded to keep music at a lower level - PC Fisher had witnessed and live music previously.



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**Please reply to:** Charlotte Palmer

**Mr Arjan Borufi**  
[REDACTED]  
[REDACTED]  
[REDACTED]

**E-mail:** Charlotte.palmer@enfield.gov.uk

**Phone:** 0208 379 3965

**Textphone:**

**Fax:**

**My Ref:** WK/218077461

**Your Ref:**

**Date:** 27<sup>th</sup> March 2019

Dear Mr Borufi

**Broomfield Coffee Bar, 64 Aldermans Hill, LONDON, N13 4PP**

I write to you as the current Premises Licence Holder of the above-named premises to advise you that Enfield Council's Licensing Enforcement Team has received a complaint about the premises.

The complainant alleges that they are being disturbed by loud music coming from the premises on a regular basis.

On 8<sup>th</sup> March 2019 Out of Hours Noise Officers visited the complainant's property and witnessed a statutory noise nuisance. The officer notes state that very loud music was audible in the complaints property coming from your premises and that the level of the base was making the floor vibrate. This is not acceptable.

The officer visited your premises on the night and spoke to staff who turned the volume down and the base off at their request.

Although a statutory nuisance was witnessed an abatement notice was not served on this occasion but please be warned that should a similar issue be witnessed officers may not be so lenient in future.

I take this opportunity to remind you of the following licence conditions which are attached to your licence in an attempt to prevent the premises becoming a source of nuisance to local residents:

5. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately every hour whilst regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that

**Sarah Cary**  
**Executive Director Place**  
Enfield Council  
Civic Centre, Silver Street  
Enfield EN1 3XY

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noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

6. All external doors and windows to be kept closed but not locked whilst regulated entertainment / live or recorded music is being played.

7. The external area at the front of the premises shall be designated for the use of smokers from the time of opening until closing time. There shall be no more than 10 persons using this designated area during these times. The designated area shall be adequately supervised to control the number and behaviour of patrons so as to not cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area during these times.

8. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

Failing to comply with conditions attached to the Premises Licence is a criminal offence which carries an unlimited maximum fine and or six month imprisonment.

Please be advised that where complaints concern licensed premises and those complaints relate to the licensing objectives any responsible authority and any interested party may ask the Council, as Licensing Authority, to review the Premises Licence.

Officers shall carry out observations and may visit your premises again.

If any of the above is unclear or you require further clarification, please contact me via email: [charlotte.palmer@enfield.gov.uk](mailto:charlotte.palmer@enfield.gov.uk)

Yours sincerely

Charlotte Palmer  
Senior Licensing Enforcement Officer

cc: Mr Arjan Borufi, Broomfield Coffee Bar, 64 Aldermans Hill, N13 4PP

**IMPORTANT** – Enfield residents should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time – to set up your account today go to [www.enfield.gov.uk/connected](http://www.enfield.gov.uk/connected)

REF: WK/  
218077461

## LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Broomfield Coffee Bar	
Premises Address	64 Aldermans Hill, London, N13 4PP	
Time of Visit:	Start: 9.35	Finish: 10.05

During an inspection of your premises on ...Wed...17th April...2019....., the following was checked:

Part B of Premises Licence displayed? Yes  No   
 Address & tel no. of PLH & DPS on licence correct? Yes  No  (If incorrect, insert new details below)  
 Conditions of licence checked? Yes  No

No. of condition not in compliance	Evidence/Advice
C2.	Alcohol Zone poster not on display - this is now covered by Public Space Protection orders - officer to send up-to-date poster to display.
C5	Noise checks to be documented - officer will send a template.
C10 & C11	staff training records not available.
C12	Refusals book not available.

Any other matter(s) that need addressing: Named DPS Mrs Oriana Zegin no longer works at the premises - she was the old owner - a very DPS application must be submitted. Visit made following 3 noise complaints this year. Please ensure music does not disturb local residents in future - a warning letter has already been sent in relation to this. Spoke to PLH who said letter not received. He also advised he is the DPS.  
 You are required to have the above matters attended to within 14 days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Signature of Officer on visit: 	Signature: 
Print Name: CHARLOTTE PALMER	Print Name & Position: T11A
Email/Tel: 0208 379 3965 ..Charlotte.Palmer.....@enfield.gov.uk	Email/Tel: 

Application forms can be downloaded at <https://new.enfield.gov.uk/services/business-and-licensing/>.

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Please reply to: Joynul Islam

The Manager  
Broomfield Café Bar  
64 Aldermans Hill  
London  
N13 4PP

E-mail: [joynul.islam@enfield.gov.uk](mailto:joynul.islam@enfield.gov.uk)  
Phone: 020 8379 5570  
Textphone:  
Fax:  
My Ref:  
Your Ref:  
Date: June 3 2019

Dear Sir/Madam,

**Environmental Protection Act 1990.**  
**Alleged Noise Nuisance due to loud music**

It has been brought to my attention that noise possibly from your premises, is affecting other local resident(s). This matter has not been fully investigated and this letter does not necessarily imply that a nuisance is being caused.


The purpose of this letter is to bring to your attention the provisions of the law with reference to noise nuisance. I would ask you to consider whether any activities on your premises could cause a disturbance to other local residents, and if so, to take whatever measures are possible to reduce the noise. Under the provisions of the Environmental Protection Act 1990, the matter may be investigated further, if it should again be brought to my attention.

You should be aware that the Council operates a Noise Service outside of normal office hours to respond to noise complaints, so it is possible that should a noise nuisance be witnessed, officers can take appropriate action at the time.

If satisfied that the complaint is justified a formal notice under section 80 of the above Act may be served specifying whatever steps are necessary to abate the nuisance and/or prevent the recurrence. Failure to comply with such a Notice would constitute an offence for which a fine of up to £20,000 (commercial) or £5,000 (residential) can be imposed on conviction.

**Sarah Cary**  
**Executive Director Place**  
Enfield Council  
Civic Centre, Silver Street  
Enfield EN1 3XY

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 If you need this document in another language or format contact the service using the details above.

Additionally, under the provisions of Section 82 of the same Act, local residents troubled by any noise nuisance may approach the Magistrates Court direct to arrange for a summons to be issued. If a summons is issued and the Magistrates are satisfied that a noise nuisance has occurred, they may impose a similar fine.

In the circumstances I would strongly urge you to consider the above information and if appropriate to ensure that any noise from activities on your premises is kept to a minimum.

However, if you feel that you have been wrongly identified or that the complaint is unjustified, please contact the officer concerned in order to discuss this matter further.

Yours faithfully

pp  
**Joynul Islam**  
**Commercial Nuisance Officer**

**IMPORTANT** – Enfield residents should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time – to set up your account today go to [www.enfield.gov.uk/connected](http://www.enfield.gov.uk/connected)

REF: WK/219016083

**LICENSING ENFORCEMENT INSPECTION REPORT**

Premises Name	Broomfield Coffee Bar	
Premises Address	64 Aldermans Hill N13 4PP.	
Time of Visit:	Start: 21:15	Finish: 21:40

During an inspection of your premises on 6<sup>th</sup> September.....2019....., the following was checked:

Part B of Premises Licence displayed? Yes  No   
 Address & tel no. of PLH & DPS on licence correct? Yes  No  (If incorrect, insert new details below)  
 Conditions of licence checked? Yes  No

No. of condition not in compliance	Evidence/Advice
12	Refusals book must be used for refused sales and made available for inspection by authorised officers
10 & 11	Induction training must be given to all staff selling alcohol. Training records must be kept.
5	You must keep records of subjective noise assessment

Any other matter(s) that need addressing: Mirvan - selling alcohol tonight. Not had induction training.

.....

.....

.....

.....

You are required to have the above matters attended to within .....days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Signature of Officer on visit: 	Signature: 
Print Name: VICTOR KTORAKIS.	Print Name & Position: ARSAN
Email/Tel: 0208 379 3602 Victor.Ktorakis@enfield.gov.uk	Email/Tel:

Application forms can be downloaded at <https://new.enfield.gov.uk/services/business-and-licensing/>.

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Miss Disentila Haxhija  
 42 Wood Avenue  
 [REDACTED]

Please reply to: Marcia Waterman

Environmental Protection, Civic Centre,  
 Silver Street, Enfield, EN1 3XH

E-mail : [marcia.waterman@enfield.gov.uk](mailto:marcia.waterman@enfield.gov.uk)

My Ref : WK/219057099

Your Ref :

Date : 19 February 2020

Dear Miss Haxhija,

**Re: Environmental Protection Act 1990**

**Address: Broomfield Coffee Bar, 64 Aldermans Hill, LONDON, N13 4PP**

Enclosed is a Notice for your attention. Should you have any queries on the matter please contact the Commercial Noise Officer Joynul Islam on 02081320895.

Should you wish to appeal the Notice, you will need to make representation to Highbury Magistrates Court, Highbury Corner, 51 Holloway Road London N7 8JA.

Yours sincerely



Marcia Waterman  
 Council Housing Health and Safety Advisor  
 Environmental Protection Team


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**Sarah Cary**  
**Executive Director Place**  
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Website: [www.enfield.gov.uk](http://www.enfield.gov.uk)



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 If you need this document in another language or format contact the service using the details above.

**LONDON BOROUGH OF ENFIELD**

**ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 80**

**ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE**

To: Miss Disentila Haxhija

Of: [REDACTED]

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Enfield, being satisfied of the [existence] [likely [occurrence] [recurrence]] of a noise amounting to a nuisance under section 79 (1) (g) of the above Act at **Broomfield Coffee Bar, 64 Aldermans Hill, LONDON, N13 4PP**, within the district of the said Council arising from:

**The production of noisy music**

HEREBY REQUIRE YOU as the [person responsible for the said nuisance] [owner] [occupier] of the premises, **Broomfield Coffee Bar, 64 Aldermans Hill, LONDON, N13 4PP**, from which the noise is or would be emitted [forthwith] [within days] from the service of this notice, to abate the same, and also HEREBY PROHIBIT the recurrence of the same and for that purpose require you to:

**Exercise proper control of the volume of sound generated at the premises to ensure that the total volume of sound emitted is not likely to cause a nuisance to persons residing in the vicinity.**

[IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council,

[the noise to which this notice relates is [injurious to health] [likely to be of a limited duration such that suspension would render the notice of no practical effect]].

[the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance]].

/contd

IF YOU CONTRAVENE without reasonable excuse any requirement of this notice you will be guilty of an offence under section 80 (4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine, together with a further fine of an amount equal to one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable, on summary conviction, to a fine.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Furthermore, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Signed:



Marcia Waterman  
Council Housing Health and Safety Advisor

Dated 19/02/2020

"Note - The person served with this notice may appeal against the notice to a magistrates' court within the period of twenty-one days beginning with the date on which they were served with the notice."

**NB See attached explanatory notes N6B**

WK/219057099

**ENVIRONMENTAL PROTECTION ACT 1990-SECTION 80**

**ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE**

**NOTES N6B**

(as amended)

The Statutory Nuisance (Appeals) Regulations 1990 provide as follows:

APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990  
("the 1990 Act")

2. - (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -

(a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);

(b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);

(c) that the authority has refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;

(d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;

(e) where the nuisance to which the notice relates -

(i) is a nuisance falling within section 79(1)(a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or

(ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or

(iii) is a nuisance falling within section 79(1)(ga)[4] of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practicable means were used to prevent, or to counteract the effects of, the nuisance; or

(iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and

(aa) the artificial light is emitted from industrial, trade or business premises, or

(bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act)

(f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -

(i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or

(ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or

(iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);

(g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);

- (h) that the abatement notice should have been served on some person instead of the appellant, being -
- (i) the person responsible for the nuisance, or
  - (ii) the person responsible for the vehicle, machinery or equipment, or
  - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
  - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
- (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
  - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
- (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
- (i) a person also responsible for the nuisance, or
  - (ii) a person who is also owner of the premises, or
  - (iii) a person who is also an occupier of the premises, or
  - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may -

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the court -

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that the person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of notice

3.- (1) Where -

(a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -

(b) either -

(i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or

(ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice

relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant,

and

(c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where -

(a) the nuisance to which the abatement notice relates -

(i) is injurious to health, or

(ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice -

(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect

notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

**CERTIFICATE OF SERVICE BY HAND**

I **Charles Le Besque** of the London Borough of Enfield, hereby certify that I served **Miss Disentila Haxhija** of [REDACTED]

with the notice of which a true copy is attached, by delivering by ~~\*hand to the above /~~ through the letterbox / attaching it to the vehicle on 20 February 2020 at 17:30 hours.

Signed *CLB* .....

Reference: WK/219057099

**\*delete where appropriate**

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Mr Arjan Borufi  


Please reply to: Marcia Waterman  
Environmental Protection, Civic Centre,  
Silver Street, Enfield, EN1 3XH  
E-mail : [marcia.waterman@enfield.gov.uk](mailto:marcia.waterman@enfield.gov.uk)  
My Ref : WK/219057055  
Your Ref :  
Date : 19 February 2020

Dear Mr Borufi,

**Re: Environmental Protection Act 1990 Section 80**  
**Address: Broomfield Coffee Bar, 64 Aldermans Hill, LONDON, N13 4PP**

Enclosed is a Notice for your attention. Should you have any queries on the matter please contact the Commercial Noise Officer Joynul Islam on 02081320895.

Should you wish to appeal the Notice, you will need to make representation to Highbury Magistrates Court, Highbury Corner, 51 Holloway Road London N7 8JA.

Yours sincerely




Marcia Waterman  
Council Housing Health and Safety Advisor  
Environmental Protection Team

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**Sarah Cary**  
**Executive Director Place**  
Enfield Council  
Civic Centre, Silver Street  
Enfield EN1 3XY

Website: [www.enfield.gov.uk](http://www.enfield.gov.uk)

  
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 If you need this document in another language or format contact the service using the details above.

**LONDON BOROUGH OF ENFIELD**

**ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 80**

**ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE**

To: Mr Arjan Borufi

Of: [REDACTED]

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Enfield, being satisfied of the [existence] [likely [recurrence]] of a noise amounting to a nuisance under section 79 (1) (g) of the above Act at **Broomfield Coffee Bar, 64 Aldermans Hill, LONDON, N13 4PP**, within the district of the said Council arising from:

**The production of noisy music**

HEREBY REQUIRE YOU as the [person responsible for the said nuisance] [owner] [occupier] of the premises, **Broomfield Coffee Bar, 64 Aldermans Hill, LONDON, N13 4PP**, from which the noise is or would be emitted **forthwith** from the service of this notice, to abate the same, and also HEREBY PROHIBIT the recurrence of the same and for that purpose require you to:

**Exercise proper control of the volume of sound generated at the premises to ensure that the total volume of sound emitted is not likely to cause a nuisance to persons residing in the vicinity.**

[IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council,

[the noise to which this notice relates is [injurious to health] [likely to be of a limited duration such that suspension would render the notice of no practical effect]].

[the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance]].

/contd

IF YOU CONTRAVENE without reasonable excuse any requirement of this notice you will be guilty of an offence under section 80 (4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine, together with a further fine of an amount equal to one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable, on summary conviction, to a fine.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Furthermore, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Signed:



Marcia Waterman  
Council Housing Health and Safety Advisor

Dated 19/02/2020

"Note - The person served with this notice may appeal against the notice to a magistrates' court within the period of twenty-one days beginning with the date on which they were served with the notice."

**NB See attached explanatory notes N6B**

**ENVIRONMENTAL PROTECTION ACT 1990-SECTION 80**

**ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE**

**NOTES N6B**

(as amended)

The Statutory Nuisance (Appeals) Regulations 1990 provide as follows:  
APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990  
("the 1990 Act")

2. - (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -

- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
- (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
- (c) that the authority has refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
- (e) where the nuisance to which the notice relates -
  - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
  - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
  - (iii) is a nuisance falling within section 79(1)(ga)[4] of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practicable means were used to prevent, or to counteract the effects of, the nuisance; or
  - (iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and
    - (aa) the artificial light is emitted from industrial, trade or business premises, or
    - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act)
- (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
  - (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
  - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
  - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
- (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);

(h) that the abatement notice should have been served on some person instead of the appellant, being -

- (i) the person responsible for the nuisance, or
- (ii) the person responsible for the vehicle, machinery or equipment, or
- (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or

(iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

(i) that the abatement notice might lawfully have been served on some person instead of the appellant being -

(i) in the case where the appellant is the owner of the premises, the occupier of the premises, or

(ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;

(j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -

(i) a person also responsible for the nuisance, or

(ii) a person who is also owner of the premises, or

(iii) a person who is also an occupier of the premises, or

(iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may -

(a) quash the abatement notice to which the appeal relates, or

(b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or

(c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -

(a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or

(b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the court -

(a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and

(b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that the person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of notice

3.- (1) Where -

(a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -

(b) either -

(i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works

before the hearing of the appeal, or

(ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice

relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant,

and

(c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where -

(a) the nuisance to which the abatement notice relates -

(i) is injurious to health, or

(ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice -

(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect

notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

**CERTIFICATE OF SERVICE BY HAND**

I Charles Le Besque of the London Borough of Enfield, hereby certify that I served Mr Arjan Borufi of [REDACTED]

with the notice of which a true copy is attached, by delivering by ~~\*hand to the above / through the letterbox / attaching it to the vehicle~~ on 19 February 2020 at 15:30 hours

Signed *CLB* .....

Reference: WK/219057055

**\*delete where appropriate**

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Mr Arjan Borufi  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

Please reply to: Charlotte Palmer  
 Trading Standards, Civic Centre,  
 Silver Street, Enfield, EN1 3XY  
 E-mail : [charlotte.palmer@enfield.gov.uk](mailto:charlotte.palmer@enfield.gov.uk)  
 My Ref : WK/219013621  
 Your Ref :

Dear Mr Borufi,

**Environmental Protection Act 1990  
 Licensing Act 2003**

**Broomfield Coffee Bar, 64 Aldermans Hill, London, N13 4PP**

I write to you as the current premises licence holder of the above named business.

You have recently been served with an Environmental Protection Act 1990 Abatement Notice in respect of statutory nuisance as witnessed on 7<sup>th</sup> February 2020.

The notice requires that you abate the nuisance forthwith and prohibit the recurrence by exercising proper control of the volume of sound generated at the premises as to ensure that the total volume of sound emitted is not likely to cause a nuisance to person residing in the vicinity.

Prevention of public nuisance is one of the four licensing objectives. Consequently, the Licensing Authority is considering reviewing the premises licence. The Licensing Authority believes that the conditions attached to the premises licence need to be amended to further promote the licensing objectives.

As an alternative to having your licence reviewed, the Licensing Authority is prepared to offer you the opportunity to apply for a minor variation to voluntarily amend the current conditions. Enclosed is a document showing suggested amendments/additions.

