

Public Document Pack



LICENSING SUB-COMMITTEE

Wednesday, 8 July 2020 at 10.00 am
Virtual Meeting / Remote: Please use the link
below or link on the agenda frontsheet

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Committee Secretary
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PLEASE NOTE: VIRTUAL MEETING

Please click [Here](#) to view the meeting or copy and paste the link below into your web browser:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MzQ3MzJjNzctNzY0Yy00MjhmLTkyZDktZmJlOTNiMGFiMDUz%40thread.v2/0?context=%7b%22Tid%22%3a%22cc18b91d-1bb2-4d9b-ac76-7a4447488d49%22%2c%22Oid%22%3a%229330b14b-fb52-4604-b950-1c3eec363859%22%2c%22IsBroadcastMeeting%22%3atru%7d

Meeting extension beyond 2:00pm if required:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MWU4M2EwN2ltNTVmNy00NjgwLWJkOTQtNDEwYzI3NWM5YTBh%40thread.v2/0?context=%7b%22Tid%22%3a%22cc18b91d-1bb2-4d9b-ac76-7a4447488d49%22%2c%22Oid%22%3a%229330b14b-fb52-4604-b950-1c3eec363859%22%2c%22IsBroadcastMeeting%22%3atru%7d

Councillors : Mahmut Aksanoglu (Chair), Sinan Boztas and Jim Steven

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 (Pages 7 - 130)

Application for a Renewal of a Tables & Chairs (Street Trading) licence.

4. 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)



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 or SUP 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 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.

4. ORDER OF PROCEEDINGS FOR A NEW, VARIATION OR RENEWAL 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.

29 June 2020

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Housekeeping Rules

Applies to the Licence Holder/Applicant 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.

<p>Be on time</p>
<p>Block your telephone number – 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.</p>
<p>Be prepared – please have the Licensing Sub-Committee report on screen or to hand.</p>
<p>Mute by default – 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.</p>
<p>How to unmute – press *6 when you need to unmute your mic.</p>
<p>Identify yourself – 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.</p>
<p>Limit the use of technical jargon and acronyms</p>
<p>Do not multi-task</p>
<p>Ask for clarification – if there’s something you don’t understand ask</p>
<p>How can I ask a question? – verbally by coming off mute.</p>
<p>How can I see the hearing? – click on the live events link to this hearing on the website and ensure your computer/device is on mute to avoid interference.</p>

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.

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.

MUNICIPAL YEAR 2020/21 REPORT NO.

COMMITTEE:
Licensing Sub-Committee
8 July 2020

REPORT OF :
Principal Licensing Officer

LEGISLATION:
London Local Authorities Act 1990

Agenda - Part	Item
SUBJECT: Application for a Renewal of a Tables & Chairs (Street Trading) licence	
PREMISES: Broomfield Coffee Bar, 64 Aldermans Hill, LONDON, N13 4PP	
WARD: Southgate Green	

1. LICENSING HISTORY:

- 1.1 On 26 February 2019, Mr Arjan Borufi applied for an annual tables and chairs street trading licence under the London Local Authorities Act 1990, and the licence was subsequently granted on 3 April 2019.
- 1.2 The tables and chairs licence (LN/201800896) permits the following:

Licensed Area: 5mt x 1mt = 5 sq.m

Licensed Days & Hours: 08:00 - 12.00

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

- 1.3 A copy of the tables and chairs (LN/201800896) is produced in Annex 1.
- 1.4 With regards to the timings permitted by the tables and chairs licence, as stated on the licence, it is now understood that Mr Borufi on his application meant midnight, not midday. Please note that the latest hour permitted for any tables and chairs licence is 11pm.
- 1.5 The use of tables and chair licences has not been permitted between 21 March 2020 and 3 July 2020, through the Covid-19 emergency period.
- 1.6 With regards to other licensing matters for background information: On 22 January 2016, a new premises licence under the Licensing Act 2003 (LN/201500949) was granted for 64 Aldermans Hill, N13 4PP.

- 1.7 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.
- 1.8 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.
- 1.9 On 17 June 2020, a licensing hearing took place to determine the review application of the premises licence (LN/201500949), submitted on behalf of the Licensing Authority. The review initially sought to remove live and recorded music from the licence, but the review attracted objections from local residents with complaints of anti-social behaviour in relation to the premises.
- 1.10 The Licensing Sub-Committee resolved to revoke the premises licence, but with a final chance for the premises licence holder to meet new licence conditions whilst the premises licence is suspended for a period of not longer than 3 months. Non-compliance of the conditions will result in revocation of the premises licence. The Decision Notice is attached in Annex 2.
- 1.11 A minor variation was submitted by Mr Borufi to update the plan which forms part of the premises licence, and the consultation for this application closes on 30 June 2020.
- 1.12 Part A of the premises licence (LN/201500949) is produced in Annex 3.
- 1.13 In summary, the premises licence (LN/201500949) permits the following (when the licence is not suspended):

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

2 THIS APPLICATION:

- 2.1 The renewal for the tables and chairs licence (LN/201800896) was due by 2 April 2020, however, due to the 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 completed and submitted the renewal application and payment on 4 May 2020.
- 2.2 A copy of the renewal application is produced in Annex 4.

- 2.3 Mr Borufi stated on this renewal form that the licensable area sought is 5 m x 3 m, which is 15 sq. metres total licensed area. This is an increase to the existing licence of 5 sq. metres. However, the fee paid by Mr Borufi relates to the fee for 5 sq. metres. Mr Borufi has since clarified that the licensed area sought on the renewal application is 5 sq metres (5m x 1m).

3 RELEVANT REPRESENTATIONS:

- 3.1 **Licensing Authority:** Representation has been made, against the licence being renewed outright, on the grounds that Mr Borufi is not suitable to hold a licence. The Licensing Authority recommend that if the Licensing Sub Committee are minded to renew the tables and chairs licence, it is recommended to impose reduced hours be attached to the licence so that it is not used at these peak times or in the evening, such as: 10:00 – 17:00 Monday – Sunday. A copy of this representation and supporting Appendices can be seen in Annex 5.
- 3.2 **Highways:** A representation was made objecting to the licensed area as stated on the application form (5 m x 3 m, total 15 sq. m). However, Highways have advised that they believe the renewal application is for the licensed area of 5m x 1 m (total 5 sq. m) and therefore do not object.
- 3.3 **Other Persons:** Representation has been made, against the renewal application, by a ward councillor and local residents, who are referred to as IP1 to IP15, also on the grounds that Mr Borufi is not suitable to hold a licence and that access around the tables and chairs is unsafe. Those residents live in Aldermans Hill, Derwent Road, Grovelands Road, Lakes Estate and Lakeside Road. A copy of the IP representations (including additional representations and a video) are attached as Annex 6.
- 3.4 Representation was also made in support of the tables and chairs renewal application by three persons, who are referred to as SUP01 to SUP03. SUP02 is the landlord for the premises and the remaining supporters live in Derwent Road and Lakeside Road. A copy of the supporting representations are attached as Annex 7.
- 3.5 On behalf of Mr Borufi, Mr John Palmer (Akin Palmer LLP) has provided a written representation to the objections and is attached as Annex 8. It is not the intention to withdraw the renewal application.

4 RELEVANT LAW, GUIDANCE & POLICIES:

- 4.1 The paragraphs will have regard to either:
- 4.1.1 the London Local Authorities Act 1990 ('Act'); or
- 4.1.2 the London Borough of Enfield's Street Trading Policy of September 2008 ('Pol').

4.2 Relevant extracts from the Act:

Section 25 Application for street trading licences

(4) A street trading licence—

(b) shall not be granted unless the borough council are satisfied that there is enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons or vehicular traffic using the street;

(5) Subject to subsection (4) above, the borough council shall grant an application for a street trading licence unless they consider that the application ought to be refused on one or more of the grounds specified in subsection (6) below.

(6) Subject to subsection (8) below the council may refuse an application on any of the following grounds:—

(a) that there are enough traders trading in the street or in any street adjoining the street in respect of which the application is made in the goods in which the applicant desires to trade;

(b) that the applicant is on account of misconduct or for any other sufficient reason unsuitable to hold the licence;

(c) that the applicant is an individual who has without reasonable excuse failed personally to avail himself fully of a previous street trading licence;

(d) that the applicant has at any time been granted a street trading licence by the borough council which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to them in respect of the licence;

(7) If the borough council consider that grounds for refusal exist under subsection (6)(a) or (c) above they may grant the applicant a licence which permits him—
(a) to trade on fewer days or during a shorter period in each day than is specified in the application.

Section 27 Conditions of street trading licences

(1) A licence granted under section 25 (application for street trading licences) of this Act, shall—

(b) specify the conditions; and

(c) in the case of an individual incorporate one of the photographs of the licence holder submitted under subsection (3) of the said section 25; and on any occasion of the renewal of a licence, or at 1 January in any year during the currency thereof, (whether on application by the licence holder or otherwise) or at any time on application by the licence holder, the borough council may vary the conditions.

Section 28 Revocation or variation of licences under Part III

(1) Subject to the provisions of this Part of this Act a borough council may at any time revoke a street trading licence if they are satisfied that—

(a) owing to circumstances which have arisen since the grant or renewal of the licence, there is not enough space in the street in which the licence holder trades for him to engage in the trading permitted by the licence without causing undue interference or inconvenience to persons or vehicular traffic using the street; or

(d) the licence holder is on account of misconduct or for any other sufficient reason unsuitable to hold the licence; or

(e) that since the grant or renewal of the licence, the licence holder has for a period of four weeks or more failed to pay fees or charges due to the borough council in connection with the street trading licence or has failed to pay any charges due from him for accommodation provided in pursuance of subsection (2) of section 33 (receptacles and containers) of this Act; or

(g) that since the grant or renewal of the licence, the licence holder has persistently failed to remove to a place of storage the receptacles used by him for trading; or

(h) that the licence holder has persistently failed to comply with any condition of his licence.

(2) If a borough council consider that a licence could be revoked on any of the grounds mentioned in paragraphs (a) to (c) of subsection (1) above they may instead of revoking it, vary its conditions by attaching further conditions—

(a) reducing the number of days in any week or the period in any one day during which the licence holder is permitted to trade.

4.3. Relevant Extracts from the Policy

- A Street Trading Licence ('tables & chairs licence') is required to place tables and chairs on the highway. This policy lists the tables and chairs licence conditions (Sections 6 - 12).(Pol 1.2)
- If a tables & chairs licence is granted, enough space must be left on the highway for pedestrian access, street furniture and other obstructions such as trees. (Pol 1.3)
- It will be the responsibility of the licence holder that the conditions of the tables & chairs licence are complied with. (Pol 3.8)
- If the licensed tables and chairs (and any associated objects) subsequently cause an obstruction to pedestrians, or interfere with the safe and efficient operation of the highway, the Council has powers to modify the terms of the tables & chairs licence (by issuing a revised licence) to ensure that the highway continues to function in a safe manner. (Pol 3.9)
- (Pol 5.3) The placing of tables and chairs at the location should not significantly harm residential amenity and:
 - 5.3.1 if evening use is proposed, the location should be in a town centre close to other premises open in the evening and where there is significant pedestrian activity.

- 5.3.2 if daytime use is proposed, the location should be in a town centre, local shopping centre or other area of predominantly commercial activity where there is significant pedestrian activity.
 - 5.3.3 if there are residential properties nearby, the Council will seek to ensure that the proposal will not result in unreasonable noise and nuisance by people using the tables and chairs.
- The Council requires all applications to be accompanied by a plan clearly showing where the tables and chairs will be placed. (Pol 5.5)
 - (Pol 5.7) The effects on people in the surrounding area (e.g. residents, businesses or visitors) are very important when considering a planning application for the placing of tables and chairs on the public highway. These effects include :
 - 5.7.1 congestion on the footway;
 - 5.7.2 increased parking congestion in the area; and
 - 5.7.3 noise and disturbance generated by the tables and chairs.
 - The effect of the proposed tables and chairs on the appearance of the premises and adjacent buildings as well as on the character of the area in general will be taken in account. This is particularly important in the case of applications affecting listed buildings and Conservation Areas. In these cases, the design, materials and colour of the furniture and other items placed on the highway may be governed by planning conditions. (Pol 5.8)
 - (Pol 6.1) The Council will require sufficient space for pedestrian movement. This will take into account :
 - 6.1.1 the high flow of pedestrians (on the borough's busier highways);
 - 6.1.2 the needs of people with limited mobility including those who use walking aids, wheelchairs or mobility scooters;
 - 6.1.3 people with children in buggies or prams; and
 - 6.1.4 people with impaired sight.
 - 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. (Pol 6.2)
 - The provision of service to the tables and chairs, including customers serving themselves, must take place within the licensed area. The need for such service should be taken into account when considering the proposed number and layout of tables and chairs. (Pol 6.4)
 - Steps will need to be taken to ensure that the highway is not obstructed by customers, standing between tables, chairs and the kerb. (Pol 6.8)
 - Tables and chairs must be removed from the licensed area at a specified time, which will vary according to individual circumstances.(Pol 8.1)
 - The Council will not usually approve applications for the use of tables and chairs beyond 11pm even if the applicant has the relevant licences and permissions to operate (within the premises) until a later time. (Pol 8.2)

- Service at the tables and chairs must finish at such time before the specified time as will allow for them to be removed by the specified time. (Pol 8.3)
- The licence holder will be 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. (Pol 12.3)
- The trading area shall not exceed the dimensions specified on the licence and any pitch limits marked on the ground during trading hours. (Pol 12.4)
- The licence holder shall trade only from the position indicated on the licence. (Pol 12.5)
- The Council reserves the right to cancel any licence if a breach of the conditions occurs. (Pol 12.17)
- Aldermans Hill is a designated street and listed in the Annex of the policy.

4.4 Business and Planning Bill

4.1 On Thursday 25 June 2020, the government announced the introduction of the Business and Planning Bill, which is yet to come into effect (and date is unknown at the time this report was prepared but likely to be in force by 4 July 2020 in line with pubs/restaurant/cafes re-opening for consumption on the premises).

4.2 The Bill introduces a 'pavement licence' to place furniture (i.e. tables and chairs) on the highway for consumption of food and drink including of alcohol. One of the provisions of the Bill is that the pavement licences supersedes existing tables and chairs licensing for the period of this new Bill/Act (i.e. up to 30 September 2021).

4.3 A brief summary of the Bill's provisions as it currently stands are:

- A maximum licence fee of up to £100 (capped)
- A pavement licence to last for a period to be determined by the Council up to 30 September 2021
- Will still be subject to a consultation with stakeholders, including a requirement on businesses to display a site notice so members of the public as well as the Police and Highways may make representations.
- Highways will assess the applications to ensure that a safe space of the pavement that can be licensed
- Specifies a maximum 14 day 'turnaround time' between submitting the application until granted or refused (7 days must be allowed for consultation and then the Council must grant or refuse the licence within a maximum of 7 days from when the consultation ends.

5. Decision:

- 5.1 Having heard all the representations (from all parties) the Sub-Committee must take such steps as it considers sufficient. The steps are:
- 5.1.1 to issue the renewal consent;
 - 5.1.2 to issue the renewal consent with amendments to the proposal, as amendments to times or conditions as it considers necessary;
 - 5.1.3 to reject the renewal application.

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

Contact Officer :
Ellie Green on 020 8379 8543



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.