If you agree to apply for the minor variation please do so by Friday 13<sup>th</sup> March 2020. A minor variation application form is enclosed.

**IMPORTANT** – Enfield residents should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time – to set up your account today go to [www.enfield.gov.uk/connected](http://www.enfield.gov.uk/connected)

**Sarah Cary**  
**Executive Director Place**  
 Enfield Council  
 Civic Centre, Silver Street  
 Enfield EN1 3XY

Website: [www.enfield.gov.uk](http://www.enfield.gov.uk)



If you do not agree to submit the minor variation, it will leave the Licensing Authority with no choice but to pursue a review of the premises licence. You will then run the risk of having the licensing committee impose stricter restrictions on the premises licence and possibly even suspension or revocation of the licence.

**Please consider this letter to be a warning as to your future conduct. Should the notice be breached or other further noise issues witnessed, the Licensing Authority shall take immediate action in order to have music permanently removed from the licence and or to reduce your licensed hours and or prosecute you for any licence breaches.**

If you have any queries about the enclosed list of conditions or are unable to apply for a minor variation within the time frame given please contact me via email:

[charlotte.palmer@enfield.gov.uk](mailto:charlotte.palmer@enfield.gov.uk)

Yours sincerely

Charlotte Palmer  
Senior Licensing Enforcement Officer

cc: Mr Arjan Borufi, Broomfield Coffee Bar, 64 Aldermans Hill, London, N13 4PP

REF: WK/

LICN\_1

219013621

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Broomfield Coffee Bar		
Premises Address	64 Aldermans Hill, N13 4PP		
Time of Visit:	Start: 21.50.	Finish:	22.30

During an inspection of your premises on 27 February 2020, the following was checked:

Part B of Premises Licence displayed? Yes  No  **Advised**  
 Address & tel no. of PLH & DPS on licence correct? Yes  No  (If incorrect, insert new details below)  
 Conditions of licence checked? Yes  No

No. of condition not in compliance	Evidence/Advice
	Agreed tables + chairs licence until 11pm. EVG to amend licence. Mr Borufi did mean midnight on application.
C.5	No sound checks. Advised to complete.
2, 8,	Reminder that all notices need to be re-displayed after decoration.
	Leave quietly sign needs to prominently face customers as they leave the premises.
10+11	All staff must be trained + refresher training carried out. Staff on duty, Mr Lenard Hunchi, not in records.
12	Dates + times not recorded - advised.

Any other matter(s) that need addressing:

Part B of the premises licence is required to be displayed. Another party booked for 14th March. Discussed minor variation to implement noise limiter. Also agreeable to finishing music at 11pm. ~~For~~ Minor variation letter delivered. New got double glazed doors at front (cost £5.5K).

You are required to have the above matters attended to within 7 days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

<b>LICENSING ENFORCEMENT</b>	<b>RECIPIENT OF NOTICE</b>
Print Name of Officers in Attendance: Elie Green Victor Utrakis	Signature:
	Print Name & Position: Arjan Borufi, PLH
If you have any queries relating to this report please contact Charlotte Palmer, Senior Licensing Enforcement Officer via 0208 132 2004 or charlotte.palmer@enfield.gov.uk	

Application forms can be downloaded at: <https://new.enfield.gov.uk/services/business-and-licensing/>

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14/3/2020



LONDON BOROUGH OF ENFIELD

ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80

ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE

To: Broomfield cafe / Bare  
Of: 64 Aldermans Hill  
N13 4PP

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Enfield, being satisfied of the [existence] [likely [occurrence], recurrence]] of a noise amounting to a statutory nuisance under section [79(1) (g)] of the above Act at:

Broomfield Cafe Bare  
64 Aldermans Hill N13-4PP

Within the district of the said Council arising from:

loud amplified music  
amplified

HEREBY REQUIRE YOU as the [person responsible for the said nuisance] [owner] [occupier] of the premises, from which the noise is or would be emitted FORTHWITH [~~within~~ days] from the service of this notice, to abate the same, and also HEREBY PROHIBIT the recurrence of the same and for that purpose require you to:

Exercise proper control of the volume of amplified music.

In the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the nuisance to which this notice relates is [~~likely to be of a limited duration such that suspension would render the notice of no practical effect~~] [the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance]. [~~Injurious to health~~]

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80 (4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine together with a further fine of an amount equal to one-tenth of the greater of £5000 or level 4 on the standard scale for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable, on summary conviction, to a fine. Alternatively you may be served with a Fixed Penalty Notice if you breach this abatement notice.

The Council may take proceedings in High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Signed [Signature]

Dated 14/3/2020

"Note - The person served with this notice may appeal against the notice to a magistrates' court within the period of twenty-one days beginning with the date on which they were served with the notice."

Address for all communications:  
London Borough of Enfield  
Civic Centre, Silver Street, Enfield, EN1 3XY

Contact: David Dollimore Telephone: 0208 379 1000

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**The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:**

Appeals under Section 80(3) of the Environmental Protection Act 1990 ("the 1990 Act")

2 (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act against an abatement notice served upon him by a local authority.

The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case –

that the abatement notice is not justified by section 80 of the Act;

that there has been some informality, defect or error in, or in connection with, the abatement notice;

that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the notice are otherwise unreasonable in character or extent, or are unnecessary;

that the time, or, where more than time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose.

Where the nuisance to which the notice relates –

i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or

ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;

that, in the case of nuisance under section 79(1)(g) of the 1990 Act, the requirements imposed by the abatement notice by virtue of section 80(1)(a) of that Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of –

i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act"), or

ii) any consent given under section 61 or 65 of the 1974 Act, or

iii) any determination made under section 67 of the 1974 Act,

that the abatement notice should have been served on some person instead of the appellant, being –

i) the person responsible for the nuisance, or

ii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or

iii) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

that the abatement notice might lawfully have been served on some person instead of the appellant being –

i) in the case where the appellant is the owner of the premises, the occupier of the premises, or

ii) in the case where the appellant is the occupier of the premises, the owner of the premises and that it would have been equitable for it to have been so served;

that the abatement notice might lawfully have been served on some person in addition to the appellant, being –

i) a person also responsible for the nuisance

ii) a person who is also an owner of the premises, or

iii) a person who is also an occupier of the premises,

and that it would have been equitable for it to have been so served.

If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

Where the grounds upon which an appeal is brought include a ground specified in paragraph (2) (h) or (i) above, the appellant shall serve a copy of his notice of appeal on any other person referred to and in the case of any appeal to which this regulation applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question.

On the hearing of the appeal the court may –

quash the abatement notice to which the appeal relates, or

vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or

dismiss the appeal;

and an abatement notice which is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

Subject to paragraph (7) below, on the hearing of the appeal the court may make such order as it thinks fit –

with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of work, or

as to the proportions to which any expenses which may become recoverable by the authority under Part III of the the 1990 Act are to be borne by the appellant and by any other person.

In exercising its powers under paragraph (6) above, the court –

shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and

shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

**Suspension of Notices**

3 (1) Where –

an appeal is brought against an abatement notice served under section 80 of the 1990 Act, and

either –

compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or

(ii) in the case of a nuisance under section 79(1)(g) of the 1990 Act, the noise to which the abatement notice relates is noise caused in the course of the performance of some duty imposed by law on the appellant, and

(c) either paragraph (2) does not apply, or if it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where –

the nuisance to which the abatement notice relates –

(i) is injurious to health, or

(ii) is likely to be of a limited duration such that suspension of the notice would render the notice of no practical effect.

Or

the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies to the abatement notice –

shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

shall include a statement as to which of the grounds set out in paragraph (2) apply.

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# Annex 4

## PART A

### Representations against the Premises Licence (in support of the review)

#### **IP1 Representation**

Sent: 12 May 2020

Hope you are well. I took a few photos of outside the cafe yesterday evening that I've attached. As you can see there is a group of men congregating. On the other side of the road, which unfortunately I couldn't take a photo of, a group of men who had bought drinks from the cafe stood blocking the path. As a result no one can get past with the 2 metre social distancing rule. This shows that the cafe acts as magnet for people to come and ignore the rules.



#### **IP1 Representation Continued**

Sent: 20 May 2020

Dear Sir/Madam & Ms Palmer,

I've attached a word document with several photos of Broomfield Cafe. I did not want to inundate you with all the photos I have. Can I ask how the process of reviewing a license works please? Does it happen behind closed doors and if so are there minutes? Or is it possible to be there in person to listen to the arguments for the decision?

I want to re-iterate and consolidate the emails I've sent to you over the past month or so.

There are a lot of people in the neighbouring area that find the cafe a public nuisance due to blocking the street, leering at ladies and girls, getting sworn at and threatened. When looking at their license do you liaise with the police to see if they have any issues with the cafe?

I feel I need to add to my other complaint about Broomfield Cafe. It is now becoming a focal point where men gather and disregard social distancing rules. They come to the cafe buy coffee, beers and food and then stand a few metres away from the cafe on the pavement making it impossible for anyone else to get by and to stick to social distancing. You will probably respond by pointing out the cafe owner can't control this but you as Enfield Licensing can. The council has the powers to close this establishment down, just as it has to close a pub that continues to have anti-social behaviour happening outside it's premises. This is what is happening at Broomfield Cafe. Men drive from to meet here. They arrive in convoys and when they meet they hug each other, I witnessed Mr Borufi the cafe owner doing this on Friday. There is now a feeling of unease in the area due to the large groups of men who congregate to the cafe and who are breaking the guidelines and rules.

This picture was taken on Sunday 17<sup>th</sup> May. The man in the picture is Mr Borufi that owns the café. He turns up in his X5, parks on the pavement and double yellow lines. Obviously like Covid-19 restrictions other rules don't apply to him.



The below picture was taken on 11<sup>th</sup> April.



The below picture was also take on 11<sup>th</sup> April and has Mr Borufi showing him following Covid-19 guidelines. He also threatened me with violence while I was taking these pictures.





This picture was taken on 29 April



This picture taken on 12<sup>th</sup> May.





The photos below were taken 20<sup>th</sup> May



## IP2 Representation

Sent: 02 May 2020

Dear all,

I am a resident of xxxxx. I am aware of the review process of the licence for Broomfield Coffee Bar, 64 Aldermans Hill, N13 4PP and would like to make you aware of my opposition to this.

In regular times their customer are regularly occupying the pavement, making no effort to let the passer by go through whoever they are kids or grown up. Furthermore I have been verbally abused by one of their client and I know that others have had the same treatment.

If this was not enough, their behaviour during the Covid-19 is absolutely appalling and an insult to NHS workers as well as to all of us who follow government guidelines and make sure that this pandemic is over as soon as possible. I would like to list the following violations :

- 1) it took them several days to adhere to the guideline of the 23rd of March to close bars and restaurants.
- 2) they made no attempts to enforce any social distancing as their customer were still gathering in front of the bar which resulted in key workers having to walk through themes on their way to the train station.
- 3) notwithstanding numerous complaints to the police they seem to have taken no notice of the new rules in place and have carried on with their defiant attitude towards authority. Until they moved to a so called take away.
- 4) their clientele still gather although not anymore in front of the cafe but in front of the former Steph & Philips agency.
- 5) when some of us have tried to complain directly to them for their attitude, the staff as well as the customers have been threatening which for me is the most unacceptable and concerning element. One of us managed to take a picture which I enclose here. The customers noticed it and shouted at him as well as waved during the time he was in the park opposite the cafe.

In light of all the above I believe that this cafe has no place in our community, that the licence should be cancelled and that it should simply be closed. I hope that this email will contribute to do that for the good of our great Palmers Green community.

## IP2 Representation Continued

Sent: 04 May 2020 16:44

Hello,

Happy to follow the advice calling 101. I also wanted to point out that one of neighbours reported having been followed by one person of the cafe and sitting on its car glaring at her house. This should not be tolerated.

Also I add some pictures of gathering of their customers in the immediate vicinity but not in front of the cafe as if they believe to be smarter than the guideline by doing so.

I hope this all will help.







### **IP3 Representation**

Date: 13/05/2020

I hereby give notice to make representation over renewal of this licence.

I believe the licence should not be renewed on the grounds that the premises has daily gatherings of large groups of men who intimidate the public. It is also a complete flouting of social distancing during the COVID 19 crisis. They pose a serious health risk to all Londoners.

It is a formal representation on the grounds of 1) Prevention of public nuisance and 2) Public safety.

There appears to be a constant large gathering of males outside the building. They are never more than 2 mtrs apart, clearly contravening Gov't guidelines on social distancing. The group can occasionally get quite loud and boisterous which intimidates other residents.

---

## IP4 Representation

Sent: 13 May 2020

Dear Sirs

I would like to add my concerns in regards to the review of the licence at the above establishment for the following reasons:

1. During my commute to and from Palmers Green station it is guaranteed that the pavement is impeded by a large congregation of men smoking and drinking. I often have to step into the road to get round them. There is always a group of men heavily smoking directly outside. The air stinks around there of cigarette smoke, which children and babies are forced to walk through.
2. I often see men ogling ladies as they walk past. Female members of my family have taken to walking on the opposite side of the road due to feeling intimidated. I know of other females who feel and act in the same way.
3. There is always a constant stream of noisy men, huge amount of cars and vans causing traffic issues on Aldermans Hill.
4. When lockdown was announced this establishment continued to operate as normal. I did complain to yourselves and a councillor for which I received a standard response that take away's are operating. This was not the case.
5. They continue to ignore social distancing rules. There are often 5 people within the premises and always a group of men outside on the pavement drinking and smoking. This I witnessed again yesterday, shaking hands, blocking the pavement, with no respect for others.
6. I know of at least one person who lived in one of the flats above who has moved due to the above and allegations of potential criminal behaviour. This of course cannot be proved and there is no evidence merely anecdotal.
7. There is significant noise issues especially at weekends and evenings

This establishment is clearly run with no respect for local residents, they behave with impunity without any respect for the largely elderly and family residents in the area. I'm not sure what there licensing hours are but certainly from 7.00 am until well after 12.00 pm the behaviours above continues. The location for such an establishment is clearly inappropriate and not suitable for Aldermans Hill, where locals, commuters and families enjoying Broomfield Park have had to endure intimidation and ASB for far too long.

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## **IP5 Representation**

Date 14/04/20

### **Re: License review of Broomfield Café Bar N13 4PP**

Dear Sir/Madam,

I would like to take this opportunity to bring to your attention my concerns regarding the current music licensing at Broomfield Café Bar. These concerns are based on facts and personal experience which I have unfortunately acquired over the past few years.

I have been a private Resident of xxxxx for twenty-one years. I pride myself on being a caring, considerate and thoughtful member of the community. I abide by the rules and regulations of my tenancy, the local authority and the law.

#### **Brief history of Loud music at Broomfield Café Bar**

Excessive music volume has always been an issue at Broomfield Café Bar since the current license holder took over the premises in 2017. In the past, I have always tried to negotiate patiently, neighbourly and diplomatically with the license holder over the music volume, frequency and duration. This was unsuccessful and I was told by the manager/owner, that he had a business to run and a music license that he intends to use to its full effect. I continued in my attempts to liaise with the owner/manager over persistent and excessive music volume, rather than call the council because I was trying to be neighbourly. However, the premises continued to be used to hold late night parties and private functions with live music and dancing ([please see video A](#))

The manager/owner and staff of Broomfield Café Bar soon began to display abusive and aggressive behaviour towards me when I would kindly ask if the music could lower the music volume. The manager/owner would insist on shaking my hand, using enough force to hurt me, in a display of physical strength and dominance. He would pull my arm back and forth aggressively, so I would be forced to regain my balance, telling me to "be a man and grow some balls". This, I felt was a form of bullying. The manager/owner and staff of the premises would slam doors in my face late at night if I kindly asked them to reduce the volume.

The manager/owner would be rude to me on the phone if I rang and reply to my messages with the use of foul language. I was told that if "I do not like it, I can find somewhere else to live, as this is not my home". The staff would no longer answer the phone and have no regard for their music volume, frequency and duration, despite knowing the upset and distress it was causing me.

I notified the landlord/property owner of [REDACTED] Aldermans Hill regarding the noise nuisance at the premises. On the 14th October 2017, I received a letter from my landlord/property owner, instructing me to contact the Enfield Council Noise Abatement Team, regarding the noise issue. This was after the landlord/property owners own failed attempts at trying to bring the music volume under control.

Since then, I have made many complaints over many years, (all of which can be cross referenced by the Noise Team). Over the past few years, I have done my very best to meet every requirement the Noise Team has asked of me. On multiple visits made by the noise team, excessive music volume/noise nuisance has witnessed on many occasions. This finally led to a notice being served to Broomfield Café Bar.

Since liaising with Enfield Council over persistent noise issues, on the 29th March 2019, my safety felt threatened from physical harm by the manager/owner. I was accused of collaborating with the manager/owner of neighbouring restaurant Nissi, who I later understood had made complaints of his own about excessive music volume and partying. The manager/owner of Broomfield Café Bar violently told me he would "Cut the F\*\*king Greeks head off" and aggressively pointing his finger in my face, threatened to "put us both down" and "F\*\*k us both up", if I continued to cooperate with the council. This threatening and violent behaviour directed towards me caused me so much distress and fear of my own safety. Some days later, I decided to seek Police advise Via 101, though I thought it would be safer if not pursue the issue. (please refer to audio example B, threatening behaviour).

Since this notice has been served; it has been breached on many occasions by the premises license holder. It has been witnessed officially twice by the Noise Team on the 7th February 2020 and again on the 14th March 2020. Excessive music volume has also been witnessed by the Noise Team prior to these dates, though they were not aware that a notice had already been served. This notice has also been breached on many other occasions, when the Noise Team have not been available to witness, to which I have made formal complaints. This shows a consistent disregard for the boundary set by the local authority. Problems with music noise at Broomfield Café Bar continue to this very day.

### **Effect on my life and personal wellbeing**

The distress this caused to my life at home became unbearable. I was subjected to abusive, aggressive and drunken behaviour when kindly asking if the music could be turned down. For years I have been tortured by persistently loud music at an intense frequency, ranging from as early as 6:30am to as late as 1:00am. I could no longer relax in my own home and I no longer looked forward to returning home after work.



I would be subjected to unpleasant and sarcastic comments made at myself by staff and acquaintances of Broomfield Café Bar as I would walk by outside. I have felt forced to sit in bars late at night, to escape noise volume and drunken partying. I have also packed overnight bags, ready to spend nights away at a family and friends, to escape late night private events.

I have felt threatened of physical harm and revengeful attacks by friends and acquaintances of the manager/owner for contacting the Council. I have been robbed of the simple pleasure of having early night, for fear of being abruptly disturbed by drunken outbursts of late-night loud music. I have felt powerless and isolated with an inability to rest or relax in a home that I work to pay rent for.

### **Environmental issues**

The business and partying at Broomfield Café Bar have also resulted in overflowing bins in the service road, unable to cope with the excessive waste. Torn bin bags, food waste, broken bottles and empty food storage containers have littered the service road to the rear of Aldermans Hill. This, in turn, has created problems with vermin in the service road and vermin trying to enter our own residential property. This became the focal point of environmental complaints from residents within the local community (please see Image C).

### **Obstructions to residential Fire exit**

The business at Broomfield Café Bar has created the ongoing problem of our residential Fire Exit being used as storage for: tables chairs, mops, buckets, brooms, bags of rubbish, fire extinguishers, empty beer boxes and beer crates. This has also included the storage Flammable and combustible materials, such as oil drums and cans of paint. This has been with the addition of discarded cigarette ends which constitutes to the Fire Combustion Triangle. This has been in an effort provide additional space within Broomfield Café Bar, for private parties and functions. This is contravening of all Fire Safety Regulations and detrimental to the Health and Safety of private residents (please see image D).

### **Pavement crowding, littering and drink driving**

There is also the problem of excessive pavement noise and pavement crowding outside Broomfield Café Bar. This is by friends and acquaintances engaging in evening drinking sessions. This makes it difficult for residents to pass freely and makes residents, and myself, feel quite intimidated on passing the premises. Loud noise, shouting and laughing can also be heard on street outside the premises till very late at night and early hours of the morning. The crowding of the pavement results in the discarding cigarette ends and cigarette boxes littering the street every

evening, even though ashtrays are provided by law. All of which has previously been complained about by the local community.

I have also sadly witnessed on numerous occasions, friends and acquaintances of Broomfield Café Bar driving cars and vans home, after private parties and late-night drinking sessions. This is contravening of the laws regarding drink driving and a serious danger to public health.

### **Social distancing and group gatherings during government lockdown**

After 4 police warnings about social gathering and social distancing restrictions, (02/04/20, 04/04/20, 10/04/20, 09/05/20), Broomfield Cafe Bar continues to attract and encourage this behaviour. Over the past few weeks, operating as a takeaway service only, Broomfield Cafe Bar has encouraged the unnecessary frequenting by friends and acquaintances of the manager/owner, for coffee and unnecessary social interactions on the street outside.

I feel it is the responsibility of the premises license holder to ensure that the social distancing restrictions and group gathering restrictions are adhered to by staff and visitors inside the premises and on the pavement outside the premises. This lack of adherence to the government regulations has raised the concerns of residents and again been the focal point of complaints by community members. This again displays a consistency in contravening the law set by the government and local authorities. (Please see image E)

### **Trading of alcohol during government lockdown**

I Have also witnessed the discrete trading of alcohol during the takeaway service only, offered at Broomfield Café Bar. This trading of alcohol was also provided to the driver of a vehicle and consumed within the vehicle by the driver and acquaintances. This took place while parked outside the premises. This unfortunately was not picked up by the police as they failed to get there in adequate time. This was after it has been made clear by licensing that the trading of alcohol is not permitted during operation as a takeaway service only. Again, contravening of all law and boundaries set by the local authority.

(Please refer to email, photos and Cad number, Charlotte Palmer, Licensing Officer, 28/04/20)

### **Diary of recent events**

3/04/20 9:05-1:40pm Loud music penetrating the floors and walls of my abode. Causing upset and distress while trying to work from home. Disturbing and distracting while engaged in video conference calls.

**16/04/20 9:00am - 2:20pm** Loud music penetrating the floors and walls of my abode. Causing disruption and distress while trying to work from home. Making it hard for me to focus on tasks and breaking my concentration while inputting information.

**19/04/20 11:16am - 1:40pm** Loud music pounding through the floors of my abode. Causing disruption and disturbance while trying to attend live streaming of Sunday church mass. Distracting while trying to communicate with friends and family via social media.

**24/04/20 10:00am - 12:20** Loud music (bass sound) thumping through the floor of my abode. Causing distress and disruption and interrupting video conference lesson while working from home to support my student.

**25/04/20 8:34am - 10:10** Loud music outburst (thumping bass) penetrating the floors of my abode during the early morning. Causing upset and distress and distracting me from the tasks I need to undertake for the day.

**28/04/20 1:30pm** Witness the selling of alcohol to 3 gentlemen in a parked car outside during government lockdown. Witnessed the consumption of alcohol during take away service only and drink driving. Police cad numbers: 29049 28/04/20 - 3732 28/04/20

**29/04/20 2:44pm** Received a phone call from owner of Broomfield Cafe Bar using an unknown number. (xxxxx) Owner demanded to know if I had sent photos and a video of contravene to the local council. I was told if I have a problem, I should sort it out with him. Phone call left me feeling unsafe. I started to worry about the possibility of being approached and harassed in the street.

**02/05/20 11:15am - 19:10pm** Loud music (bass thumping) penetrating the floors of my abode. Causing upset and distraction while trying to work and rest at home due. I became so upset after such a long duration of music volume that I decided to make an official complaint via the Enfield council website.

**04/05/20 2:00pm - 4:10** Loud music from Broomfield Cafe Bar penetrating the floor of my abode Causing distraction while trying to work from home. Music can be heard while in conference calls with students', attending lessons and a with one to one meeting. I became so frustrated with the disturbance that I made another formal complaint to the Enfield council website.

**05/05/20 9:35am - 11:10** Loud music (thumping bass) pounding through the floors of my abode. Volume that is completely unnecessary. Causing me to become very upset and distress after putting up with it the previous day. Disturbance to my online lessons with students and causing me to lose focus on my job.

**05/05/20 6:13pm** Can see 2 attempts of the owner/manager of Broomfield Cafe Bar trying to contact me from his mobile number, of which I have blocked. I am feeling harassed.

**06/05/20 8:23am - 8:52** Loud and disruptive outburst of excessive music volume (thumping bass) penetrating floors of my abode and communal areas of the building. Causing upset and distress to the start of my day and causing frustration at the

frequency. This is the morning after I received an email from Charlotte Palmer stating that she had contacted the owner/manager regarding music volume.

**12/05/20 6:25pm – 7:45pm** Unnecessarily loud outburst of music (thumping bass), penetrating the floors of my abode. I felt this was done intentionally to upset or distress me in some way. I waited patiently for it to end, as I knew the premises would close soon due to the lockdown and the staff would go home.

### Summary

May I please ask you to consider the points I have raised and the experiences I have suffered and endured over the past few years relating to the music licensing at Broomfield Café Bar. I hope I have conveyed clearly, examples of repeated and consistent contravene of all law and protocols set by the local authority regarding music noise nuisance. I feel is due to a lack of consequence for the repeated breach of protocols by the premises license holder.

May you please also consider the related problems mentioned when reviewing the premises license. E.g. overflowing bins, blocked fire exits, pavement noise, pavement crowding, littering and drink driving. Also, threatening and intimidating behaviour. As I have previously mentioned, these concerns are based on facts and personal experience which I have unfortunately acquired over the past few years.

(large variety of media still available: images, audio and video).

Image C



Image D



Image E



**IP5 Representation Continued**

Sent: 23 May 2020 18:55

Subject: Intimidation/Harassment

Dear Charlotte/Karen

With regret, I would like to bring to your attention the harassment and intimidation I have just been subjected to, by a furious member of staff at Broomfield Cafe Bar.

On leaving my abode, 23/05/20 2:40pm, I was confronted with intimidating and threatening behaviour. This was within a confined space to the rear of the premises, to which I could not pass freely. This confined space is also the entrance to my home.

I was thanked, with aggression, raised voice and use of foul language, for the photos which have been sent to the police and local authorities. I was also told by the member of staff "I will see you later". I have previously experienced harassment from the same member of staff outside the premises on 15/03/20 11:25am

This incident left me feeling stressed, scared and completely anxious. I feel unable to come and go freely from my home, without fear of resentment and harassment. I decided to call 101 immediately, as instructed, by the police licensing officer. Cad No: 4393 23/05/20

Given the seriousness of this incident during this time, I would like the content of this email to form part of my Supporting representation regarding the premise license.

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## IP6 Representation

**Sent:** 13 May 2020 17:45

To whom it may concern,

I am writing with concerns re activity and behaviour at the above premises.

I walk past twice a day at around 830 am and 630pm and my concerns are as follows:

- It does not seem like a legitimate business as it is patronised by almost only [REDACTED] men, no children or women
- For a while they were advertising for a 'female-only' waitress which is discriminatory and culturally completely inappropriate and offensive
- The premises attracts large groups of men who smoke and conduct business gathering in vehicles around the bar
- During Covid, men continue to gather, smoke and conduct business around the premises, making it almost impossible to be socially distant around it
- All in all it carries an unwelcoming, suspicious vibe of men only gatherings in small groups
- It is such an insular setting, it contributes nothing to the local community other than arousing suspicion to residents and visitors to the area. My wife often feels threatened walking past, though I must stress she's never been approached or spoken to by anyone there

Frankly I'd be amazed if the business is legitimate and hope the review is able to establish, challenge and address what is going on there.

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## **IP7 Representation**

**Sent:** 25 April 2020

Dear Sir/Madam.

I write to express my concern at events relating to the above cafe.

The Broomfield Coffee Bar is solely a focal point for [REDACTED], none of whom appear to live here, and does not in any way serve the local community. Quite the opposite. At the best of times their customers behave in an anti social manner crowding and obstructing the pavement and throwing hundreds of fag ends all over the pavement and the road and, on occasions have spat across the front of me as I have tried to walk past on my way home from work. A few of them dump their rubbish in Grovelands road and I have witnessed this on several occasions, particularly a man with a white van.

Since the advent of Covid 19 and the Coffee bar operating a take away service, their customers drive in, park their vehicles and form in groups, blocking the pavement on both sides of the road and deliberately flouting the social distancing recommendations. Whenever anyone has tried to remind them of their obligations their response has been one of aggressive and foul mouthed abuse, sometimes with accompanying gestures.

I am an Operating Department Practitioner at the xxxxx Hospital where two of my work colleagues have died of Covid19 and countless others have or are suffering the effects of this awful virus. I cannot emphasise enough how important it is to do whatever it takes to avoid getting Covid19 at all. It will only take one of these people to catch Covid19 for all the others to get it too and then they are likely to spread it to our local community. The current state of affairs is a danger to our community and, in view of the duress and constant risk I am exposed to at work I am incensed but this uncaring attitude and feel I have the right to demand the complete closure of this antisocial and dangerous establishment with immediate effect, primarily for the safety of the community of Palmers Green.

## **IP7 Representation Continued**

**Sent:** 18 May 2020

Dear Licensing team.

Thank you very much for your reply to my last email. It is reassuring to know that my concerns, which are shared by many people whom I know in xxxx and the local area, are being considered. The antisocial behaviour which I mentioned in my previous email of April 25th has been going on ever since the Broomfield coffee bar first opened. In addition to what I said before there have been occasions of sexually harassing women as they walk past. I have witnessed this once and have heard of the waitress in Baskervilles being leered at through the window by customers from



Broomfield coffee bar. The fly tipping continues and I witnessed it again this morning. Almost every time I walk past I have to walk into the street to social distance myself from customers on the pavement outside Broomfield cafe. I wish to add that, throughout last summer, every time I came home from work there were crowds of them sitting in chairs and tables which were blocking half of the pavement and drinking beers outside. Often there were so many customers that the whole pavement was blocked by additional customers standing in the way of passers by. It is clear the this establishment does not serve the local community at all and only serves a large number of [REDACTED] from all over North London. Many of them take their drinks into Broomfield Park forming groups there. Our law abiding and civilised community is being made a complete mockery of by these people and the health hazard they represent needs to be addressed. In my view the only way this can be achieved is to close broomfield coffee bar completely. Feelings in our community are running high about this issue and when the second wave of Covid19 hits us next winter we will have a major problem on our hands and these people, by failing to socially distance, will be prime vectors. It may seem relatively plain sailing, now, with the infection rate appearing to fall in London but Covid19 is far from over. The Asian flu of 1968 and the second wave of 1969 killed 80,0000 people in the UK but this virus is far worse and we have a much greater density of population in London than we had then. It may be that Covid19 will be plaguing us for as much as three more years.

I attach a number of photographs which I have taken on various days from 26th April to 17th May

I shall send another email in a moment with more photos.











**IP7 Representation Continued**

Sent: 18 May 2020

Dear Licensing team.

The issue of people congregating is daily and continual throughout the day. it is impossible for the police to deal with this.

**IP7 Representation Continued**

**Sent:** 20 May 2020

I wish to declare my total opposition to the renewal for all of the reasons previously mentioned.

Yesterday evening I spoke with my neighbour over the fence about this and she said that she had also been sexually harassed by Broomfield coffee bar customers as she walked past.

**IP7 Representation Continued**

**Sent:** 20 May 2020

I have one further thing to add.

The owners of Broomfield Coffee bar altered the structure at the front of the premises without planning permission.

I did not realise this until now.

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## **IP8 Representation**

Sent: 26 April 2020 14:56

To Whom it May Concern

I am writing to register my concern over the up coming license renewal for the Broomfield Coffee Bar, Aldermans Hill, N13 4PP.

I, along with many residents in the surrounding area have deep concerns about this "Cafe"

I have personally witnessed drugs being used by men sitting at the tables outside the cafe. This Cafe attracts the rudest men (never see any women there) who sit and smoke and leer and ogle at girls and women as they pass by. There are frequently large gatherings of men that spill onto the pavement and no-one can get past. Even during this lockdown the cafe has flagrantly disobeyed the rules and been open, pedestrians literally having to cross the road to avoid close proximity.

This I'm sure you will put down to hearsay/gossip but this place is considered by locals as a gangsters/drug laundry location.

If local opinion counts for anything you would not re-new this license to these people.

## **IP8 Representation Continued**

Sent: 18 May 2020

Broomfield Cafe on Aldermans hill N13 is a source of deep concern to the neighbourhood and all of the following are of great concern:

- Prevention of crime and disorder;
- Prevention of public nuisance;
- Public safety, and
- Protection of children from harm.

I feel I have to write to you again to report truly unacceptable behaviour from the patrons at Broomfield Cafe, Aldermans Hill N13.

Yesterday the 15th May 2020 I again witnessed truly disgusting behaviour from groups of men gathered outside the Cafe.

They have obviously been told by the owners not to gather in too large numbers directly outside so what they do is to pack the pavement on the opposite side of the



street. Yesterday I was walking with my xx year old daughter and saw truly unbelievable disregard for the general public and anyone trying to walk along the pavement as they congregated in large groups, one group of about 8 men on the pavement and yet another group over the railings on the pavement that is in the park of about 10 men. Its like pre match at a football stadium.

I wrote before about how I had personally witnessed them abusing women walking by and blatantly smoking drugs outside the cafe, its nothing short of disgusting.

I was so incensed yesterday that I returned home and got into my car and drove past and tried to take photos. This as I'm sure you can appreciate would be provocative and dangerous whilst walking. Alas they are not great pictures but I managed to get a shot of the group in the park which you can see fairly clearly if you zoom in on image.

They obviously don't believe in the Coronavirus and they definitely do not abide by any form of social distancing and are quite happy to endanger others.

I honestly am not trying to be vindictive with this and I'll be amazed if I am the only person complaining. This Cafe has now been a long source of unacceptable behaviour from the men who go there and it just seems to be getting worse.

Please consider these incidents as extremely anti-social and the Cafe not a benefit to this community.



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## **IP9 Representation**

Sent: 14 May 2020

Dears,

We live close to the Broomfield Coffee Bar in Palmers Green. Indeed to get to the Palmers Green railway station or the local shops we have to pass it every day.

At all times, before the COVID-19 situation commenced and since, there are groups of men standing outside this bar smoking and drinking. Because so many of the patrons smoke (which is 99% male), they block the pavement and it is sometimes awkward to get around them - they do not give way to other users of the pavement.

My wife and my xxx year old daughter, particularly feel very uncomfortable when going pass the bar. Quite simply they feel intimidated. Both say the men just blatantly stare them up and down and then pass comment to the other patrons. My daughter and wife used to quite often cross the road to avoid direct contact, but with the recent COVID situation, the patrons of the bar have been standing around in groups on both sides of the road so now they have no choice but to walk the gauntlet or walk a ridiculous route of up our road to Fox Lane and then down the High Street to get to the station from the other way.

I know we would not miss this bar. It is clearly aimed at a certain group and we get the clear impression we would not be well received if we were to cross the threshold.

## **IP9 Representation Continued**

Sent: 19 May 2020

Dear Licensing Team,

Thank you for responding to our earlier email, in light of your request I state as follows:-

The Broomfield Cafe has many people outside, mainly male. They accumulate in groups outside the cafe and stand around smoking and blocking the pavement. They make you feel uncomfortable as you walk past - especially younger females who have to walk this way. It has reached a point that my daughter and I choose a different route home to avoid walking past. This occurs at all times of the day. This I believe creates a public nuisance.

During this time of coronavirus, the cafe has not been open for sitting inside. However, it is still open and is offering a takeaway service. This I know is allowed, however, this has further encouraged bigger groups of males who are definitely not socially distancing to not only loiter around immediately outside the cafe but now has created groups of males on the opposite side of the cafe directly across the road which makes it impossible to avoid them and we have to walk on the actual road to get by. This I believe creates a safety issue as well.

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## IP10 Representation

Sent: 20 May 2020

I understand that the license for Broomfield Cafe on Alderman's Hill, Palmers Green is being reviewed.

I would like to provide my feedback on some antisocial behaviour and negative developments in the area since it arrived.

The cafe does not seem to operate as a cafe but rather a drinking and smoking venue. I regularly walk past and have only seen food being consumed on a couple of occasions.

There have been four consistent issues (1) blocking of the pavement - the cafe seems to spill out onto the street at all times. There are always groups of men outside from early in the morning until late at night. These groups have no awareness of other pedestrians regardless of if they are rushing for a train, pushing a pram or using a walking stick. I personally have had many incidents where I have had to ask them to move out of the way - they are not always polite in return. (2) sexually hostile and harassing climate - many young ladies in the area, including my daughter, will walk around the block rather than past the cafe given the staring, leering and comments (3) litter and misuse of bins - there is a consistent and long standing fly tipping issue on Grovelands Road and many suspect alot of this comes from the builders that frequent the cafe. The cafe owners themselves also do not respect the rubbish rules and I believe they have been served with notices for using residential bins (4) random parking and hanging around in cars outside the cafe and on the corner often causing obstruction or reducing visibility.

In addition to issues relating to their license compliance and the anti social behaviour of the clientele - it is the behaviour during the pandemic that is really troubling. In the early stage of the lockdown the police had to be called as it was reported groups were still visiting the cafe. As the cafe opened for take away - I have not seen anyone take away any food - groups of men continue to hang around not socially distancing from each other but also not from any other users of the road. There seems to be a complete disregard for the social distancing rules.