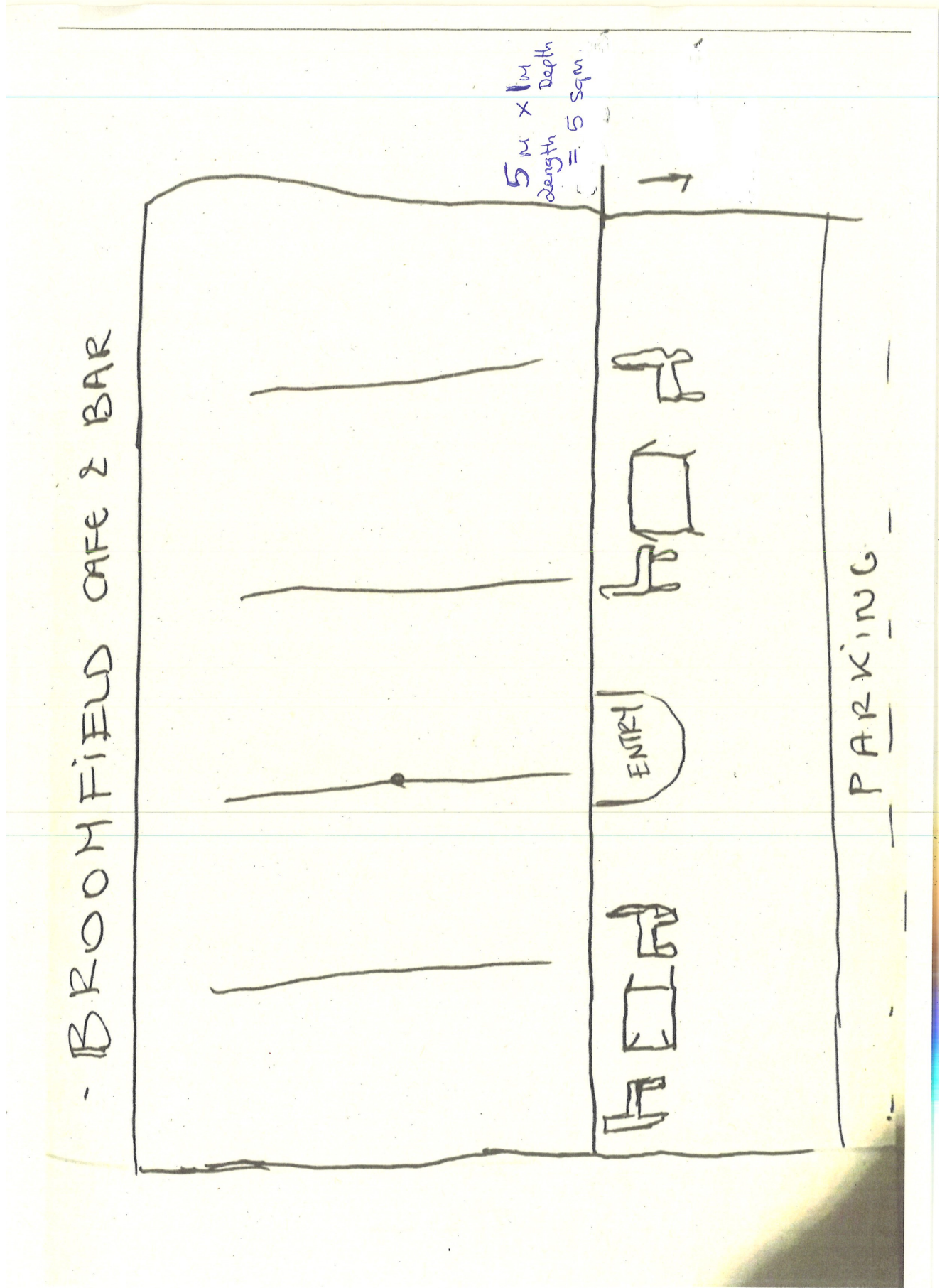
SAFETY AND DESIGN OF OTHER EQUIPMENT

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:



LICENSING SUB-COMMITTEE – 17 JUNE 2020

Application was made by **ENFIELD COUNCIL'S LICENSING AUTHORITY** for a review of the Premises Licence (LN/201500949) held by **MR ARJAN BORUFI** at the premises known as and situated at **Broomfield Coffee Bar, 64 Aldermans Hill, LONDON, N13 4PP.**

The Licensing Sub-Committee **RESOLVED** that it considers the steps listed below to be appropriate for the promotion of the licensing objectives:

To revoke the licence; HOWEVER, we are prepared to offer the premises licence holder a last chance to demonstrate he can comply with the terms of his licence. On that basis we suspend his licence for 3 months whilst he complies with conditions listed below to the satisfaction of the local authority and on receiving their written confirmation within the three month period the suspension can be lifted allowing them to resume licensable activities.

From the Current Conditions

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

Condition 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. To be amended 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).

- vi. To demonstrate that staff training records are up to date to the local authority satisfaction.
- vii. All notices shall be displayed in dual languages (English and Albanian).
- viii. The number of smokers outside of the premise is limited to no more than 4 people.
- ix. There shall be a personal licence holder at the premises at all times when alcohol is sold.
- x. Ashtrays shall be provided outside at all times the premises are open.
- xi. The pavement area outside the premises shall be swept at least every three hours from opening until close of business.

Should the licence holder fail to comply within the three-month suspension period then the licence will be revoked.

Reasons:

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. The LSC were particularly mindful of the words of Mr Palmer that “his client “deserves to be severely chastised”.

However we were mindful of Mr Edgar’s words about leniency and compassion and therefore the LSC are offering the licence holder a final opportunity to demonstrate he can work within his licence. We have included some of the conditions that were agreed and those that we think the evidence makes necessary.”

Date Notice Sent : 19 June 2020

Signed:



Principal Licensing Officer

APPEAL

Under the Licensing Act 2003 you have a right of appeal against this decision within 21 days of receiving this notice. Any appeal should be made in writing to the North London Magistrates Court at the following address :

North London Magistrates Court
Highbury Corner, 51 Holloway Road, London, N7 8JA

Licensing Act 2003



PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number:

Part 1 – Premises Details

Premises Name and Address:

Where the licence is time-limited, the dates:

Maximum number of persons permitted on the premises where the capacity is 5,000 or more.

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:

Operating Schedule Details

Location	Whole premises
Activity	Open to the Public
Sunday	08:00-00:00
Monday	08:00-00:00
Tuesday	08:00-00:00
Wednesday	08:00-00:00
Thursday	08:00-00:00
Friday	08:00-00:00
Saturday	08:00-00:00
Non-Standard Timings & Seasonal Variations	

Location	On supplies
Activity	Supply of Alcohol
Sunday	11:00-00:00
Monday	11:00-00:00
Tuesday	11:00-00:00
Wednesday	11:00-00:00
Thursday	11:00-00:00
Friday	11:00-00:00
Saturday	11:00-00:00

Non-Standard Timings & Seasonal Variations	
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Location	Indoors
Activity	Live Music
Sunday	20:00-00:00
Monday	20:00-00:00
Tuesday	20:00-00:00
Wednesday	20:00-00:00
Thursday	20:00-00:00
Friday	20:00-00:00
Saturday	20:00-00:00
Non-Standard Timings & Seasonal Variations	

Location	Indoors
Activity	Recorded Music
Sunday	10:00-00:00
Monday	10:00-00:00
Tuesday	10:00-00:00
Wednesday	10:00-00:00
Thursday	10:00-00:00
Friday	10:00-00:00
Saturday	10:00-00:00
Non-Standard Timings & Seasonal Variations	

Part 2

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

Name:	Mr Arjan Borufi
Address:	[REDACTED]

Registered number of holder (if applicable):	Not applicable
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Name and address of designated premises supervisor (where the licence authorises the supply of alcohol):

Name:	Mr Arjan Borufi
Address:	[REDACTED]

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

Personal Licence Number:	[REDACTED]
Issuing Authority:	London Borough of Enfield

Signed: 

Date: 22 June 2020

for and on behalf of the
London Borough of Enfield
Licensing Team,
Civic Centre, Silver Street,
Enfield EN1 3XY



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. 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.

8. 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.

9. 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.

10. 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.

11. 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.

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

13. A 'Think 25' proof of age scheme shall be operated, and relevant material shall be displayed at the premises.

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

14. 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 4 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.

15. 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.

16. 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.

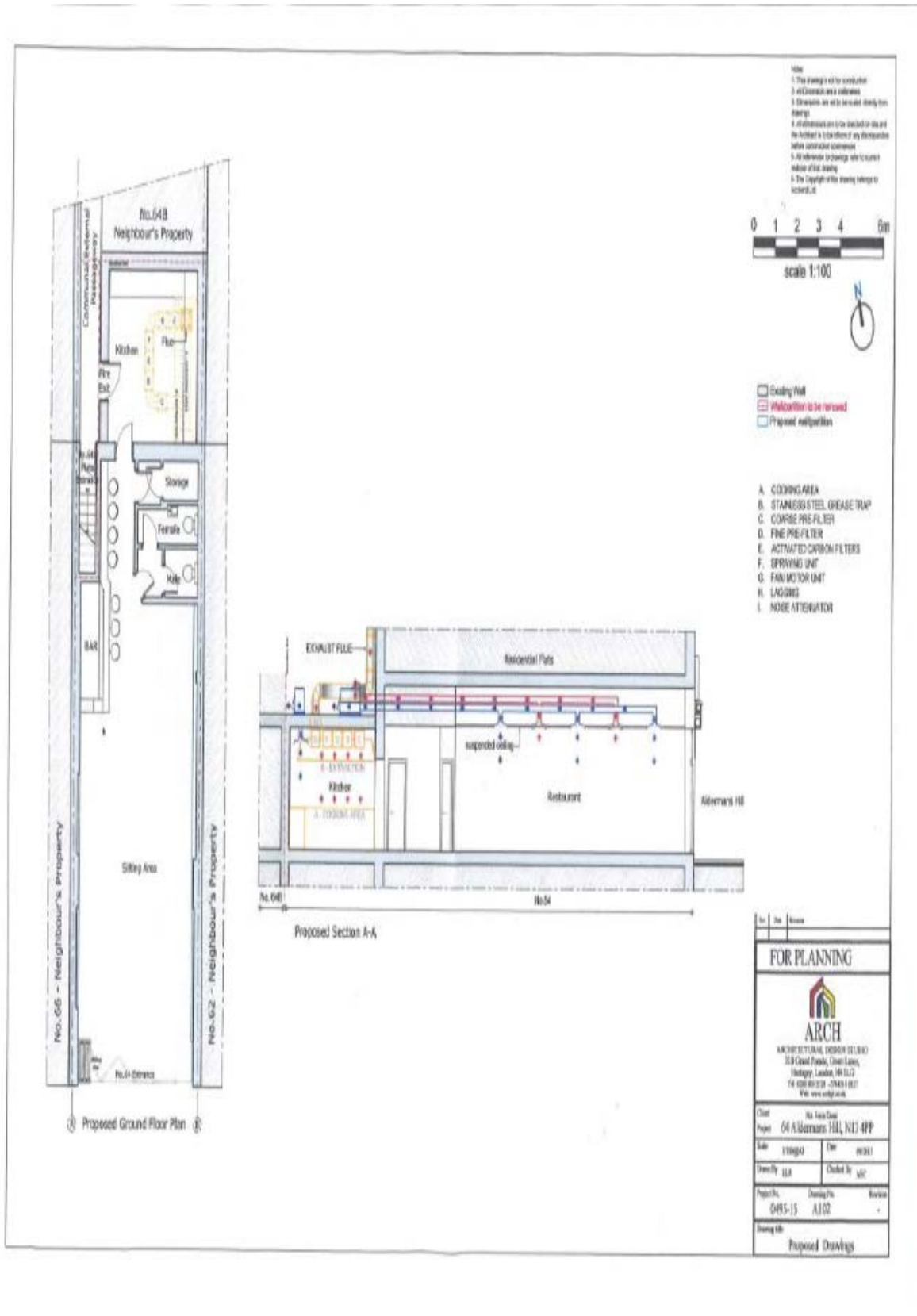
16. The noise limiter shall be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur. A copy of the calibration certificate shall be kept on the premises and made available to the Police or Council Officer on request.

17. Speakers shall not be attached to, or located in, the ceiling.


18. 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).

- 19. To demonstrate that staff training records are up to date to the local authority satisfaction.**
- 20. All notices shall be displayed in dual languages (English and Albanian).**
- 21. There shall be a personal licence holder at the premises at all times when alcohol is sold.**
- 22. Ashtrays shall be provided outside at all times the premises are open.**
- 23. The pavement area outside the premises shall be swept at least every three hours from opening until close of business.**

Annex 4 – Plans



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Mr Arjan Borufi


Please reply to: Licensing Team,
 P O Box 57, Civic Centre, Silver Street,
 Enfield, EN1 3ES
 E-mail: licensing@enfield.gov.uk
 My Ref: LN/201800896
 Your Ref:
 Date: 28 April 2020

YOUR LICENCE WILL EXPIRE SOON: THIS IS YOUR ONLY REMINDER

Dear Mr Arjan Borufi

LONDON LOCAL AUTHORITIES ACT 1990

Licence No:	LN/201800896
Premises:	Broomfield Coffee Bar, 64 Aldermans Hill, LONDON, N13 4PP
Fee must be paid 6 weeks before this date*:	02/04/2020
Renewal Fee:	£530.00

Please find enclosed your Renewal Fee Information for your Tables & Chairs licence to check, complete and return to the Licensing Team, along with your payment confirmation, 6 weeks prior to the date stated above*.

If you do not wish to continue using the licence, please let us know.


Should you wish to make any changes to the existing licence, for example, increase the total licensed area, and/or number of tables, chairs or parasols, you need to contact us, as this may result in a different fee being charged.

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

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

Website: www.enfield.gov.uk



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

You may have requested this payment letter is sent to you at this time. Please note that our system automatically generates the payment letter, so you may receive a second payment letter for the same licence period. Please disregard this, unless you still need to pay the outstanding fee.

Contact us at licensing@enfield.gov.uk.

Online Payments

Follow the step-by-step procedure below:

- Open Council website at new.enfield.gov.uk
- Scroll down to “Business Rates and Licensing”
- Scroll down and click on ‘Licensing Fees’
- Click on ‘pay all other licence fees’
- Enter LN/201800896 into the first box
- Enter “Renewal Fee” into the second box
- Email payment confirmation and the Renewal Fee Information to licensing@enfield.gov.uk

Non-payment of Renewal Fee

Your licence will expire if you do not pay the renewal fee by the date stated above*. You will not receive any further reminders. If your licence expires, you will not be permitted to provide any licensable activities and you will be required to apply for a new licence. It is a criminal offence to provide licensable activities without a valid licence.

Please note that in light of the current emergency period, there has been a delay in sending the renewal reminder to you, please accept our apologies.

Please note that on receipt of your renewal application, a 6 week consultation period to review the tables and chairs licence will commence. If no representations are received, the licence will be renewed. If valid representations are received, the application will need to be determined by the Licensing Committee. Until a valid licence has been issued, no licensable activities i.e the provision of tables and chairs outside, can take place.

Yours sincerely

Licensing Team

RENEWAL FEE INFORMATION – TABLES & CHAIRS (STREET TRADING)
LONDON LOCAL AUTHORITIES ACT 1990

Licence No:	LN/201800896
Licence Holder:	Mr Arjan Borufi
Email*:	[REDACTED]
Premises:	Broomfield Coffee Bar, 64 Aldermans Hill, LONDON, N13 4PP
Fee must be paid 6 weeks before this date:	02/04/2020
Renewal Fee:	£530.00

* Enter your email address above if not stated. Please note all future renewal fee reminders will only be sent via email.