There is another cafe further up also open that does not have the same problems.

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**PART B**

**Representations against the Premises Licence (in support of the review)**  
**Continued**

**IP11 Representation**

Sent: 18 May 2020

I would like to object to this place having their license renewed.  
Pavement constantly blocked with patrons who don't move. This is even evident during lockdown and totally ignoring social distancing during the crisis.  
Alcoholic Drink being served without being accompanied by food.  
Noisy music.  
Patrons cars constantly parked on double yellow lines causing an accident hazard when leaving Grovelands Rd.  
Overflowing rubbish bins in the alley behind the premises.

**IP11 Representation Continued**

Sent: 20 May 2020

Yes in response to review.

Crime and disorder. Crowds allowed to congregate during lockdown and Illegal parking around the premises. Police have been called countless times.

The former relevant to public nuisance as well.

In normal times crowds of smokers allowed to block the pathway at all hours.

Public safety as above.

Also no permission asked for extension of outside area (conservation area) and alcoholic drinks served in this area as well.

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## **IP12 Representation**

Dear Sir/Madam

Further to the recent Blue Notice service regarding the above I would like to bring to your attention my concerns regarding this application specifically and also outline my general concerns regarding how the bar is run and the customers that use it.

### **Music**

The bar's license requires under Annex 2:

1. Hourly checks outside the bar when regulated entertainment is being provided (subsection 5)
2. Doors/windows to be kept closed during whilst regulated entertainment/live or recorded music is being played (subsection 6)

Before lockdown, I regularly passed the bar and heard loud music being played both on the approach to and from the premises. Similarly I have seen live televised football being screened with groups watching from outside of the bar. In both these instances there has been no attempt to keep windows/doors closed.

I have not seen members of staff undertaking regular reviews to ensure the music levels does not cause a disturbance to neighbours. The noise disturbance has been notified to you by other neighbours.

I know other residents have been impacted by the noise levels. Accordingly, I would request that the renewal of the music license is refused.

### **General running of the bar and premises**

#### ***Pre-lockdown***

The café is not used regularly (if at all) by local residents. I observe a lot of customers who drive to the café generally towards the end of the working day. The majority of the customers are male.

### **Pavement obstruction**

1. The café's customers do not limit themselves to the four chairs and two tables outside thereby crowding the pavement making it difficult for pedestrians to pass freely.
2. Customers are aggressive when asked to move out of the way.
3. The café's customers often take additional chairs outside thereby limiting the space available for pedestrians to walk.
4. Customers of the café who smoke stand across the width and on the edge of the pavement thereby preventing ease of access for pedestrians which leaves them not only having to navigate a crowd of unhelpful people but also a cloud of smoke.
5. Cigarettes smoked outside by bar customers are generally thrown on the ground or into the road (I was nearly hit by a still-lit cigarette thrown across the pavement as I walked by).

### **Environmental issues**

1. Overflowing rubbish bins are regularly left without the brake handle on causing them to block the pavement or move into Grovelands Road.
2. I have regularly witnessed the employees of the bar putting bags of their rubbish into the residents' black bins stored on Grovelands Road and another business' bin.
3. I have regularly seen bags of bottles being dumped into the bins the night before the refuse collection and after 23.00 hours

### **Alcohol consumption outside of the terms of the license**

1. I have witnessed alcoholic drinks being consumed by customers sat at the tables and chairs outside the café as early as 8.30am and certainly before 11am.
2. I have witnessed customers drinking alcohol in bottles outside of the bar on the pavement.
3. I have seen customers sitting at tables with no food and drinking alcohol.

### **Lakes Estate Conservation**

There has been some recent reconstruction of the front of the bar allowing the licensee to have a bigger outdoor space. I have not received any notice about regarding the redevelopment and the development appears to be out of line with current conservation requirements for this estate. Furthermore, with a step up onto the decked area it does not have any obvious accessibility concessions. Moving the door back into the café may also mean it is no longer compliant with smoking regulations.

### **Intimidation**

I know a lot of women who do not like to walk past the bar as they are subjected to being leered and whistled at by the men who use it. This coupled with the fact that a lot of the men have been drinking makes females concerned about their safety. When I have approached the customers asking them to move out of the way and create more space I have been "squared up" to by them.

### ***Post-lockdown***

There have been a number of issues since lockdown commenced which show the owner does not act with any social responsibility towards local residents in the operation of his business.

### **Group gatherings**

On Wednesday 1<sup>st</sup> April I noticed that the shutter was down at the front of the bar and I could see people inside the premises. The next morning four large black bin-bags of bottles were noisily placed in their blue bin; I can see the service road where the bins are kept and generally hear each time they throw sacks of bottles into their

bins. I therefore notified the Met Contact Centre and Winchmore Hill Police via Twitter of my concerns that there had been a lock-in.

On Thursday 2<sup>nd</sup> April the bar was in use again, this time the shutter wasn't closed but chairs were against the windows; even though the reflection on the window made it difficult to see directly in we could see the outline of people and young children on scooters in there. I called 999 to register my complaint. I spoke to the police on the street after they attended and they advised the owner said he had been decorating; they told him the alleged "decorating" was not necessary and asked them to lock up and leave. The police advised to call 101 if I observed any further use of the premises.

On Sunday 5<sup>th</sup> April there were people in the premises again. I called 101 and explained this was the second time I had reason to believe there was more than 4 people meeting in a place which should be shut. The police came but I am not sure what the outcome was (CAD 3274 4/4/20).

### **Lack of social distancing**

Since reopening as a takeaway on 10<sup>th</sup> April Broomfield Café the only people using the café have been driving there, purchasing coffee and then hanging about directly both outside and opposite the café, sometimes for hours. I started taking photos of the incidents from 19<sup>th</sup> April and have reported on a number of occasions via 101 and @MetCC on Twitter with the following references:

5/5/20 CAD 5521/05MAY20

6/5/20 CAD 4645/06MAY20

7/5/20 CAD 2809/07MAY20

7/5/20 CAD 3375/07MAY20

8/5/20 CAD 2850/08MAY20

9/5/20 CAD 7764/09MAY20

16/5/20 CAD 2447/16MAY20

On 9<sup>th</sup> May the owner of the café was parked opposite my house with his family in his car. He parked on the road allowing three men to talk to him through the car window without any social distancing.

### **Intimidation**

From my kitchen door I can see a lot of activity that takes place on Grovelands Road and Aldermans Hill. On or around 1<sup>st</sup> May, the café owner saw me watching people, including himself, on Aldermans Hill as they were not practising social distancing. He purposely drove his car and parked opposite my house with his wife and children in the car. He and his wife then kept staring into my house and at me whilst I was stood there. The action was to try and intimidate me.

### **Double yellow line parking**

At the junction of Grovelands Road and Aldermans Hill there are double yellow lines on the side of Aldermans Hill by the park. There has been an increase in people parking on the double yellow lines; I have noted the café owner's vans there on numerous occasions together with the cars of the café's customers.

### Summary

Overall the owner acts with little regard to the area in which the café is situated and his approach is to do what he wants and see if there are any consequences. If he feels he is being challenged he retaliates with aggression. His customers similarly have little regard for the area by failing to comply with social distancing and hanging about in big groups. I have asked customers of the café people to move along from outside my house and only been able to gain co-operation when I say I shall ask the police to attend.

The owner, his friends and customers continuously flout the law and seem willing to ignore what is legally and morally necessary to do. Given the lack of legal enforcement available by police and or parking attendants I feel the bar should be closed on health and safety grounds.

Images for Supporting Representation Re: Music License review Broomfield Café Bar N13 4PP

Pavement obstruction:







Environmental Issues







Lakes Estate Conservation – alteration of premises:





Group Gatherings & lack of social distancing:



This is the owner in his car:









Double yellow line parking:



This is the owners van:



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## IP13 Representation

Sent: 20 May 2020

Dear Sir/Madam

I am writing with representations about the review of the licence of Broomfield Coffee Bar at 64 Aldermans Hill.

The following are special factors for consideration in connection with nuisance taken from Enfield Council's licence policy statement dated 28 January 2020.

12.3 Prevention of Nuisance - the means by which nuisances will be or are prevented by the effective management and operation of the licensed activities including: 12.3.1 noise from delivery vehicles; 12.3.2 noise from vehicles delivering and collecting customers; 12.3.3 noise and/or vibrations emanating from the premises including extended/external areas such as beer gardens; 12.3.4 noise, anti-social behaviour and other disturbance caused by persons leaving the premises; 12.3.5 in relation to urination in public places the means to prevent nuisances should include the adequacy of lavatories, financial contributions towards the provision and/or maintenance of public urinals and supervision in the vicinity of the premises; 12.3.6 congregations of persons, whether consuming alcohol or not, either waiting to enter, leaving or spilling/standing outside the premises; 12.3.7 litter and accumulations of rubbish; 12.3.8 the removal from premises of drinking vessels and bottles; 12.3.9 vermin and pests; 12.3.10 light pollution; 12.3.11 use of fireworks or other explosives / special effects; 12.3.12 noxious smells; 12.3.13 arrangements to ensure that public lavatories within premises are available for use throughout the entire period that the public are on those premises; 12.3.14 noise from persons smoking outside the premises;

I strongly support the withdrawal of the licence for the premises for the following reasons:

### Disorder and compliance with licence conditions

The bar attracts large groups of drinking men who gather in groups outside the bar blocking the pavement. They are challenging and sexually aggressive to women making it extremely uncomfortable to walk past. They often refuse to make space on the pavement to allow me to walk by until I directly ask them to move them which takes some guts. This is contrary to paragraphs 12.3.4 and 12.3.6 of your policy.

I have seen one significant fight between two groups which was reported to licensing some time ago.

Alcohol



I don't believe that drinking outside is permitted within the terms of their licence but it happened routinely before lockdown. Under the terms of their licence I think they are supposed to serve alcohol only with food - it is rare to see someone eating there so I do not believe that this term of the licence was being complied with before lockdown.

#### Litter

Policy paragraph 12.3.7 refers to litter and accumulation of rubbish. The bar owners allow their customers to litter the pavement with cigarette butts and do not clean up when they close.

The staff have been seen disposing of rubbish from the bar in resident's bins at the bottom of Grovelands Road. The council has been trying to tackle the problem of the rubbish there with no success and the incorrect disposal of rubbish from the bar shows that they do not care about their obligations or the impact on local residents.

#### Conservation area

The bar is in a conservation area and they took out the front of the premises without planning permission. This shows the disregard they have for requirements with which they are supposed to comply.

#### Social distancing and ongoing problems

I am not clear whether current issues are taken into account in your consideration of the licence review. In case they are I would like to confirm that since lockdown, when in theory the licence should not have been needed as they were not supposed to have been serving alcohol, the bar has continued to cause residents significant problems.

They have held at least two parties, caused crowds of men to gather on the pavement both outside the bar and around other nearby areas including on the pavement alongside Broomfield Park, caused groups of cars to park up illegally on double yellow lines making driving into and out of Grovelands Road difficult due to reduced visibility, allowed customers to make use of the outside tables and chairs and have not imposed social distancing in the premises which are completely open to the road. I attach photographs from different days as examples. The Mercedes was driven by a customer joining the people you can see sitting at the tables.

Many thanks for considering these representations



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**PART C**

**Representations against the Premises Licence (in support of the review)**  
**Continued**

**IP14 Representation**

Sent: 20 May 2020

**REVIEW OF THE PREMISES LICENCE**

I write in connection with the above; I am a resident of xxxxx.

**Prevention of Public Nuisance at the Premises**

Whilst the premises internally appears to be largely controlled, the customers of the Cafe Bar who congregate, often in large numbers, outside the premises immediately after being served coffee and alcohol fill the pavement regularly making it difficult for pedestrians to pass. The customers routinely intimidate female members of the public often using offensive and inappropriate comment, even to teenage girls. My daughters will routinely try and avoid walking past due to fear of intimidation.

Smoking control outside and adjacent to the premises does not exist

Recently during the COVID lockdown the customers have flagrantly abused the rules about congregating on pavements around the premises making it difficult for others passing to comply with the 2m rule.

The customers often get into arguments with local residents and on a few occasions customers have been seen urinating on local roads and back service lanes.

Routinely the customers park vehicles (largely vans and pickups) on Alderman's Hill or adjacent roads such as Grovelands Road, ignore issues of parking restrictions, junction visibility and pedestrian safety.

The cafe bar management appear to have little regard for customer behaviour and nuisance arising immediately outside or adjacent to the premises, or their sense of place in the community and this predominantly residential area.

**Crime & Disorder**

I am not aware of any evidence linking the premises to crime

I call on the council to influence change during this review license and if the license is renewed ensure rigid conditions of operation are imposed, made public and monitored.

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## IP15 Representation

**Sent:** 21 May 2020

I am a resident of xxxxx (no.xxxxx) and I would like to provide representation for the review of Broomfield Coffee Bar's club premises certificate. I object to Broomfield Coffee Bar being granted a premises licence/club premises certificate for the following reasons:

- **Unsociable, obstructive and intimidating behaviour by customers.**

Pre lockdown, crowds of men would gather pre and post work, blocking the pavement outside the bar smoking while commuters have to walk through their plumes of smoke. I've often had to walk on the road as customers refuse to move aside for passers by.

Alongside this is the unpleasant and intimidating gawping at female passers by which I have also experienced personally.

- **This largely operates as a bar, not a food establishment.**

The existing license states that:

3. Alcohol shall only be sold ancillary to a meal purchased at the premises.

4. Alcohol shall only be served to people taking table meals or waiting to be seated for a meal.

I rarely observe food being consumed in this establishment. Customers come here to drink, socialise and watch sport on the big screen. Occasionally I have witnessed alcohol being consumed outside the premises.

- **This business adds little to no value to the local community.**

Not used by locals, it attracts a contingent of male customers, mainly tradesmen, who arrive in large polluting vehicles (vans and trucks) that cause congestion and often park illegally (blocking residential drives, parking over white lines, on kerbs and over double yellow lines).

Recently I and many neighbours have been contacting Enfield Council on a daily basis to send out traffic wardens to fine cars parked on the double yellow lines opposite the bar.

This has become an increasing problem since the bar opened for takeaway services post lockdown, as customers flock to buy drinks and loiter outside/opposite the bar in large crowds, not respecting social distance rules. Unfortunately, few are penalised for illegal parking as they move their cars before the attendants are able to issue a ticket.

The car belonging to the bar's owner has also been spotted parked on the kerb over double yellow lines blocking visibility for drivers exiting Grovelands Road.

Additionally, the area outside the bar has recently become flooded with boy racers, speeding up and down Aldermans Hill, parking illegally on double yellow lines opposite the bar, doing burnouts. I have video evidence if required (too large to attach to this email). One driver was also seen putting a fake parking ticket on his car to deter wardens.

- **Bar owner has done little to encourage social distancing outside its premises post lockdown.**

The lack of social distancing outside and opposite the bar has been truly disturbing. When lockdown was announced and shops, including Broomfield Coffee Bar, closed at the end of March, there were no crowds or issues with social distancing on Aldermans Hill. On 10th April, the day Broomfield Coffee Bar opened for 'takeaway', I had to walk through a crowd of five outside the bar to get to the grocery store three doors down. And the crowds have continued to increase ever since. I and many others on our street have continually reported to the police the issue of crowds gathering after buying takeaway drinks from this establishment. Men congregate outside or in the vicinity of the shop, making no effort to social distance or allow others walking past to do safely. The owner himself has also been spotted socialising with these groups.

- **No respect for our conservation area controls.**

The outside seating area was expanded late last year/early this year without applying for the necessary planning permission.

## **IP15 Representation Continued**

**Sent:** 21 May 2020

Dear licensing,

I would like this to be formal representation. Thank you for sending the grounds on which representations can be made and accepted.

I have highlighted a number of examples below which relate to:

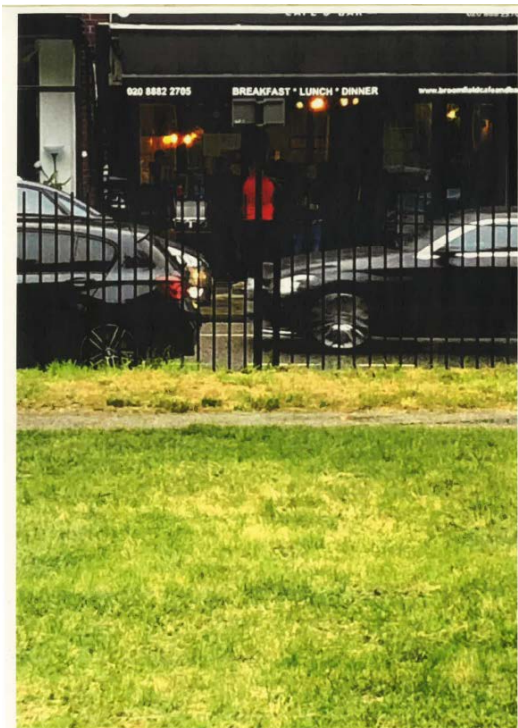
- **Public safety:**
  - The lack of social distancing outside the bar, some groups including the bar owner himself.
  - Illegal parking practices by the bar owner and his customers.
- **Prevention of public nuisance and crime and disorder**

- The consumption of alcoholic beverages outside of the bar's permitted licence conditions.
- Bar customers doing burnouts.

As I mentioned, me and my neighbours have been calling 101 to report the lack of social distancing in around the bar, but they do not have the capacity or resources to do anything about it.