Complete this table for what you intend to provide in the licensed area:

	Max. Quantity:	Max. Measurements:
Tables	2 TABLES	75cmx70cmx70cm
Chairs	4 CHAIRS	80cmx45cmx45cm
Parasols	0	
Licensed Area	Total (m): 5metres	Length (m) x depth (m): 3mteres

GDPR:

By submitting this renewal, to complete your licensing request, the licensing authority will: Consult with the Responsible Authorities and Ward Councillors where applicable, which will involve sharing your data;

- a) Keep a copy of the application and any other correspondence/documents associated with it on our computer system for a period of 7 years;
- b) Publish the licensing details of any pending and granted applications on the online licensing register;
- c) Publish the application in a public report that will be able to be viewed on the licensing website. Names and addresses are not searchable within the report or via web searches.

Our legal basis for processing your information is the Applied GDPR Article 6 1(e) – compliance with a legal obligation to which we as the controller are subject. Our full privacy policy is available online at

<https://new.enfield.gov.uk/privacy-notice> or ask us for an accessible copy.

You must now return this Renewal Fee Information with your payment confirmation to licensing@enfield.gov.uk .

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Annex 5



LICENSING AUTHORITY REPRESENTATION

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

Type of Application: Street Trading Licence Renewal - Table and Chairs

I certify that I have considered the application shown above and **I wish to make representations** in relation to this application for the following reasons:

This is a table and chairs renewal application. The application is to allow the following:

	Max. Quantity:	Max. Measurements:
Tables	2 TABLES	75cmx70cmx70cm
Chairs	4 CHAIRS	80cmx45cmx45cm
Parasols	0	
Licensed Area	Total (m): 5metres	Length (m) x depth (m): 3mteres

It is believed the bottom left box hand box should say 5 metre squared and the bottom right hand box should state 3 metre x 1 metre.

The application for a tables & chairs licence may **ONLY** be refused on one or more of the following grounds:

- (1) there are enough tables & chairs licences in this (or an adjoining) street;
- (2) the applicant is not the owner or occupier of the premises;
- (3) the applicant has failed to identify suitable storage for the tables & chairs;
- (4) the applicant has failed to avail himself fully of a previous tables & chairs licence;
- (5) the applicant has had a previous tables & chairs licence revoked;
- (6) the applicant is unsuitable to hold a licence.

The Licensing Authority believes that the history of complaints details in this representation demonstrates that the applicant is unsuitable to hold a table and chairs licence.

Detailed below is the history of complaints received in relation to the use of the outside area since the Table and Chairs Licence was first granted on 03/04/2019:

29.06.2019 – 21:03 Complaint regarding loud music. Issue is 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 (breach of licensed times for table and chairs and premises licence). 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 received 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 received regarding loud music being played and people shouting loudly on the pavement outside the premises.

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.

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 – six conditions were not being complied with. Discussed Noise Abatement Notice that had recently been served in relation to loud music and also terms of Tables and Chairs Licence. Inspection report completed (**See Appendix 1**).

The guidance notes and advice at the back of a Street Trading Licence for Tables and Chairs on the Highways states the following in relation the times applied for on an application form:

5. These must be given in the 24-hour clock. Licences cannot be granted after 23:00.

The times on the licence stated 08:00 – 12:00 which in the 24 hours clock is 12 noon not midnight. This Table and Chairs Licence was first applied for on 26th February 2019. The times on the application were 8am to 12am. The licence holder confirmed to the officers that he did mean midnight. Officer explained latest time permitted is 23:00. *The licence was to be reissued with correct times shown but the officer was unable to do so before the Coronavirus lockdown began during which time the Table and Chairs Licence could not be used and then the licence expired.*

(The applicant also stated that the proposed licensed area was 5m by 3m. This was reduced to 5m by 1m following discussion between a Highway Officer and the applicant in 2019).

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 (Coronavirus). 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 officer was aware that 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 only 1 person was outside.

02/04/2020 – Table and Chairs Licence expired.

08.04.2020 – Complainant received 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 5th April 2020.

23/04/2020 – The Licensing Authority submitted a Premises Licence review (the applicant for this licence is the Premises Licence Holder) to remove music from the licence following the breach of a noise abatement notice. Local residents submitted representations many of which mentioned concern about lack of social distancing. However, many specifically stated that they were concerned about the use of tables and chairs outside the premises prior to the Coronavirus pandemic. Common issues mentioned included local residents feeling intimidated walking past large groups of males outside the premises who had allegedly been known to make unwelcome comments to those trying to pass by, particularly lone females.

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. Allegedly as the complainant 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 (the Licence had also already expired by this time).

06/06/2020 – An Officer (CPX) looked at the premises on Google Street view in relation to the Tables and Chairs renewal. The image shows that there is a parking meter to one side 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 gesture at the camera as it goes past. **(See Appendix 2).**

The Standard Conditions attached to a Table and Chairs Licence **(See Appendix 3)**. states:

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.

The complaints received since the first Table and Chairs Licence was granted suggests that this condition is not being complied with.

Location

The guidance and advice notes attached to an application for a Table and Chairs Licence **(See Appendix 4)** states:

Tables & chairs licences will ONLY be granted where safe and convenient pedestrian movement can be ensured outside premises that are permitted to provide food and drink for consumption by the public on the premises.

The London Borough of Enfield London Local Authorities Act 1990 Street Trading Policy 17th September 2008 **(See Appendix 5)** states:

- 5.3 The placing of tables and chairs at the location should not significantly harm residential amenity and :
 - 5.3.1 if evening use is proposed, the location should be in a town centre close to other premises open in the evening and where there is significant pedestrian activity.
 - 5.3.2 if daytime use is proposed, the location should be in a town centre, local shopping centre or other area of predominantly commercial activity where there is significant pedestrian activity.
 - 5.3.3 if there are residential properties nearby, the Council will seek to ensure that the proposal will not result in unreasonable noise and nuisance by people using the tables and chairs.

6. PEDESTRIAN MOVEMENT AND SPACE STANDARDS

- 6.1 The Council will require sufficient space for pedestrian movement. This will take into account :
 - 6.1.1 the high flow of pedestrians (on the borough's busier highways);
 - 6.1.2 the needs of people with limited mobility including those who use walking aids, wheelchairs or mobility scooters;
 - 6.1.3 people with children in buggies or prams; and
 - 6.1.4 people with impaired sight.
- 6.2 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.

Paragraph 6.2 also appears in the Standard Conditions attached to a Table and Chairs Licence (**See Appendix 3**).

This premises is not located in a town centre. The premises is located in a row of shops opposite Broomfield Park close to one of the main entrances into the park. Palmers Green Railway Station is also located on this road meaning there can be a high flow of pedestrians passing the premises on their way to and from the station however this is most common during the rush hour periods. There are residential properties directly above the premises.

On **18/05/2020** – 20:50 – 21:00 Officer (CPX) measured the pavement outside the premises. There is a parking metre to one side of the premises with a plant pot outside a neighbouring business opposite the parking metre. Photos were taken (**See Appendix 6i-ii**) 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. If the tables and chairs licence is to take up one metre this leaves 2m 3.4cm at the widest point and 1metre 3.8cm at the narrowest point. As can be seen in section 6.2 if there is a high flow of pedestrian traffic even if for short periods in the day such as rush hours then a greater width of unobstructed highway may be required.