**Photo evidence attached**

1 - Bar owner's car parked illegally (on kerb and double yellow lines)



2 - Bar owner (on right in hoodie) opposite bar not social distancing





3 - Crowd outside bar not social distancing



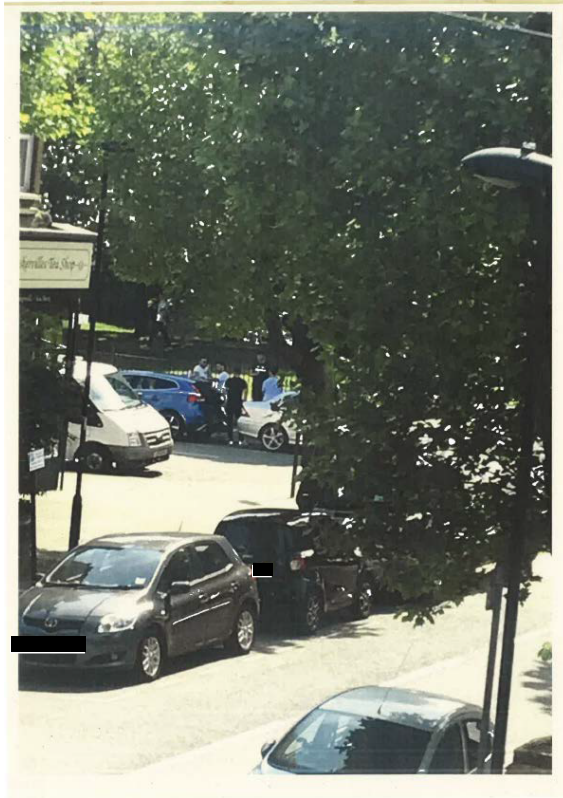
4 - Crowd outside bar not social distancing



5 - Crowd outside bar not social distancing



6 - Crowd opposite bar and boy racer parked illegally (double yellow lines) on Grovelands Road



7 - Crowd opposite bar not social distancing

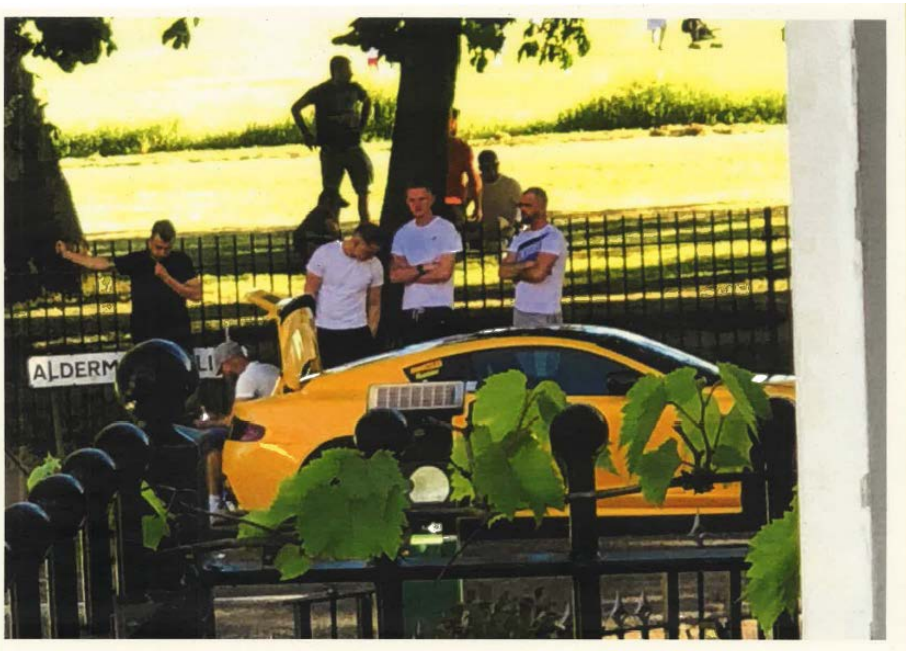




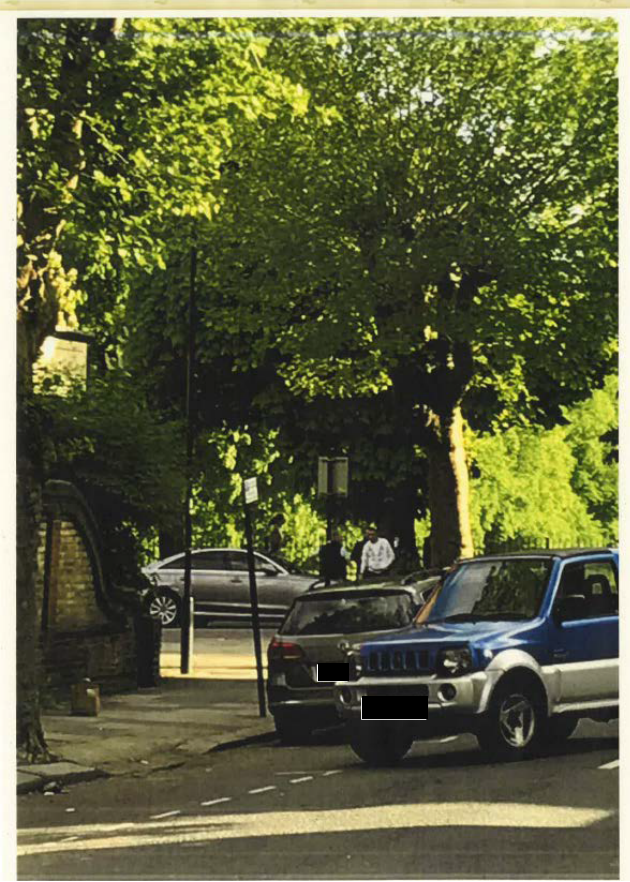
8 - Crowd opposite bar not social distancing



9 - Crowd opposite bar and on corner of Grovelands Road



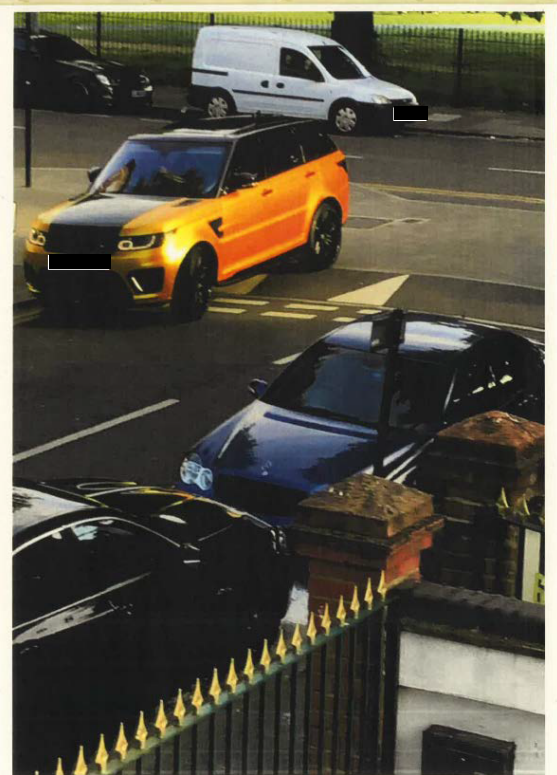
10 - Crowd opposite bar not social distancing



11 - Crowd opposite bar not social distancing



12 – Car illegally parked

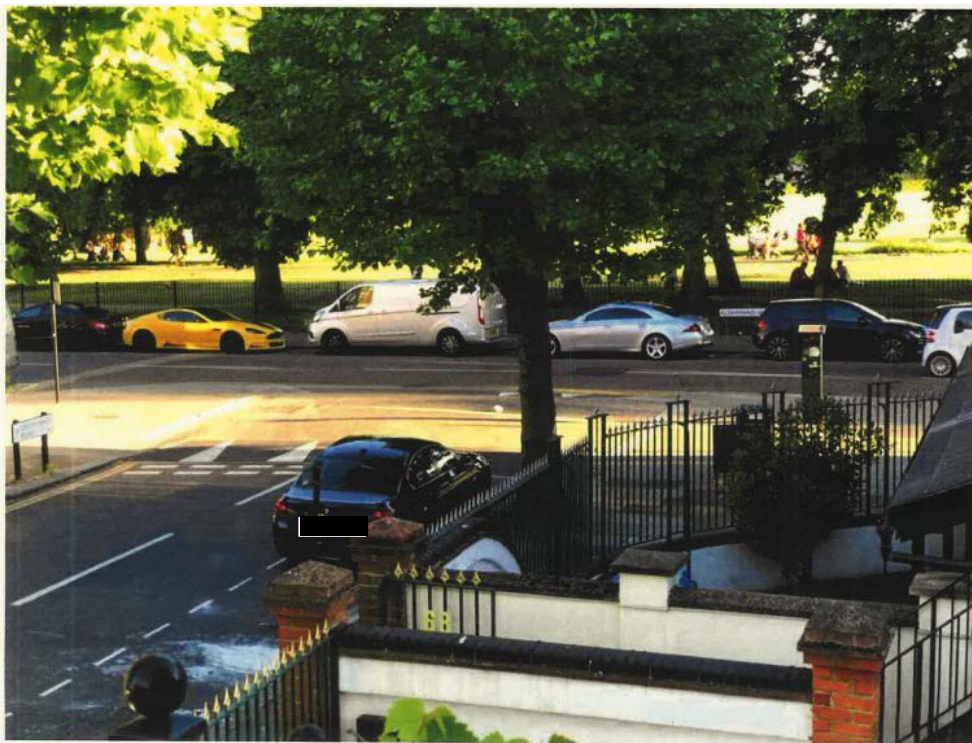


13 - Boy racer recorded doing burnouts - also not social distancing



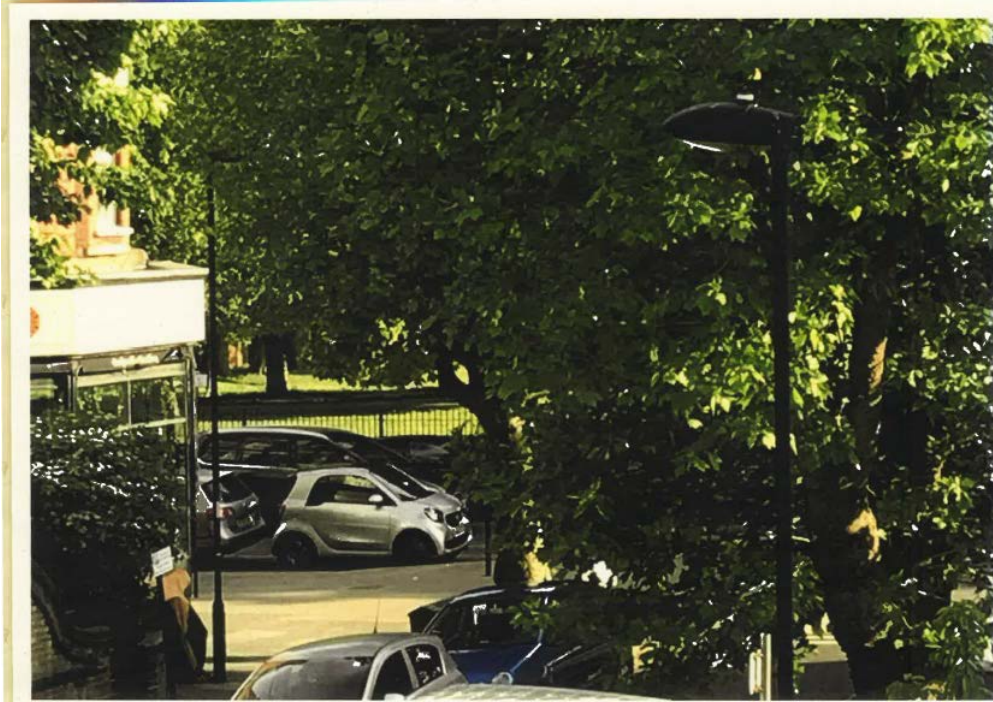


14 - Boy racer recorded doing burnouts and parked illegally on Grovelands Road

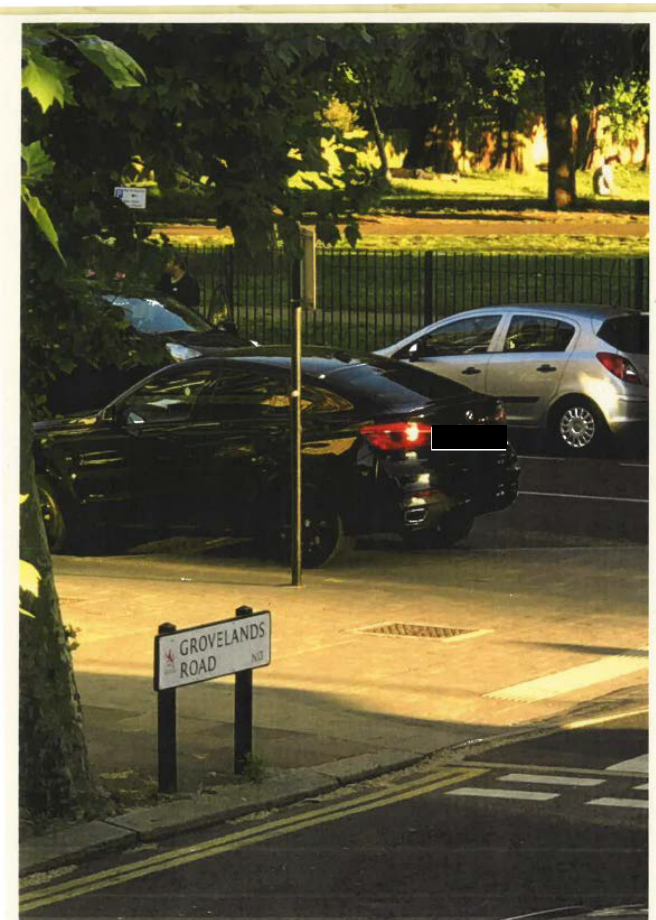


15 - Row of cars parked illegally on double yellow lines





16 - Car parked illegally on double yellow lines outside bar



17 - Van parked illegally on Grovelands Road



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## IP16 Representation

Sent: 21 May 2020

Dear Sir/Madam,

I am writing to object to the renewal of the license at Broomfield Coffee Bar.

The proprietor and clientele are constantly flouting the rules regarding the use of their outdoor area. They take over the entire pavement smoking and drinking alcohol and make it virtually impossible to pass by without feeling very intimidated. Every time my xxx year old daughter walks past they also make her very uncomfortable. Since lockdown they have made no effort at social distancing. Whilst I appreciate this does not directly affect the license renewal it shows how they have no consideration for the local community and potentially passing on the virus.

On more than one occasion I have been leered along with my children. The worst experience was walking past with my xxx children at 4pm on a Friday evening and shouted at asking " what the fuck was I staring at?" Apologies for the foul language but I wanted to make it clear exactly how intimidating they are. I called the police and made a formal complaint against them which the police followed up. This incident occurred on Friday 10th April, the police reference number is RCG-1335-20-0101-C.

These men are completely taking over the area purposely travelling to the area and gathering in large groups that makes it very uncomfortable just by walking past them. You have the power to change the atmosphere in this area which is slowly changing in a very negative way. Please do not let renew their alcohol license or outside license so they at least they will be confined to only inside the cafe.

Please find this email a formal representation to object to the license for Broomfield Coffee Bar and their premises license.

This is in relation to the following points:

- **Prevention of public nuisance;**
- **Public safety, and**
- **Protection of children from harm**

With regard to the last point I refer to the incident that occurred on 10th April which I reported to the police as I feared for my safety and the safety of my xxx children aged between xxx and xxx. Police reference RCG-1335-20-0101-C.

I live on xxxxx so have no choice but to walk past this premises on my way home from supermarkets/train station/bus stop etc. and every time I walk past it I am made to feel very uncomfortable.

The constant flouting of the rules regarding their outside area and taking over the pavement is directly related to points 1 and 2. To put it bluntly I should not have to walk in the road to walk past a cafe safely.

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**Additional Information – IP Representations**

**IP5 Additional Representation**

Sent: 30 May 2020 20:16

To: Charlotte Palmer

Subject: Harassment/intimidation

Dear Charlotte,

I am so deeply sorry to bring to your attention the threatening and intimidating behaviour I have recently encountered from the owner of Broomfield Cafe Bar.

I will not go into detail, for the sake of not wanting to relive the experience.

At 30/05/20 14:20pm I was denied my public right of way by the owner. He refused to move his van so I could not exit the service road. This being the entrance/exit to my home.

I was then called the most obscene names, with the most foul language, in the most threatening and violent manner. This was for sending photos and videos to the police. I had to squeeze past his van and a brick wall to escape his anger.

When I got out onto the street, I was so distressed I could not use my phone properly. I then called 101 some moments after.

I feel completely harassed by the aggressive and violent behaviour of the manager and staff. I feel completely unable to frequent my abode without experiencing aggressive and intimidating behaviour.

Cad no: 30231 30/05/20

Kind regards, xxxxx

---

**Sent:** 05 June 2020 15:35

**To:** Ellie Green

**Cc:** Cllr Daniel Anderson

**Subject:** Fwd: Harassment/intimidation

Dear Ms Green

I have attached my previous email to Charlotte Palmer, regarding the account of

threatening behaviour I had experience by the premises licence holder, Broomfield Cafe Bar N134PP 30/05/20. I would be so grateful if this could be added to my previously submitted representation, as suggested by Charlotte Palmer.

May I please also mention, as a separate matter, 31/05/20 I was contacted by my landlord/property owner xxxxx Aldermans Hill N134PP. I was pressured into ending my disagreement with the Premise licensing holder at the pending committee review meeting. I felt this to be unfair and in breach of confidentiality.

Kind regards, xxxxx

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## **IP12 Additional Representation**

### **Addendum to Supporting Representation Re: Premises/Music License review Broomfield Café Bar N13 4PP**

Dear Sir/Madam

Further to the recent Blue Notice service regarding the above. I have already submitted a representation but would also like the following to be taken into account.

#### **Alcohol**

On 26<sup>th</sup> May at 18:20 I saw the owner unloading his car with items for his business. A member of staff took two boxes of Budweiser into the back entrance of the cafe. The owner took another box. I managed to take a photo which although blurred shows the owner with the box. I have cross referenced it to Google images and the pattern on the side of box corresponds with the one in my picture.

I also took photos of the inside of the café's bins the following day and this shows empty bottles of beer.

I know that the owner is not allowed to sell for consumption off the premises. I have noticed white paper bags being used to dispense food and drink so wondered whether it is being covertly sold as I see no reason for the owner to be purchasing large quantities of beer.

#### **Pavement obstruction**

On 28<sup>th</sup> May at 18.40 I noticed that there were two cars parked on the pavement on the corner of Grovelands Road/Aldermans Hill obstructing the right of way for pedestrians. They were:

#### **Ranger Rover DVxx xxx**

#### **BMW NAXx xxx**

The cars were intentionally parked and had no notice on the dashboard to suggest the driver(s) may either be delivering anything and/or acting in an emergency. I took photos which are attached. I called the after-hours parking contractor asking them to attend. At the same time I noticed that the café owner, Mr Borufi was outside of his premises watching what I was doing.

Shortly after I returned to my house I saw Mr & Mrs Borufi walking along Grovelands Road. They appeared to be looking for someone and were both making calls on their mobile phones. Mr & Mrs Borufi kept staring into my kitchen window whilst they were doing this. Around the same time the driver of the Range Rover moved his car.

At 18:50 another car pulled up onto the same stretch of pavement vacated by the Range Rover:

#### **Mercedes KWxx xxx**



I went to take further pictures and as I was doing so I noticed that both Mr & Mrs Borufi were outside their premises. There were 3 other people waiting outside none of whom were exercising any social distancing. Mrs Borufi saw me taking photos and called to the driver who was walking across the road away from his car and signalled what I was doing; whilst I was walking back to my house someone moved the Mercedes.