This application is for evening use but the premises is not in a town centre and there are residential properties directly above the premises. The Licensing Authority does not believe that this is a suitable location for a Table and Chairs licence particularly in the evening and at times when there are lots of pedestrians making their way to and from the station. If the Licensing Sub Committee is minded to grant this Table and Chairs Licence Renewal the Licensing Authority recommends reduced hours be attached to the licence so that it is not used at these peak times or in the evening. The Licensing Authority suggests the following alternative hours be considered:

10:00 – 17:00 Monday – Sunday

The Plan

In relation to the plan the guidance notes state:

8. This plan must be drawn to scale on a single side of A4 paper and must show the following :
- The frontage of the premises;
 - Any private forecourt of the premises;
 - The kerb-line;
 - The proposed licensed area, outlined in red;
 - The measured distances: (a) from the frontage of the premises to the kerb-line [i.e. the pavement width]; (b) from the frontage of the premises to the outer edge of the licensed area [i.e. the width of the pavement on which tables & chairs will be placed]; (c) from the outer edge of the licensed area to the kerb-line [i.e. the width of the remainder of the pavement];
 - The precise position of the proposed tables and chairs and parasols;
 - The position of any fire exits or escape hatches in or in the immediate vicinity of the licensed area;
 - The position of any street furniture or trees in or in the immediate vicinity of the licensed area; &
 - The position of any dropped kerbs, pedestrian crossings, cycle lanes, parking bays, market pitches or cellar hatches in or in the immediate vicinity of the licensed area.



The plan (**Appendix 7**) does not show the proposed licensed area outlined in red, it does not show the required measurements or the position of street furniture such as the parking metre which can be seen in **Appendix 6i-ii**. The entrance to the premises is also now set back which is not reflected in the plan.

The location of the parking metre makes that part of the pavement narrower. There is also a stretch of pay and display parking directly outside the premier and space is needed to allow the drivers and passengers of cars parking there to be able to fully open their car doors.

The Licensing Authority is of the opinion that before any renewal is considered by the Licensing Sub Committee a new plan which meets the necessary requirements shown above must be submitted.

In Conclusion the Licensing Authority objects to this Table and Chairs Licence in its entirety. However, if the Licensing Sub Committee is minded to grant the licence in full or in part the Licensing Authority recommends that the following reduced hours be considered:

10:00 – 17:00 Monday – Sunday

I reserve the right to provide further information to support this representation.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Signed: CPALMER

Date: 14/06/2020

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.

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
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/>







Street Trading Tables and Chairs 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.

LONDON LOCAL AUTHORITIES ACT 1990
**APPLICATION FORM – STREET TRADING LICENCE FOR TABLES & CHAIRS
ON THE HIGHWAY**

<p>Please complete all sections of this form in BLACK ink and return it (with all necessary enclosures) to: Licensing Unit, PO Box 57, Civic Centre Silver Street, Enfield, Middx. EN1 3XH</p>	<p style="text-align: right;">For office use only</p> <p>Fee Received : _____</p> <p>Receipt Number : _____</p> <p>Entered on M3 by : _____ on : _____</p> <p>WK no. : _____</p>
---	--

Please refer to the Guidance Notes (attached to this application form), which correspond to each of the points below.

1. Name and residential address of the **Licence Holder** :

Individual's Name :	
Individual's Address :	
Telephone Number :	

2. Name and residential address of the **Assistant** :

Individual's Name :	
Individual's Address :	
Telephone Number :	

3. Name and address of the **Premises** :

Premises Name :	
Premises Address :	
Telephone Number :	

4. The **Licensed Area** measures :

(i) length metres x depth metres;

& (ii) which equals a total of square metres.

5. I enclose the **Fee** of :

£

6. The **Licensed Days and Hours** shall be :

--

7. The number and size of **Tables and Chairs and Parasols** shall not exceed :

	Max. Quantity :	Max. Measurements :
Tables :		(H x W x D)
Chairs :		(H x W x D)
Parasols :		(H x W x D)

8. Name and address to which **Correspondence** in respect of this application should be addressed :

Name :	
Address :	
Telephone Number :	
e-mail Address :	
Your reference :	

I enclose :

9. The detailed **Plan** : (please tick)

and

10. A copy of the completed **Site Notice** that shall be displayed at the premises for 28-days from _____ (please tick)

and

11. A **List** of the owners and occupiers of nearby premises to whom a copy of the Site Notice has been given. (please tick)

and

12. A copy of the **Waste Disposal Contract** currently in force at the premises. (please tick)

13. **I duly declare that the information provided above is true to the best of my knowledge and belief.**

Signed : **Date :**

Applications cannot be accepted unless the correct fee has been paid. Licence fees are not subject to VAT. Please see the fees on our website for the amount payable for Animal Boarding Establishment Licences and ways to pay.

Licensing Unit, London Borough of Enfield, PO Box 57, Civic Centre, Silver Street, Enfield, EN1 3XH

LONDON LOCAL AUTHORITIES ACT 1990

GUIDANCE NOTES & ADVICE – STREET TRADING LICENCE FOR TABLES & CHAIRS ON THE HIGHWAY

Street Trading Licence for Tables & Chairs may be applied for on designated Highway (see list of streets below) which consists of any verge, footway, carriageway, bridleway or footpath that is maintained at public expense and over which the public has a right of way.

1. This must be the person who, it is proposed, will be both in managerial control of, and habitually present at, the premises. Licences cannot be granted to companies.
2. This must be the person who, it is proposed, will manage the premises in the absence of the Licence Holder.
3. This is the premises outside of which it is proposed that tables & chairs will be placed for the purposes of consuming refreshment. Licences will only be granted to premises that are in a licensed street, which are :

Aldermans Hill N13	Haselbury Road N9 & N18
Ashfield Parade N14	Hertford Road EN3 & N9
Baker Street EN1	High Road N11
Bounces Road N9	High Street EN3 & N14
Bowes Road N11 & N13	Hoe Lane EN3
Bramley Road N14	Lavender Hill EN2
Brimsdown Avenue EN3	Lincoln Road EN1 & EN3
Broadway (The) N14	London Road EN1
Bullsmoor Lane EN1, EN3 & EN8	Main Avenue EN1
Bury Street West N9	Montagu Road N9 & N18
Bush Hill Parade EN1	Nightingale Road N9
Cannon Hill N14	Ordnance Road EN3
Chase Side EN1, EN2 & N14	Percival Road EN1
Chaseville Park Road N21	Queen Annes Place EN1
Cheapside N18	Ridge Avenue N21
Church Street EN2	Savoy Parade EN1
Cockfosters Road EN4	Silver Street EN1
Colmans Parade EN1	Southbury Road EN1
Crescent West EN4	St Marks Road EN1
Crown Lane N14	St Onge Parade EN1
Fore Street N18 & N9	Station Road N11
Forty Hill EN2	Tottenham Road N13
Galliard Road N9	Town (The) EN2
Green Lanes N13 & N21	Westerham Avenue N9
Green Street EN3	Winchmore Hill Road N14 & N21
Green (The) N14 & N21	Windmill Hill EN2
4. These measurements should be to the nearest centimetre. The maximum area that can be licensed is 25 sq. m. One licence may only cover one licensed area. If you wish to have two or more separate licensed areas then each separate licensed area will require a separate licence.

5. These must be given in the 24-hour clock. Licences cannot be granted after 23:00.
6. These measurements must be provided in centimetres.
7. This is the person to whom any queries in respect of this application (and the licence if granted) shall be addressed.
8. This plan must be drawn to scale on a single side of A4 paper and must show the following :
 - The frontage of the premises;
 - Any private forecourt of the premises;
 - The kerb-line;
 - The proposed licensed area, outlined in red;
 - The measured distances: (a) from the frontage of the premises to the kerb-line [i.e. the pavement width]; (b) from the frontage of the premises to the outer edge of the licensed area [i.e. the width of the pavement on which tables & chairs will be placed]; (c) from the outer edge of the licensed area to the kerb-line [i.e. the width of the remainder of the pavement];
 - The precise position of the proposed tables and chairs and parasols;
 - The position of any fire exits or escape hatches in or in the immediate vicinity of the licensed area;
 - The position of any street furniture or trees in or in the immediate vicinity of the licensed area; &
 - The position of any dropped kerbs, pedestrian crossings, cycle lanes, parking bays, market pitches or cellar hatches in or in the immediate vicinity of the licensed area.
9. A blank Site Notice is enclosed with this application pack, you must complete the date, your name and the name & address of the premises. You must display the Notice at the premises for 28-days.
10. You must give a copy of the Site Notice to occupiers of nearby premises (including neighbouring businesses, houses and flats) that are likely to be materially affected by the proposal, and submit a list of those persons with this application.
11. If you do not currently have a Waste Disposal Contract, please contact the Council's Waste Department on 020 8379 3860.
12. The application must be signed by the proposed licence holder or by their duly authorised agent.
13. Following receipt of a valid application for a licence, the application process normally takes at least 28-days and you may not hear from us again until that period has elapsed.

The form and notes should be self-explanatory. However please note the following :

- The Council must be indemnified against all claims resulting from an incident caused by the tables and chairs and parasols. If the licence is granted, you will

need have public liability insurance of at least £3 million to validate your occupancy of the highway. Failure to have insurance will invalidate the licence.

- The Council will not authorise the use of patio-heaters.

Tables & chairs licences will ONLY be granted where safe and convenient pedestrian movement can be ensured outside premises that are permitted to provide food and drink for consumption by the public on the premises.

The consumption of alcohol at licensed Tables & Chairs is subject to compliance with both the Licensing Act 2003 and the Criminal Justice and Police Act 2001. Please contact the Licensing Unit for more information in respect of the legal requirements in respect of alcohol.

The Standard Conditions applicable to all Street Trading Licences for Tables & Chairs on the Highway are listed below.

STANDARD CONDITIONS :

1. This licence shall be exhibited at the main-entrance to the premises.
2. Any change in the Name, Address or Telephone Number of the Licence Holder or the Licence Holder's Assistant shall be notified to the Council in writing.
3. No table or chair or parasol shall be placed on the highway at any time that the Licence Holder does not personally hold public liability insurance of at least £3 million.
4. No table or chair or parasol shall be placed on the highway other than within the licensed area.
5. No table or chair or parasol shall be placed within the licensed area other than during the licensed hours prescribed overleaf.
6. The licensed area shall be kept free from litter.
7. The use of tables or chairs or parasols within the licensed area shall not cause any nuisance, disturbance or danger to any occupiers of any adjoining premises or to any users of the highway.
8. The licensed area shall not be used other than for the purpose of consuming refreshment.
9. The tables and chairs and parasols shall be removed from the licensed area to allow the highway to be cleaned and maintained by the Council, its servants or agents and to permit works on or use of the highway by the Council, its servants or agents.
10. No audio equipment (including radios) shall be provided within the licensed area.
11. No electrical power shall be supplied to the licensed area other than by equipment and wiring placed, installed, maintained and operated in accordance with the provisions of the Health and Safety at Work, etc. Act 1974 and all other relevant Regulations.
12. No table or chair or parasol within the licensed area shall be bolted (or otherwise secured) to the highway.
13. The number of tables or chairs or parasols within the licensed area shall not exceed the maximum quantities prescribed overleaf.
14. The size of the tables or chairs or parasols within the licensed area shall not exceed the maximum measurements prescribed overleaf.
15. This licence does not permit the placement of any heater, planter, canopy, awning, advertising board or any other article within the licensed area.
16. This licence does not permit the licensed area to be enclosed by any fence or by any other means.
17. No table or chair or parasol shall be stored on the highway.
18. Any failure by the Licence Holder's Assistant to comply with the terms, conditions and restrictions of the licence shall be deemed to be a failure by the Licence Holder.

Licensing Unit, London Borough of Enfield, PO Box 57, Civic Centre, Silver Street, Enfield, Middx. EN1 3XH



**SITE NOTICE
 LONDON LOCAL AUTHORITIES ACT 1990
 TABLES & CHAIRS LICENCE**

Date: _____
Notice is given that _____ (applicant name) of _____ _____ (premises name & address)
has applied to Enfield Council for a street trading licence to place tables and chairs on the highway.

Tables & chairs licences will **ONLY** be granted where safe and convenient pedestrian movement can be ensured outside premises that are permitted to provide food and drink for consumption by the public on the premises.

Tables & chairs must be removed from the licensed area at the specified time. The Council will not permit the use of tables & chairs beyond 11pm. The Council will not authorise the use of patio-heaters.

The application for a tables & chairs licence may **ONLY** be refused on one or more of the following grounds:

- (1) there are enough tables & chairs licences in this (or an adjoining) street;
- (2) the applicant is not the owner or occupier of the premises;
- (3) the applicant has failed to identify suitable storage for the tables & chairs;
- (4) the applicant has failed to avail himself fully of a previous tables & chairs licence;
- (5) the applicant has had a previous tables & chairs licence revoked;
- (6) the applicant is unsuitable to hold a licence.

Persons living or involved in a business in the vicinity of the premises (or bodies representing them) who wish to make a representation against the application, must do so by specifying the grounds of their representation (as listed at points 1 – 6 above) in writing to the Licensing Team **WITHIN TWENTY EIGHT DAYS OF THE DATE OF THIS NOTICE.**

Licensing Team contact details:

By email – licensing@enfield.gov.uk

By telephone – 020 8379 3578

By post – Licensing Team, London Borough of Enfield, PO Box 57, Civic Centre, Silver Street, Enfield EN1 3XH

LONDON BOROUGH OF ENFIELD

**LONDON LOCAL
AUTHORITIES ACT 1990**

**STREET TRADING
POLICY**

17 September 2008



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PART A TABLES AND CHAIRS : APPLICATION PROCEDURE

1. INTRODUCTION

- 1.1 There is a demand for cafés, restaurants and pubs to place tables and chairs outside their premises on the footway ('highway'). Accommodating this demand within the borough can pose problems for the Council because of the relative narrowness and the number of people using the highways.
- 1.2 A Street Trading Licence ('tables & chairs licence') is required to place tables and chairs on the highway. This policy lists the tables and chairs licence conditions (Sections 6 - 12). The licence sometimes requires Planning Permission, this policy also includes guidance on the planning process (Section 5).
- 1.3 If a tables & chairs licence is granted, enough space must be left on the highway for pedestrian access, street furniture and other obstructions such as trees.

2. APPLICATION PROCESS

- 2.1 The granting of both Planning Permission and a tables & chairs licence shall be covered in by a stream-lined application. This will enable the Council to consider and address relevant issues relating to both planning and licensing. A single fee will be payable. Applicants should consider all relevant matters outlined in Sections 5 – 12 (below) before submitting their application.
- 2.2 Applicants should also note the formal consultation process outlined in Section 3 (below).

3. CONSULTATION

- 3.1 The applicant will publish a site notice giving details of the application for a tables & chairs licence and Planning Permission as well as serving copies of that notice on owners and occupiers of nearby premises owners and occupiers of nearby premises likely to be materially affected by the proposal ('interested parties') and will invite representations to be made within 28 days thereof.
- 3.2 Interested parties will be advised that their consent cannot be unreasonably withheld (but consent may be subject to reasonable licence conditions), and that if they intend to refuse consent or to request conditions, then a reply stating their reasons is required within the 28 day notice period specified in the public notice. Business competition is not a reasonable ground to withhold consent.

- 3.3 Consultation will also be made with the Council's Planning and Transportation Department, the Metropolitan Police Service and the Enfield Business & Retailers Association.
- 3.4 In the absence of any response from an interested party, the Council will proceed with the determination of the application on the grounds that consent has been given.
- 3.5 If an interested party expressly refuses consent (or requests unreasonable conditions) the Council's Licensing Sub-Committee will determine the application. A right of appeal against a decision of the Sub-Committee is normally to the Magistrates' Court.
- 3.6 If a tables & chairs licence is granted, it must be prominently displayed in the window of the premises where the tables and chairs are located.
- 3.7 Any application, which does not include an adequate plan will not be considered.
- 3.8 It will be the responsibility of the licence holder that the conditions of the tables & chairs licence are complied with.
- 3.9 If the licensed tables and chairs (and any associated objects) subsequently cause an obstruction to pedestrians, or interfere with the safe and efficient operation of the highway, the Council has powers to modify the terms of the tables & chairs licence (by issuing a revised licence) to ensure that the highway continues to function in a safe manner.