## **Conclusion**

As responsible business owners I would expect Mr & Mrs Borufi to discourage any anti-social and illegal behaviour which includes pavement parking. However, Mr & Mrs Borufi do not set any clear example of parking themselves. I have attached photos which show:

1. Mr Borufi's vans parked on the double yellow lines on Aldermans Hill opposite Grovelands Road and also on Grovelands Road. This happens on a regular basis.
2. Mr & Mrs Borufi's family car parked on the pavement for a considerable period of time blocking the sightlines of drivers trying to exit Grovelands Road onto Aldermans Hill.

Overall the owner continues to act with little regard to the area in which the café is situated. The owner, his friends and customers continuously flout the law and seem willing to ignore what is legally and morally necessary to do. The actions of Mr Borufi in relation to parking, whether directly or indirectly, is creating a dangerous environment; it has already resulted in an accident because a driver could not pull out safely onto Aldermans Hill from Grovelands Road because his sightline was blocked. The double yellow parking has also caused numerous gridlock situations resulting in drivers becoming frustrated and disturbing the neighbourhood with horn blowing to try and get things moving.

Overall, given the lack of legal enforcement available by police and/or parking attendants I feel the bar should be closed on health and safety grounds.

Images\_Addendum to Supporting Representation IP12 Re: Premises/Music License review  
Broomfield Café Bar N13 4PP

Unloading beer



Beer bottle in bins



Pavement parking obstruction







**Repeated double yellow line parking**

**31/5/20 21:05**



**1/6/20 08:15**





2/6/20 14:03



2/6/20 18:33





5/6/20 19:26



19/5/20 19:43 family car mounted on pavement and double yellow lines



# Annex 5

## Proposed Conditions on behalf of the Licensing Authority

### Annex 1 - Mandatory Conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

### Annex 2 - Conditions consistent with the Operating Schedule

1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Designated Public Place Order' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
3. Alcohol shall only be sold ancillary to a meal purchased at the premises.
4. Alcohol shall only be served to people taking table meals or waiting to be seated for a meal.
5. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately every hour whilst regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.
6. All external doors and windows to be kept closed but not locked whilst regulated entertainment / live or recorded music is being played.
7. The external area at the front of the premises shall be designated for the use of smokers from the time of opening until closing time. There shall be no more than 10 persons using this designated area during these times. The designated area shall be adequately supervised to control the number and behaviour of patrons so as to not cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area during these times.

8. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

9. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 23:00 hours and 07:00 hours.

10. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.

11. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.

12. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.

14. No one under the age of 18 years shall be permitted to enter the premises unless accompanied by an adult.

15. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises. (AMENDED)

### **Annex 3 - Conditions attached after a hearing by the Licensing Authority**

#### **TO APPLY IF THE LSC IS MINDED TO REMOVE LIVE AND RECORDED MUSIC FROM THE PREMISES LICENCE:**

16. Neither live nor recorded music shall be provided at the premises at any time. Section 177A of the Licensing Act 2003 does not apply to this condition.

#### **TO APPLY IF THE LSC IS NOT MINDED TO REMOVE LIVE AND RECORDED MUSIC FROM THE PREMISES LICENCE:**

17. A noise-limiting device shall be installed to any amplification equipment in use on the premises. The noise-limiting device shall be maintained in effective working order and set to interrupt the electrical supply to any amplifier should the volume of the music be audible at the perimeter of the premises.

18. Prior to the commencement of any live/recorded music staff shall check that all amplified equipment to be used is connected to the noise limiter. Records of these checks shall be documented and records kept for 6 months.

19. The noise limiter shall be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur. A copy of the calibration certificate shall be kept on the premises and made available to the Police or Council Officer on request.

20. Speakers shall not be attached to, or located in, the ceiling.

21. Section 177A of the Licensing Act 2003 does not apply to this premises licence (meaning conditions relating to music must be complied with at all times that the licence is in use).

*NB. Previous Condition 13: "No bottles or glasses shall be taken off the premises." has been removed as this premises licence is for 'on' sales only and the outside area does not form part of the plan. Alcoholic drinks cannot legally be removed from the licensed area.*

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**LICENSING SUB-COMMITTEE - 18.3.2020****MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE  
HELD ON WEDNESDAY, 18 MARCH 2020****COUNCILLORS**

**PRESENT** (Chair) Mahmut Aksanoglu, Derek Levy and Maria Alexandrou

**ABSENT**

**OFFICERS:** Charlotte Palmer (Senior Licensing Enforcement Officer), Heena Kanani (Principal Trading Standards Officer), Ann Bowes (Senior Fair Trading Officer), Natasha Hausdorff (Junior Counsel of 6 Pump Court acting as legal adviser), Jane Creer (Democratic Services)

**Also Attending:** 2 representatives and Counsel on behalf of Sarge Off Licence  
2 representatives and an interpreter on behalf of Carpathina Ltd  
2 representatives on behalf of Polonezz

**513****WELCOME AND APOLOGIES FOR ABSENCE**

Councillor Aksanoglu as Chair welcomed all those present and explained the order of the meeting.

**514****DECLARATION OF INTERESTS**

NOTED there were no declarations of interest in respect of any item on the agenda.

**515****ORDER OF AGENDA**

AGREED that the order of the agenda be amended. The minutes follow the order of the meeting.

**516****MAXI WINE CENTRE, 495 HERTFORD ROAD, ENFIELD EN3 5XH  
(REPORT NO. 243)**

NOTED that consideration of the application had been adjourned due to notification of coronavirus symptoms and subsequent need for self isolation by the licence holder.

**517****POLONEZZ, 14 GREEN LANES, LONDON, N13 6JR (REPORT NO. 246)**

**LICENSING SUB-COMMITTEE - 18.3.2020**

RECEIVED the application made by Trading Standards for a review of the Premises Licence (LN/201401122) held by Polonez Limited at the premises known as and situated at Polonezz, 14 Green Lanes, London, N13 6JR.

NOTED

1. The introduction by Charlotte Palmer, Senior Licensing Enforcement Officer, including:
  - a. This was a review of the licence of Polonezz. The licence currently permitted off-sales of alcohol from 09:00 to 20:00 Monday to Saturday, and 11:00 to 19:00 Sunday. The premises licence holder was Polonez Limited, and the Designated Premises Supervisor (DPS) was Izabella Kuziola.
  - b. On 24 January 2020, Enfield Council's Trading Standards submitted a review application in relation to the prevention of crime and disorder licensing objective, seeking revocation of the premises licence in its entirety.
  - c. Smuggled goods had been found on the premises for a second time ie. non-duty paid cigarettes.
  - d. The full review application was set out in Annex 1 of the officers' report.
  - e. There were no other representations in respect of this review application.
  - f. There had been no response from the premises licence holder to date.
  - g. If the Licensing Sub-Committee (LSC) was minded not to revoke the licence, Trading Standards asked that the licence be suspended until full compliance with the licence conditions had been demonstrated and a vary DPS application had been received.
  - h. At the hearing, Trading Standards were represented by Heena Kanani, Principal Trading Standards Officer, and Polonez Limited were represented by two Directors of the company.
  
2. The statement on behalf of Trading Standards, including:
  - a. The review application was based on the crime and disorder licensing objective; namely that non-duty paid tobacco and alcohol were found on the premises.
  - b. On 29 October 2019, officers from Trading Standards and Licensing Enforcement, the Police Licensing Officer, and a dog handler and dogs from Wagtail International carried out a day of unannounced visits to shops in LB Enfield, including a visit to Polonezz. At the time of the visit there was one member of staff on the premises: Monika Bugalska. The premises was searched and a total of 74 packets of non-duty paid items were found and seized: a total of 1480 cigarettes, plus 51 bottles of alcohol, mainly vodka.
  - c. On 22 November 2019, Licensing officers carried out a licence inspection. A number of conditions were not in compliance, for example the CCTV was not working and no signs were displayed – drinking control area. A notice asking that the conditions be brought into compliance within seven days was issued to Monika Bugalska. The named DPS was not present at the time of either visit.

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- d. On 11 February 2020, a Senior Licensing Enforcement Officer re-visited the premises. The CCTV was not operational, and it was advised this was due to a problem with rats. A 'Designated Public Place Order' poster needed to be displayed at the exit. The officer was also shown a machine via which staff or customers could scan the bar code of an item to enable printing of a label with the ingredient printed in English. The inspection report was signed, as set out in Appendix 5 of the report.
- e. On 27 February 2020, Out of Hours Licensing Enforcement Officers visited the premises. The time on the CCTV monitor was fast, and staff were unable to access playback and unable to check how long footage was being stored for. The inspection report was set out in Appendix 6.
- f. On 12 December 2019, in a PACE interview, it was advised that the responsibility for ordering goods lay with the manager Monika Bugalska, and that the business did not sell tobacco. The renewal fee issue would be checked. The tobacco on the premises was advised as private, and obtained from delivery guys and kept in the shop for the staff members who smoked. It was first claimed the delivery guys left the tobacco but later stated it was paid for. Officers questioned why after a previous warning that permission was given to staff to accept goods. It was advised that one of the directors went to the Palmers Green shop once a week and the other more often and that they respectively smoked one and two packets of cigarettes per day. It was advised that the non-duty paid alcohol was for a forthcoming staff Christmas party for 150 people, and the suppliers could not be identified.
- g. On 26 January 2018, there had been a previous seizure from the premises of 94 packets of non-duty paid cigarettes. A minor variation licence was issued with additional conditions in May 2018.
- h. Trading Standards were of the opinion that given the quantities seized, the repeated offending, and the lack of diligence at the premises it was appropriate to recommend revocation of the premises licence.
- i. The Secretary of State guidance took smuggled tobacco very seriously, and the undermining of the prevention of crime and disorder licensing objective. Licence revocation should be seriously considered, even in the first instance. It was recommended that this licence should be revoked in entirety, given the large volume of cigarettes and alcohol that were in plastic bags behind the counter. Trading Standards had a lack of confidence in the explanations offered by those running the business.
- j. If the LSC was minded not to revoke, then it was asked for suspension until there was full compliance with the licence conditions, that the DPS had demonstrated understanding and the intention to fully supervise, or that a vary DPS application was submitted. There were no recommendations for amendments to conditions as they were already amended and were the most appropriate, and they were not adhered to.

3. Questions were responded to, including:

- a. It was confirmed that the company was the licence holder. The Directors were representing the company. Monika Bugalska was a manager, not a

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director. It was not known if she was a personal licence holder. She was not the DPS.

b. The information given to officers was confirmed as being that the Directors had three stores, and that the Palmers Green store had five staff. The other stores were in Croydon and Ilford. At the rates advised, it was estimated it would take three to six months for the Directors to consume the 74 packets of cigarettes found at Palmers Green.

4. The statement on behalf of the licence holder, including:

a. Apologies were offered for councillors' and officers' time taken up with this case, which should not have been necessary.

b. Alcohol and cigarettes were found at the premises in 2018 and the Directors had no idea they were there. At the time they had several shops across London: two had since been sold, but they still had three shops plus a bakery. The person responsible in 2018 was asked to leave the company. The Directors were not involved in the day to day ordering, but concentrated on accounts and transportation respectively. It was acknowledged they may not have taken the first case seriously enough, but a staff member was laid off.

c. The occasion in October 2019 was their responsibility as they gave the green light for storing those items in their premises. They were very flexible around the cigarettes and alcohol. The cigarettes were brought by one of the delivery guys who said he had them available, in the same way as a friend coming back from a holiday in Spain for example, and he did take payment for them. Similarly, with the bottles of alcohol, there had been a party coming up for the employees of the Palmers Green shop (5), Forest Gate shop (8), Croydon shop (8) and the bakery (35) and the company's friends, plus partners. There was a large number of bottles, but not a lot of types of alcohol.

d. Since October, it had been realised this was a very serious thing. Since then they had introduced systems to close the previous behaviours. The flexibility with the delivery guys was stopped, and there was no keeping of such products at the shop premises. Those issues would not be happening any more. Members of staff had been asked not to keep more than one packet of cigarettes on them during working hours.

e. There had not been any problems on their other premises in relation to sale of alcohol or tobacco. Since October there had been more inspection visits and nothing had been found. In Palmers Green the alcohol and cigarettes were not hidden: the cigarettes were in a drawer or behind the counter, the alcohol was at the back of the premises next to the door.

f. There had been a problem with the CCTV, but that was now resolved. There had been a rat problem from the flats above, which they had fought for over three months and deployed pest control companies. They had finally shut the shop for three days and had now got rid of the problem. The CCTV cables had been chewed by the rats in between the ceilings, which had been taken down and the cables replaced.

g. There were meetings once a week now, in respect of alcohol in particular. Cigarettes were not sold in any of their shops. Izabella Kuziola went to all the premises to provide refresher training once a month.

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h. It had not been realised that the actions could create such a problem, or that the law was being broken. It had not been appreciated that this point could be reached, and these penalties could be faced, including review of the licence. The issues had happened and they took full responsibility. Now the situations were not happening and it would remain this way.

5. Questions were responded by the Polonez Limited Directors, including:

a. In response to Members' queries regarding numbers of staff at the shop at all times, it was advised that this would depend on the day: there would sometimes be three staff on a shift, sometimes two. Staff from the Palmers Green and Forest Gate shops supported each other with staffing, depending on need.

b. The claim that it was not known they were breaking the law was questioned. With respect to the cigarettes, it was advised that buying them had been seen simply akin to buying from a friend who had been on holiday abroad and brought back cigarettes for friends to buy. It was acknowledged this may sound silly, but at that point they were very flexible about it. The amounts might seem high, but the Directors could easily smoke three packs per day. The alcohol was always bought properly, with invoices. Cigarettes had never been sold in the shops: they were purely for personal use. The amount of alcohol sold at the Palmers Green shop was minor: the business was based on groceries with shoppers maybe adding a few cans of beer or a bottle of vodka with other purchases. The issues had not been recognised as serious.

c. In response to further queries as to why after previous history it was not recognised this behaviour was wrong, it was advised the 2018 incident was not seen as too serious. There had been a meeting, and the person responsible had been laid off. After that it was considered the problem was over. The 2019 incident was considered a one-off, but it was accepted that it was their mistake. From now on they were not even allowing any parcels to be stored at their premises. Staff received regular monthly refresher training reminders and compliance was checked, with the Directors being involved in shop visits and attending premises more frequently. They had also complied with the requirement to remove all medicines from shelves at the Palmers Green shop. It had taken several months to solve the issues with rats chewing the CCTV cables: this could be backed up with photo evidence. The posters were now displayed correctly. Training, in particular for new staff around alcohol sales, was being done. They had learned from previous mistakes.

d. In response to queries regarding the amount of alcohol found at the Palmers Green location, it was advised that it was the most convenient dropping point for it to be left.

e. In response to queries regarding staff members, it was confirmed that Monika Bugalska was not a director or a personal licence holder, but just an employee who had responsibility for ordering stock. She was still employed by the company at the Palmers Green shop, and ordered stock for the shops. The cigarettes and alcohol found in October were not shop stock, and it was a mistake that they were left on the premises. Monika had been present when

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the premises were visited. The DPS, Izabella Kuziola was confirmed as being fully trained and that she held a personal alcohol licence, and was able to pass on training to others. The overall responsibility for the licence was with the directors of the company.

f. In response to suggestions that the information provided stretched credibility, it was advised that sometimes stupidity could not be explained, and actions could be hard to understand. Their shop had not sold cigarettes from the counter. The Directors considered they were 100% fit to hold a licence, though they had introduced a lot of things that should not happen. Their biggest mistake had been being too flexible. They had been scared by the recorded interview and had realised how serious the situation was. Steps had been taken in response and they were sure that the DPS was capable.

g. In response to queries why the licence was considered necessary at this shop, it was advised that the company would love to keep the licence as the business had been affected by Brexit and day to day business had dropped by 30%. They had two big shops close to each other. The alcohol sales were needed, and loss of the licence could be a killer blow. If shoppers could not add beer or vodka to their shopping they might go elsewhere for groceries. The Directors were confident that in future visits, officers would see that everything was in order.

h. In response to queries from the Trading Standards representative, it was clarified that bottles of alcohol had been stored under the counter. It was confirmed that Izabella was at the shop every Thursday and collected invoices and cash and that this was felt to be sufficient. Previously the Directors had trusted in the shop staff more, and had not supervised them correctly. They confirmed they were now aware of the condition that only the Premises Licence Holder or the DPS shall purchase alcohol and / or tobacco stock, and confirmed that Monika was in charge of ordering of grocery goods. She was due to gain a personal licence, though was not currently a licence holder. Two other staff members would also become personal licence holders, to ensure that all shifts were covered and there would always be a licence holder present at the premises.

6. The summary statement by Trading Standards, highlighting that this was not the first time that smuggled goods had been found on the premises, and that given the large amount seized, the recommendation remained that the licence be revoked.

7. The summary statement by Charlotte Palmer, Senior Licensing Enforcement Officer, that having heard all the representations it was for the LSC to consider the steps appropriate in support of the licensing objectives, and highlighting the relevant policy and guidance, in particular s.11.27 and s.11.28.

**RESOLVED that**

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for



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this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chairman made the following statement:

“Having read and listened attentively to the written and oral representations, the Licensing Sub-Committee has resolved that the appropriate step to be taken to support the promotion of the licensing objectives is to revoke the licence of Polonez Limited at the premises known as and situated at Polonezz, 14 Green Lanes, London, N13 6JR.

The Licensing Sub-Committee believes in particular that the storage of smuggled goods (sale or storage of smuggled tobacco and alcohol) especially not for the first time merits the revocation of the licence in furtherance of the licensing objective of prevention of crime and disorder in particular.

As such, the Licensing Sub-Committee was persuaded that the Trading Standards’ application case has been made in full.”

3. The Licensing Sub-Committee resolved to revoke the licence.

**518**

**SARGE OFF LICENCE, 240 FORE STREET, EDMONTON N18 2QD  
(REPORT NO. 244)**

RECEIVED the application made by Trading Standards for a review of the Premises Licence (LN/201200255) held by Mr Rajasingam Sundaramoorthy at the premises known as and situated at Sarge Off Licence, 240 Fore Street, Edmonton, N18 2QD.

NOTED

1. The introduction by Charlotte Palmer, Senior Licensing Enforcement Officer, including:

- a. This was a review of the licence of Sarge Off Licence. The licence currently permitted off-sales of alcohol from 08:00 to 23:00 daily. The Premises Licence Holder and Designated Premises Supervisor (DPS) was Rajasingam Sundaramoorthy.
- b. On 24 January 2020, Enfield Council’s Trading Standards submitted a review application in relation to the prevention of crime and disorder licensing objective, and seeking revocation of the premises licence in its entirety.

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- c. A large amount of non-duty paid cigarettes had been found at the premises, as set out in Annex 2 of the report.
- d. There were no other representations in respect of this review application.
- e. There had been no response from the premises licence holder to date.
- f. If the Licensing Sub-Committee (LSC) was minded not to revoke the licence, Trading Standards proposed modifications to the licence conditions as set out in Annex 3, and asked that the licence be suspended until full compliance with the licence conditions had been demonstrated.
- g. At the hearing, Trading Standards were represented by Ann Bowes, Senior Fair Trading Officer, and Rajasingam Sundaramoorthy and his son were present, and also represented by Michael Rogers, Counsel, Lamb Building.

2. The statement on behalf of Trading Standards, including:

- a. The review application was based on the crime and disorder licensing objective; namely that non-duty paid tobacco was found on the premises.
- b. On 29 October 2019, officers from Trading Standards and Licensing Enforcement, the Police Licensing Officer, and a dog handler and dogs from Wagtail International carried out a day of unannounced visits to shops in LB Enfield, including a visit to Sarge Off Licence. The premises was searched and a large amount of non-duty paid cigarettes and tobacco were found behind the counter. The items seized were 260 packets in total (5200 sticks), plus 31 single cigarettes, and 18 packets of hand rolling tobacco.
- c. An interview under caution had been conducted, and a prosecution was ongoing. An explanation had been given that the items were for personal use and had been given as gifts from customers and had to be kept at the premises as they were not able to be kept at home.
- d. At an officer visit out of hours, Rajasingam Sundaramoorthy was not present at the premises, nor was he on 29 October 2019. There was only one member of staff at the shop: Jesi Patni.
- e. Conditions had been found in non compliance, namely Conditions 4, 5, 6, 9, 10, 11 and 12 of the licence. This led to the Licensing Authority having no confidence in Mr Sundaramoorthy to run the business within the law.
- f. He had acted quickly to rectify compliance with the conditions, and demonstrated that Conditions 4, 5, 10, 11 and 12 were rectified. An officer visit on 3 March 2020 checked outstanding licence conditions 6 and 9. The premises licence holder was the only person on the premises; which was a breach of Condition 9. He advised that his son had been there earlier but had left to get lunch. CCTV footage was shown on a mobile phone, but it only went back to 12 February instead of the required 31 days. The licence holder did not know how to check the footage via the screen in the shop.
- g. This was the first time non-duty paid goods had been found at this premises, but Trading Standards were of the opinion that given the large quantity seized, it was appropriate to recommend revocation of the premises licence. The Secretary of State guidance took smuggled tobacco very seriously, and the undermining of the prevention of crime and disorder licensing objective. Licence revocation should be seriously considered, even in the first instance.

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h. If the LSC was minded not to revoke, then it was asked for suspension until there was full compliance with the licence conditions, including the new conditions and the granting of a minor variation.

3. In response to Members' queries, it was confirmed that officers continued to recommend revocation of the licence because of the sheer quantity of non-duty paid goods found on the premises: that was a big enough offence to warrant revocation of the licence.

4. The statement on behalf of the Premises Licence Holder, including:

a. Mr Sundaramoorthy had held a personal licence since 2010 and there had been no issues with that. He had been DPS for eight years and no issues had been flagged up.

b. It appeared that on this occasion, Mr Sundaramoorthy had made a serious mistake, and he acknowledged that. He was not putting forward an excuse or reason. He acknowledged he should not have had the goods in his possession at all and he regretted what happened.

c. This was a very small family business. The size of the shop could be seen from the plan. The staff were Mr Sundaramoorthy himself, Mr Patni, and the DPS's wife and from time to time his son and his daughter, though she lived primarily abroad.

d. Mr Sundaramoorthy was disabled, having lost use of his arm years ago, and required the help of a member of staff to run the business. It was a necessity to have someone else present most of the time.

e. The family's entire livelihood depended on this business, particularly to pay for the children's university education. Revocation of the licence would mean it could not trade as a going concern. Even a suspension of the licence would probably have the same effect. Such action would be draconian on this small business.

f. Mr Sundaramoorthy had taken the visit on 29 October seriously. Since then he had made sure he kept full records of purchases, especially of alcohol and tobacco. He had shown evidence he was already complying with one of the amended conditions by keeping all receipts showing use of legitimate wholesalers.

g. At the two officer visits since 29 October, the most significant point was that there was no evidence of illicit tobacco on the premises. In respect of licence conditions, the officers flagged up issues with some, but the DPS had sought to address concerns, as listed in their additional information. In respect of Condition 4, the sign was moved and corrected. The poster required by Condition 5 was now in place. Actions to meet Conditions 10, 11 and 12 were in place. Tobacco was now suitably covered up. Mr Sundaramoorthy had immediately ordered a proper cabinet and was awaiting its delivery which was expected within a few days. In the interim, tobacco products had been removed from view. Mr Sundaramoorthy had taken concrete steps and was very keen to make sure he continued to comply in future.

h. In respect of the 3 March visit and the number of staff on the premises, Mr Sundaramoorthy's son had been there for the rest of the day, and

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arrangements were now in place that another individual would be present or that the shop may be closed for a short period of time. This was not a common condition for all premises, nor easy to comply with, but the issue had been taken seriously and would be continued.

i. A new, more sophisticated CCTV system had been installed in January and it had taken time for Mr Sundaramoorthy to get used to it, but he was now confident that images were retained for at least 31 days, all footage could be checked, and it was possible to view the time on the images.

j. It would not be reasonable or proportionate in respect of this business to revoke the licence, however it would be appropriate to add the proposed conditions. Mr Sundaramoorthy would make sure they were stringently applied, and appreciated that if they were not, he would face another LSC hearing.

k. Trading Standards had proposed additional conditions as set out in Annex 3. Mr Sundaramoorthy had made sure proposed Condition 12 and 13 were already happening. Condition 14 was more prescriptive, and Mr Sundaramoorthy had already shown he was meeting those requirements. He was also meeting Condition 15. There was no store room at this premises, but stock could be kept in a marked container. Mr Sundaramoorthy agreed to all the conditions proposed. He realised he made a serious mistake and wanted to work with Trading Standards and the LSC in the future to make sure he could continue to trade within the law.

5. Mr Sundaramoorthy and his representative responded to questions, including:

a. In response to Members' queries around the quantity of cigarettes in the premises, and the number of occasions they had been given as gifts, it was advised that they were kept in the premises because the licence holder's wife disapproved of smoking and did not want the cigarettes in the home. Mr Sundaramoorthy acknowledged these items should not have been at the shop. This was a mistake made recently and Mr Sundaramoorthy had otherwise conducted business lawfully. The cigarettes had been given as gifts on a few occasions, not one single occasion. The products had not been examined carefully at the time. They were not intended to be sold. Mr Sundaramoorthy's wife had told him they could not be kept at home. Mr Sundaramoorthy took his premises licence very seriously.

b. It was confirmed by officers that the annual licence fee had been paid.

c. In response to further queries by Members relating to promotion of the licensing objectives, it was advised that the focus of the LSC should be on the causes of concern, and consideration of what steps were proportionate, and appropriate and reasonable in relation to the circumstances. In this case, revocation would not be reasonable to this small business, where this was the first incident. The guidance covered a wide range of criminal behaviour, and though revocation should be seriously considered by the LSC, in discussion the Members were invited to consider if that would be proper in this case.

d. In response to Members' queries when the items were given to Mr Sundaramoorthy, and whether he seriously intended to smoke all those

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cigarettes, it was advised that he had been storing items at the shop for 1.5 years, after originally keeping them at home. The point he realised they should not be kept at the shop was after the inspection visit. As the cigarettes were a gift, he had not thought they were illegal.

e. In response to a question from the Chair, Mr Sundaramoorthy confirmed that he was fully aware of the conditions in his licence.

f. In response to Members' queries regarding the CCTV system, Mr Sundaramoorthy acknowledged that it was his responsibility to make sure it was fit for purpose. He had originally wanted to install two new cameras to improve the coverage, but it seemed to have taken a while to get used to. The issue had now been resolved and the CCTV was now fully functioning.

6. The summary statement on behalf of Trading Standards that, although this was the first time that smuggled goods had been found at this premises, given the large volume, the Licensing Authority felt it appropriate that the licence should be revoked.

7. The summary statement by Charlotte Palmer, Senior Licensing Enforcement Officer, that having heard all the representations it was for the LSC to consider the steps appropriate in support of the licensing objectives, and highlighting the relevant policy and guidance, in particular s.11.27 and s.11.28.

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chairman made the following statement:

"Having read and listened attentively to the written and oral representations, the Licensing Sub-Committee has resolved that the appropriate step to be taken to support the promotion of the licensing objectives is to revoke the licence held by Mr Rajasingam Sundaramoorthy at the premises known as and situated at Sarge Off Licence, 240 Fore Street, Edmonton, N18 2QD.

The Licensing Sub-Committee takes into consideration the guidance of s.11.28 and considers this is the appropriate and proportionate course of action that is required to address the concern that the presence of smuggled goods gives rise to, in the light of the licensing objective of the prevention of crime and disorder.

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In light of guidance at s.11.27 and s.11.28 given the seriousness of the criminal activity, this course is appropriate even in circumstances where this is the first instance of the storage of smuggled goods at the premises.

The primary or principal reason for the review being called was the storage of non-duty paid tobacco products.

The breaches of conditions were incidental and secondary to the Sub-Committee's consideration of the core matter of the storage of non-duty paid goods.

As such, the Licensing Sub-Committee was persuaded that the Trading Standards' application case has been made in full."

3. The Licensing Sub-Committee resolved to revoke the licence.

**519**

**CARPATHINA LTD, 337 BOWES ROAD, LONDON N11 1BA (REPORT NO. 245)**

RECEIVED the application made by Trading Standards for a review of the Premises Licence (LN/201700925) held by Mr Iulian Frasinescu at the premises known as and situated at Carpathina, 337 Bowes Road, London, N11 1BA.

NOTED

1. The introduction by Charlotte Palmer, Senior Licensing Enforcement Officer, including:

- a. This was a review of the licence of Carpathina Ltd. The licence currently permitted off-sales of alcohol from 11:00 to 22:00 daily. The premises licence holder and the Designated Premises Supervisor (DPS) was Iulian Frasinescu.
- b. On 24 January 2020, Enfield Council's Trading Standards submitted a review application in relation to the prevention of crime and disorder licensing objective, and seeking revocation of the premises licence in its entirety.
- c. Smuggled goods had been found on the premises for a second time ie. non-duty paid cigarettes.
- d. The full review application was set out in Annex 1 of the officers' report.
- e. There were no other representations in respect of this review application.
- f. The response from the premises licence holder was set out in Annex 2.
- g. If the Licensing Sub-Committee (LSC) was minded not to revoke the licence, Trading Standards asked that the licence be suspended until full compliance with the licence conditions had been demonstrated and a vary DPS application had been received.



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h. At the hearing, Trading Standards were represented by Heena Kanani, Principal Trading Standards Officer, and Carpathina Ltd were represented by Iulian Frasinescu, Nicoleta Gafita, and an interpreter, Gabriela Doina Basca.

2. The statement on behalf of Trading Standards, including:

- a. The review application was based on the crime and disorder licensing objective; namely that non-duty paid tobacco was found on the premises.
- b. On 29 October 2019, officers from Trading Standards and Licensing Enforcement, the Police Licensing Officer, and a dog handler and dogs from Wagtail International carried out a day of unannounced visits to shops in LB Enfield, including a visit to Carpathina Ltd. At the time of the visit there was one member of staff on the premises: Cocuta Gafita. The premises was searched and 203 packets of non-duty paid items with foreign labelling were found and seized.
- c. On 22 November 2019, Licensing officers carried out a licence inspection. A number of conditions were not in compliance: Conditions 4, 7, 8 and 12. It was requested that the conditions be brought into compliance within seven days. An inspection report was completed and signed by and issued to Ion Gherman, cashier. Neither the licence holder or DPS were present at the time of the visit.
- d. On 31 January 2020, out of hours Licensing Enforcement officers made a re-visit and met the same cashier who was working during the last inspection visit. Training records were now compliant, a refusals book was available, and one recent invoice was seen for tobacco, no more invoices on site. A request was made that a copy of last month's invoices be sent within the next seven days. The invoices were later sent, as set out in Appendix 6.
- e. Mr Frasinescu attended a formal interview, and a prosecution was ongoing.
- f. Following the seizure and interview, officers had a lack of confidence in the management of the business to operate the licence.
- g. This was not the first time that illicit goods had been found at the premises. On 7 August 2018, there had been a previous seizure from the premises of 387 packets of non-duty paid cigarettes. The explanation was that the legal requirements were not known at the time. Nicoleta Gafita signed the notice of seizure. This was the first time she was acknowledged as an employee. Nicoleta and Cocuta were related. It was claimed that the cigarettes were given to friends and were not for sale.
- h. Mr Frasinescu had not been seen in the shop, and had been out of the country at some points, and had trusted his staff.
- i. Trading Standards were of the opinion that it was appropriate to recommend revocation of the premises licence.
- j. The Secretary of State guidance took smuggled tobacco very seriously, and the undermining of the prevention of crime and disorder licensing objective. Licence revocation should be seriously considered, even in the first instance. It was recommended that this licence should be revoked in entirety.
- k. If the LSC was minded not to revoke, then it was asked for suspension until there was full compliance with the licence conditions, that the DPS had

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demonstrated full understanding, or that a vary DPS application was submitted. There were no recommendations for amendments to conditions as they were already amended in 2018 and were the most appropriate and up to date conditions.

3. The statement of Mr Frasinescu, through the interpreter, including:

- a. When the visit happened in October, he and Nicoleta were out of the country, in Romania, and were unaware of the activities at the shop.
- b. When information was given, he did retraining.
- c. The business was facing new problems at the moment, and a licence revocation on top could bring it crashing down. If possible, he asked for leeway as a revocation would be a real blow for this business in tough times, and he asked the LSC to please not revoke.

4. Mr Frasinescu, through the interpreter, responded to questions, including:

- a. In response to Members' queries about storage of illicit tobacco and why it happened again, he believed staff had agreed and had stopped doing it. They had been told what to do. He had worked with Council officers and rectified issues. It was confirmed there had been a minor variation of the licence to amend conditions and vary the plan. He had not been aware what was happening when he was not there in October 2019.
- b. In response to queries about how often he was at the premises, it was advised that would depend on the day, but normally he and Nicoleta had tried to go there and check what was going on twice a week. When they learned about what was happening, they tried to go on a more regular basis and now spent about half a day in the shop every day. In 2019 he had needed to go to Romania for dental treatment.
- c. In response to queries about trust in staff, and potential of changing the DPS, it was advised there was now a supervisor in place which was Mr Gherman, the cashier. Mr Frasinescu trusted him and wanted him to supervise. He agreed to consider a transfer application to make Ion Gherman and / or Nicoleta the DPS.
- d. In response to questions from the Trading Standards officer, Mr Frasinescu confirmed that he had delivered the training. When asked to explain what he told staff, he advised that they were not allowed to sell cigarettes unless they had been legitimately purchased, that they were not allowed to sell alcohol without proof of age, and to keep obeying the mandatory conditions of the licence. He specified the age to buy alcohol as 22 years: that he did not allow under 22's to buy alcohol. Also that if someone came into the shop who looked drunk or not in a good state they would not be allowed to be sold anything. There was regular training given, lasting 30 minutes or more, normally before he went to replenish stock. Tobacco and alcohol was only bought by himself or Nicoleta and they bought from the warehouse. There were other staff in the shop who held a personal licence: staff were hired.

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5. The summary statement on behalf of Trading Standards, that given this was not the first time that smuggled goods had been found at the premises and given the volume found, their recommendation remained that this licence be revoked.

6. The summary statement by Charlotte Palmer, Senior Licensing Enforcement Officer, that having heard all the representations, and Mr Frasinescu's written submission, it was for the LSC to consider the steps appropriate in support of the licensing objectives, and highlighting the relevant policy and guidance, in particular s.11.27 and s.11.28.

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chairman made the following statement:

"Having read and listened attentively to the written and oral representations, the Licensing Sub-Committee has resolved that the appropriate step to be taken to support the promotion of the licensing objectives is to revoke the licence held by Mr Iulian Frasinescu at the premises known as and situated at Carpathina, 337 Bowes Road, London, N11 1BA.

The Licensing Sub-Committee takes into consideration the guidance in s.11.20, s.11.27 and s.11.28 and considers that the presence of smuggled goods for the second occasion, and significant volume, causes serious concern.

In light of the licensing objective of the prevention of crime and disorder, the Sub-Committee considers it appropriate and proportionate to revoke the licence in these circumstances and in keeping with the guidance referenced above.

The primary reason the review was called was the storage of non-duty paid tobacco products.

The breaches of conditions were purely incidental and secondary to the Sub-Committee's consideration.

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As such, the Licensing Sub-Committee was persuaded that the Trading Standards' application case has been made in full."

3. The Licensing Sub-Committee resolved to revoke the licence.

**520**

**MINUTES OF PREVIOUS MEETINGS**

**AGREED** the minutes of the meetings held on Wednesday 22 January 2020 and Wednesday 26 February 2020 as a correct record.

**LICENSING SUB-COMMITTEE - 8.4.2020**

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE  
HELD ON WEDNESDAY, 8 APRIL 2020**

**COUNCILLORS**

**PRESENT** (Chair) Mahmut Aksanoglu, Vicki Pite and Maria Alexandrou

**ABSENT**

**OFFICERS:** Ellie Green (Principal Licensing Officer), Amanda Butler (Senior Fair Trading Officer), PC Karen Staff (Metropolitan Police), Catriona McFarlane (Legal Adviser), Jane Creer (Democratic Services)

**Also Attending:** Duncan Craig, Barrister, on behalf of Maxi Wine Centre

**530**

**WELCOME AND APOLOGIES FOR ABSENCE**

NOTED

1. Councillor Aksanoglu as Chair welcomed all those present and explained the order of the meeting.
2. Councillor Pite had replaced Councillor Levy on the panel.
3. Due to the coronavirus crisis, the hearing was run remotely via Skype, in compliance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority, Police and Crime meetings) (England and Wales) Regulations 2020. The Chair requested attendees to let him know of any issues with connection so that necessary action could be taken.

**531**

**DECLARATION OF INTERESTS**

NOTED there were no declarations of interest in respect of any item on the agenda.

**532**

**MAXI WINE CENTRE, 495 HERTFORD ROAD, ENFIELD EN3 5XH  
(REPORT NO. 243)**

RECEIVED the application made by Trading Standards for a review of the Premises Licence (LN/201500460) held by Mr Ali Riza Tulu at the premises known as and situated at Maxi Wine Centre, 495 Hertford Road, Enfield, EN3 5XH.

NOTED

**LICENSING SUB-COMMITTEE - 8.4.2020**

1. The introduction by Ellie Green, Principal Licensing Officer, including:
  - a. This was a review of the licence of Maxi Wine Centre. This licence was previously reviewed in 2015 following repeated breaches of conditions, and illicit tobacco being found on the premises. The premises licence holder at that time was Mr Uygur Altun.
  - b. On 26 August 2015, a new premises licence was granted to Mr Ali Riza Tulu, specifically including a condition that Mr Altun was not to be connected with the business.
  - c. The licence permitted off-sales of alcohol from 10:00 to 00:00 daily. The premises licence holder and the Designated Premises Supervisor (DPS) was Ali Riza Tulu.
  - d. On 24 January 2020, Enfield Council's Trading Standards submitted a review application in relation to the prevention of crime and disorder licensing objective, and seeking revocation of the premises licence in its entirety.
  - e. Smuggled goods had been found on the premises for a second time ie. non-duty paid cigarettes. Breaches of licence conditions had also been witnessed.
  - f. The full review application was set out in Annex 2 of the officers' report. The report was an attachment in this Skype meeting.
  - g. There was a representation from the Metropolitan Police, supporting this review application and also seeking revocation of the premises licence, based on the prevention of crime and disorder licensing objective, and attached as Annex 3 of the report.
  - h. There had been no written response received from the premises licence holder.
  - i. If the Licensing Sub-Committee (LSC) was minded not to revoke the licence, Trading Standards asked that the licence be suspended until full compliance with the licence conditions had been demonstrated and to consider adding two conditions, as set out in Annex 4.
  - j. This review application was due to be determined on 18 March 2020, but an adjournment request was permitted from that hearing.
  - k. At the hearing, Trading Standards were represented by Amanda Butler, Senior Fair Trading Officer, the Metropolitan Police were represented by PC Karen Staff, and Maxi Wine Centre was represented by Duncan Craig, Barrister, Citadel Chambers. Due to remote hearings being so new, the hearing was also being observed online by three external persons.
2. The statement on behalf of Trading Standards, including:
  - a. The review application was based on the crime and disorder licensing objective; as a result of non-duty paid tobacco being found at the premises.
  - b. On 28 October 2019, officers from Trading Standards and Licensing Enforcement, the Police Licensing Officer, and a dog handler and dogs from Wagtail International carried out a day of unannounced visits to shops in LB Enfield, including a visit to Maxi Wine Centre. The premises was searched and 221 packets equivalent to 4,420 individual cigarettes, and 5 x 50g packets of hand rolling tobacco non-duty paid items with foreign labelling were found

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and seized. Also during the inspection, illicit drug paraphernalia were seen displayed for sale behind the shop counter.

c. The owner and DPS, Mr Tulu, was not on the premises at the time of the inspection. The sales assistant Ms Eilem Kilic who was on the premises spoke little English and had to make a phone call to a male, Mr Dervish Kilik, who explained that he was the business partner of the premises licence holder. Mr Tulu and Ms Kilic were invited to attend a tape-recorded interview on 10 December 2019 under the provisions of the Police and Criminal Evidence Act 1984. They did not attend this interview.

d. A report was referred to LB Enfield Legal Department. Home Office guidance s.11.24 was highlighted in respect of the Sub-Committee's role.

e. A number of breaches of conditions were reported, as set out in Annex 2.

f. Condition 14 stated that a personal licence holder was to be present on the premises throughout the permitted hours for sale of alcohol; but there had been no personal licence holder on site at the time of the inspection.

g. Condition 16 stated that Mr Altun shall not be involved in any way in the operation and / or management of the business. However, the enforcement team and police observed a white bipper van parked directly outside the premises and identified Mr Altun as the registered keeper. The keys to the van were identified inside the premises on 15 August 2019 next to a packet of non-duty paid cigarettes.

h. Condition 10 stated that only the premises licence holder or DPS shall purchase alcohol and cigarette stock. However, during the inspection on 5 July 2019, invoices were produced which stated the suppliers of alcohol and tobacco and which were addressed to 'Potters Mart Ltd', 75 Darkes Lane. The company director of Potters Mart Ltd had been identified to be Mr Usman Kaleen and the premises licence holder as a Mr Dervis Altun, who was not the premises licence holder for Asya Wine Centre or Maxi Wine Centre.

i. The Secretary of State guidance took smuggled tobacco very seriously, and the undermining of the prevention of crime and disorder licensing objective. Licence revocation should be seriously considered, even in the first instance. Enfield Trading Standards were of the opinion that this licence should be revoked in entirety because of the large amount of tobacco seized and the previous history of the premises, and breaches of Conditions 4, 5, 6, 7, 11, 14, 16, 17 and 18. The tobacco seized was in a cardboard box separated into sections, indicating a degree of organisation.

j. If the LSC was minded not to revoke, Trading Standards requested suspension until full compliance with the licence conditions was demonstrated; and the additional conditions that non-duty paid tobacco or alcohol must not be stored or sold from the premises or from any vehicle, and that there will be no drug related paraphernalia in the shop or being displayed for sale.

3. Questions were responded to by Amanda Butler, including:

a. In response to Mr Craig's query in respect of staff seen on the premises on 28 October 2019, it was confirmed that no-one else was seen in the shop except Ms Eilem Kilic, and that she had identified herself as a sales assistant.



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b. In response to Mr Craig's queries relating to emails from Mr Tulu regarding the PACE interview and confusion over times, it was confirmed that a letter was sent to Mr Tulu in November 2019 and he responded and rescheduled the interview to 15 January 2020. Emails were exchanged on that date as set out in Appendix 5, and a manager advised Mr Tulu that the room and personnel were booked in advance; 1.30pm would be too late given the room was booked until 2.00pm and 30 minutes would not be sufficient to conduct the interview.

c. In response to Mr Craig's queries regarding non-duty paid tobacco found in the premises, it was confirmed that illicit tobacco was found only at the visit on 28 October 2019.

4. The statement of PC Karen Staff, on behalf of Metropolitan Police, including:

a. As Police Licensing Officer for Enfield, she confirmed that Metropolitan Police supported the review application brought by Trading Standards under the prevention of crime and disorder licensing objective.

b. This venue had a long history of being involved in criminal activity associated with either counterfeit or illicit goods since 2009.

c. Mr Altun was prosecuted for selling counterfeit alcohol. Despite variation of the licence, non-duty paid goods were found again and the licence was revoked in 2015.

d. Due to concerns, a condition was put onto the current licence that Mr Altun should have no part in the running or control of the business. This condition was agreed by Mr Tulu, who stated that he did not know Mr Altun.

e. Intelligence reports to police led to licensing visits to the premises in 2018 and 2019. Mr Altun's name was mentioned by staff, but Mr Tulu continued to refute that Mr Altun was involved in the business. Reports were received in respect of two vans parked outside the shop. Staff denied they had anything to do with the business. Computer checks found that both vans were registered to Mr Altun even though he did not live near the venue. A search of the silver van found nothing of note. From then on the silver van did not park outside the shop. On the visit in August 2019, the white van was parked outside the shop and next to a packet of illegal cigarettes on the shelf behind the counter was a key. The staff member was asked about the key and denied it opened the van, but refused to prove this by testing it, but made a phone call. A male turned up, took the cigarettes and the key which he used to get in the van, and drove away refusing to speak with the officer. Since then the white van had not been seen outside the shop.

f. During the operation on 28 October 2019, a substantial amount of non-duty paid tobacco was found at the premises, and a considerable amount of drug paraphernalia which was not illegal to sell but encouraged disregard to the law.

g. The onus was on Mr Tulu to promote the licensing objectives, and he had failed to do so. The police did not believe Mr Tulu to be a fit and proper person to hold a premises licence. The council had given him the opportunity to

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explain himself in an interview and he had failed to appear. The police supported the review application.

5. PC Staff responded to a question from Mr Craig in respect of the search of the silver van, advising that the date of that search was not written in her notes, but that it would have been prior to the visit when the illicit cigarettes were found.

6. The statement of Mr Duncan Craig, barrister on behalf of the licence holder, including:

- a. Mr Tulu was not in attendance in person, but he had been instructed to make representations on his behalf.
- b. In respect of the two vans, silver and white, which had been seen parked outside the shop, Mr Tulu knew nothing about them at all. He robustly stated that Mr Altun had nothing to do with the management or operation of the business. He refuted any allegations in respect of breach of Condition 16.
- c. There was some confusion in respect of the inspection visit on 17 June 2019. There was a suggestion that the member of staff when questioned identified the owner of the business as Kemal then denied this subsequently. He would make the point that there was no evidence of Mr Altun being at the premises whatsoever. There was no reason to dispute the vans were registered in Mr Altun's name, but Mr Tulu had no idea about those.
- d. In respect of visits on 17 June and 15 August 2019, no illicit tobacco was found on those occasions. In respect of the 28 October visit, Mr Tulu has no knowledge of the illicit tobacco found. He said there was a member of staff conducting activities which they should not. He did not have a name of that member of staff.
- e. There was a suggestion within the Trading Standards' representation, that if LSC were not minded to revoke the licence, then two additional conditions were suggested. It was confirmed that those conditions were agreed to by Mr Tulu. Mention was also made of a licence suspension. It was denied by Mr Tulu that there was a breach of Condition 16 but he acknowledged there were breaches of other conditions. A licence suspension of three months was felt to be appropriate and proportionate. This was the statutory maximum and it would enable him to refocus his efforts and get his house in order in respect of full compliance with the licence. The two additional conditions would add a further layer of structure, and going forward Mr Tulu could promote the licensing objectives.
- f. During the current difficult times such a shop was an important facility and a service to the local community.
- g. Guidance was highlighted at s11.20 and that steps taken should be proportionate. Mr Tulu would utilise a suspension period purposefully.
- h. On other visits no illicit alcohol or tobacco was found. Mr Tulu knew that the cans of beer over 6.5% ABV were in breach of Condition 20, but felt that a three month suspension was appropriate. A revocation of the licence would go beyond what was appropriate.

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7. Mr Craig responded to questions, including:

a. In response to the Chair's queries about the vans parked outside the shop, it was clarified that Mr Tulu simply did not know anything about the vans. Mr Tulu was not present at any of the officer visits. He had no answer as he had no knowledge of what purpose they were serving.

b. In response to further queries about the key to the white van found near the counter, it was advised that Mr Tulu did not know anything about that, and as premises licence holder could not have controlled where a key was.

c. In response to queries about why Mr Tulu did not attend the interview or provide written representations or attend the hearing, it was advised that Mr Tulu got confused about the time of the interview, but that he did make some effort to be available but that was not able to be accommodated. He made no written submissions as he was not legally represented at the time. He had engaged legal representation since March. If he had engaged a lawyer earlier the legal implications would have been explained, but at the time Mr Tulu did not have advice.

d. In response to questions about how often Mr Tulu was at the premises, it was confirmed that he did visit, but no specific instruction had been provided about how often. Mr Tulu had been asked if he went there regularly and said that he did. There was no requirement for the premises licence holder and DPS to be there at all times. Mr Tulu understood he needed to dedicate more time to the business and promote the licensing objectives more purposefully going forward.

e. In response to Councillor Pite's requests for evidence to provide reassurance that Mr Tulu could manage and supervise staff appropriately, it was advised that three months' suspension would give a significant amount of time to make improvements and that there would be no issue with a compliance visit at the end of that period. Mr Tulu had undertaken to get external trainers. Mr Tulu had been the premises licence holder since 2015, and while there had been visits more recently which raised legitimate concerns in respect of compliance with conditions there had been nothing prior to that. There was no evidence of issues before June last year and that should be taken into account when evaluating whether Mr Tulu was capable of promoting the licensing objectives.

f. In response to further requests for reassurance around the specific outstanding condition breaches, it was highlighted that it would not be proportionate if a licence was revoked just because the licence holder was not complying with conditions. It was also reiterated that a breach of Condition 16 was denied. It was a fact that non-compliance with licence conditions was unsatisfactory, and the review process should be used to improve compliance. If there was a three month suspension and then subsequent breaches, LSC would have little option but to revoke if there was failure to comply. It was accepted that this would be the last chance for this licence holder. Mr Tulu acknowledged the compliance had been unsatisfactory, and was asking for a final chance. If he failed that would be the end of his licence and there would be no-one to blame but himself.

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g. The Chair asked about what the licence holder knew about storage of illicit tobacco and storage of drug paraphernalia. It was confirmed that Mr Tulu knew about the drug paraphernalia, and that it was quite common for these items to be sold in privately owned convenience stores: he was doing nothing unlawful, though perhaps it was unedifying and would be re-considered by Mr Tulu. He had agreed to the additional condition that there would be no drug related paraphernalia in the shop or being displayed for sale. In respect of the illicit tobacco, Mr Tulu did not know about it. It was acknowledged there was a significant quantity and number of products found, giving rise that someone on the premises had been engaging in activities that were unlawful and not promoting the licensing objectives. From Mr Tulu's point of view, a licence suspension and spending more time at the shop would allow focus on compliance with conditions and the business being more lawful in its approach to the Licensing Act and more vigilant generally.

h. In response to a further query how often Mr Tulu was at the store, nothing more had been specified by him other than that he was there regularly. It was not known at what hours.

i. In response to Councillor Alexandrou's queries whether it was responsible to display drug paraphernalia in a place where children could enter, it was advised that the items were not unlawful, though it was something Mr Tulu had reflected on and he was content for it not to be the case going forward, having reviewed what he could do better. This was accepted by virtue of agreeing to the additional conditions.

j. In response to Councillor Pite's queries regarding compliance with the requirement for a personal licence holder to be present at all times alcohol was being sold, it was confirmed that Mr Tulu was a personal licence holder himself, and would address the requirement by spending more time at the premises. In addition to using external trainers, Mr Tulu would also enlist two members of staff on a course to apply to be personal licence holders. That would be a central part of his undertaking to reach compliance.

k. In response to requests for clarification from the Legal representative, it was confirmed that there was no detail provided from Mr Tulu other than 'more' hours would be spent at the shop. It was also advised that following the seizure of illicit tobacco, there had been an investigation and a member of staff had been dismissed, but the staff member's name had not been provided. In terms of steps to be taken so that staff could not deceive him in future, Mr Tulu would make regular checks of the premises and compliance with conditions regarding storage and display of tobacco products. It was asserted he must have been complying up to June 2019 as there were no concerns about the business up to that point. No further instruction had been provided by Mr Tulu relating to the shop staff.

l. In response to queries from the Trading Standards representative, it was advised that staff were not believed to have informed Mr Tulu of the visit by enforcement officers in June 2019. Mr Tulu was aware of the October visit that gave rise to the seizure. He did not know how many packets of illicit tobacco had been sold from the premises.

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8. The summary statement by Ellie Green, Principal Licensing Officer, that having heard the representations from all parties, it was for the LSC to consider the steps appropriate in support of the licensing objectives, and highlighting the relevant policy and guidance, in particular s.11.27 and s.11.28.

9. The summary statement on behalf of Trading Standards, highlighting the information provided by Mr Tulu's representative that he did not know about the vans outside the premises and did not know about the illicit tobacco. The authority did promote businesses to behave responsibly when selling goods and a licence holder should know what was going on in his business premises and should adhere to licensing conditions and ensure they are being met. It was Trading Standards' opinion this licence should be revoked because of the large amount of tobacco seized and the organised manner those tobacco products were stored behind the counter. If Mr Tulu visited regularly he would be aware of the box behind the counter, it's organisation, and the sales, and if he was not aware of that he was not a fit and proper person to be a licence holder.

10. The summary statement of PC Karen Staff, on behalf of Metropolitan Police, that after hearing from Mr Tulu's representative she still did not have any confidence in Mr Tulu to hold a licence. He had numerous opportunities to comply with the licence, but breaches were discovered on a number of occasions. It was strange that since the vans stopped parking outside, illicit cigarettes were found inside the shop, and it seemed that the van was where they were stored originally. In conclusion, Mr Tulu not knowing what staff were doing was unsatisfactory, and it was not clear what would change during a short licence suspension. Police still had no confidence in Mr Tulu's behaviour or his understanding of his obligations as a licence holder and considered there was no alternative but to revoke the licence.

11. The summary statement of Duncan Craig, on behalf of the licence holder, highlighting that there had been a number of visits to the premises that had led to no illicit tobacco being discovered. Even when vans were linked it was usually experienced that illicit tobacco was found on premises in reasonable quantities. That had not occurred at this shop on those occasions. Previous searches must have been thorough, but the only illicit tobacco was found on the single occasion in October 2019. Mr Tulu was not present at the time. This was not Mr Tulu wilfully engaging with the activity, but a failure to concentrate on the business; an occasion when someone had fallen short. It had to be asked if there were alternative courses of action: there were and it had been suggested for a suspension of the licence for a maximum period and the addition of further conditions. This would enable the licence holder to focus his mind on promotion of the licensing objectives going forward. A suspension was suggested in the circumstances as a proportionate step, given how long Mr Tulu had held the licence, and the number of visits where nothing was found.

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RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then a decision announcement meeting reconvened.

2. The Chairman made the following statement:

“Having read and listened attentively to the written and oral representations, the Licensing Sub-Committee (LSC) has resolved that the appropriate step to be taken to support the promotion of the licensing objectives is to revoke the licence held by **MR ALI RIZA TULU** at the premises known as and situated at **MAXI WINE CENTRE, 495 HERTFORD ROAD, ENFIELD, EN3 5XH**.

The LSC takes into consideration the guidance of s.11.28 and considers this is the appropriate and proportionate course of action that is required to address the concern that the presence of smuggled goods gives rise to, in the light of the licensing objective of crime and disorder.

In light of guidance at s.11.27 and s.11.28 given the seriousness of the criminal activity, this course is appropriate even in the circumstances where this is the first instance of the storage of smuggled goods at the premises.

The LSC noted that the licence holder’s representative, Mr Craig, did not know how many hours the licence holder already spent in the business, he could only say it would be a non-specific amount of “more” in the future.

Mr Craig did acknowledge that his client seemed to be unaware of what his staff were doing at his premises and could not advise of what steps he had been taking to supervise them.

The LSC noted that several breaches of the current licence conditions were taking place on the multiple visits made by officers to the premises, especially the CCTV condition which did not appear to have ever been complied with.

There is little evidence that Mr Tulu was actively involved in the business. His staff mentioned other people being in charge, there is evidence of vehicles owned by someone who is prohibited from involvement in the business regularly parking them outside and even keeping their keys inside the premises.

There is no evidence of Mr Tulu or his staff actively co-operating with officers.

**LICENSING SUB-COMMITTEE - 8.4.2020**

Mr Craig acknowledged and confirmed that all but one condition (condition 16) had been breached.

In light of these factors the LSC felt the application for review made by the Trading Standards and supported by the Metropolitan Police had been met and that the only appropriate action was to revoke the licence.”

3. The Licensing Sub-Committee resolved to revoke the licence.