4. DURATION OF LICENCE

- 4.1 The tables & chairs licence normally lasts for a year.
- 4.2 An application for renewal should be made at least one month before the licence is due to expire if the licence holder wishes to continue uninterrupted use of the facility.

PART B TABLES AND CHAIRS : PLANNING GUIDANCE

5. PLANNING PERMISSION POLICY STATEMENT

- 5.1 The placing of tables and chairs outside premises on the public highway sometimes requires planning permission because it involves a change in the use of the land.
- 5.2 Applications for planning permission to place tables and chairs outside an eating or drinking premises fall into two categories of uses A3 or A1(d) in the Town and Country Planning Use Classes Order, which are described below :
- 5.2.1 A3 uses – premises selling food and drink for consumption on the premises or selling hot food for consumption off the premises (i.e. restaurants, cafes, public houses, hot food takeaways).
- 5.2.2 A1(d) uses – premises selling sandwiches or other cold food for consumption off the premises.
- 5.3 The placing of tables and chairs at the location should not significantly harm residential amenity and :
- 5.3.1 if evening use is proposed, the location should be in a town centre close to other premises open in the evening and where there is significant pedestrian activity.
- 5.3.2 if daytime use is proposed, the location should be in a town centre, local shopping centre or other area of predominantly commercial activity where there is significant pedestrian activity.
- 5.3.3 if there are residential properties nearby, the Council will seek to ensure that the proposal will not result in unreasonable noise and nuisance by people using the tables and chairs.
- 5.4 The Council will only grant planning permission if the placement of tables and chairs on the footway (including any means of enclosure that may be required) will not :
- 5.4.1 cause obstruction to pedestrians, prams and wheelchairs;
- 5.4.2 put the safety of pedestrians at risk;
- 5.4.3 have a negative effect on the character and appearance of the area; or
- 5.4.4 reduce the amenity of properties in the area.
- 5.5 The Council requires all applications to be accompanied by a plan clearly showing where the tables and chairs will be placed.
- 5.6 Such premises can also have a small proportion of their sales for consumption on the premises without the need for planning permission. However, the introduction of additional seating outside can sometimes change the nature of the premises into a restaurant or café (classified as A3 in the Use Classes Order) and may require planning permission for the change of use of the premises as a whole.

- 5.7 The effects on people in the surrounding area (e.g. residents, businesses or visitors) are very important when considering a planning application for the placing of tables and chairs on the public highway. These effects include :
- 5.7.1 congestion on the footway;
 - 5.7.2 increased parking congestion in the area; and
 - 5.7.3 noise and disturbance generated by the tables and chairs.
- 5.8 The effect of the proposed tables and chairs on the appearance of the premises and adjacent buildings as well as on the character of the area in general will be taken in account. This is particularly important in the case of applications affecting listed buildings and Conservation Areas. In these cases, the design, materials and colour of the furniture and other items placed on the highway may be governed by planning conditions.

PART C TABLES AND CHAIRS : LICENCE CONDITIONS
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6. PEDESTRIAN MOVEMENT AND SPACE STANDARDS

- 6.1 The Council will require sufficient space for pedestrian movement. This will take into account :
- 6.1.1 the high flow of pedestrians (on the borough's busier highways);
 - 6.1.2 the needs of people with limited mobility including those who use walking aids, wheelchairs or mobility scooters;
 - 6.1.3 people with children in buggies or prams; and
 - 6.1.4 people with impaired sight.
- 6.2 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.
- 6.3 The highways on major shopping streets need to be kept unobstructed and as such may be unsuitable for the placement of tables and chairs. Tables and chairs are unlikely to be appropriate opposite or close to a pedestrian crossing or dropped curb.
- 6.4 The provision of service to the tables and chairs, including customers serving themselves, must take place within the licensed area. The need for such service should be taken into account when considering the proposed number and layout of tables and chairs.
- 6.5 Tables and chairs will normally only be permitted directly next to premises.
- 6.6 Access for wheelchairs to the tables must be provided.
- 6.7 Emergency access must not to be obstructed.
- 6.8 Steps will need to be taken to ensure that the highway is not obstructed by customers, standing between tables, chairs and the kerb.

7. MARKING OUT OF LICENSED AREAS

- 7.1 The licensed area for tables and chairs may be marked out on the ground, unless clearly visible dividing lines already exist. Where this is deemed appropriate, the Council's contractors will mark out the areas (and remark them when necessary). The cost of which will be added to the licence fee.
- 7.2 The areas will be marked with studs in black or dark grey lines. Other methods may be used in keeping with the locality, which will have to be specifically approved and directly supervised by the Council, which may require bonds deposited against the costs of reinstatement.

8. HOURS OF OPERATION AND REMOVAL OF TABLES AND CHAIRS

- 8.1 Tables and chairs must be removed from the licensed area at a specified time, which will vary according to individual circumstances.
- 8.2 The Council will not usually approve applications for the use of tables and chairs beyond 11pm even if the applicant has the relevant licences and permissions to operate (within the premises) until a later time.
- 8.3 Service at the tables and chairs must finish at such time before the specified time as will allow for them to be removed by the specified time.
- 8.4 As the tables and chairs will need to be removed, large benches and picnic tables with seating attached are unlikely to be approved.

9. USE OF BARRIERS (IF APPLICABLE)

- 9.1 Temporary barriers may be used to enclose the licensed area for tables and chairs but they must meet the requirements listed below.
- 9.2 Permanent barriers marking the licensed area are not suitable, as the area remains part of the public highway.
- 9.3 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.
- 9.4 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.
- 9.5 Barriers must be railed, either vertically or horizontally and be complementary to the existing premises frontage.
- 9.6 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.

- 9.7 In all other areas, the Council will consider proposals of other colours of railings, provided that they do not adversely affect the general appearance of the building or area.
- 9.8 The barriers must not put the safety of pedestrians at risk. Sharp edges and corners are not acceptable.
- 9.9 Damaged barriers must be replaced immediately.
- 9.10 Fixing for barriers must not protrude above ground level when the barriers have been removed.
- 9.11 Barriers should not be capable of falling over or of being blown over.

10. SAFETY AND DESIGN OF TABLES AND CHAIRS

- 10.1 Tables and chairs must be designed to be suitable for intense outdoor use. The use of plastic patio furniture, for example, is unlikely to be approved.
- 10.2 Tables and chairs must be stable and adequately designed so they cannot be blown over by the wind.
- 10.3 Tables and chairs must be maintained in a safe condition so they do not present a risk to the public.
- 10.4 Other design features to be considered in the choice of tables and chairs are :
 - 10.4.1 rubber feet to reduce the noise when the furniture is moved;
 - 10.4.2 shelves below the tabletop and 'Chelsea Clip' bag hooks to prevent the theft of customers' bags and coats (the layout of the furniture should also minimise the opportunity for theft); and
 - 10.4.3 round-back chairs should be used in preference to square-back chairs to reduce the ability to hang bags and coats on the back where they are particularly vulnerable to theft.
- 10.5 The design of the proposed furniture must be submitted with the planning and licence applications, with details of its dimensions, materials and the manufacturer's specification. Manufacturers' brochures and photographs will usually be sufficient. In some cases, an example of the furniture may need to be made available for inspection.

11. SAFETY AND DESIGN OF OTHER EQUIPMENT

- 11.1 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.
- 11.2 The placement of menu stands is allowed if they are stable and do not present a safety hazard. The position of menu stands must be shown on the proposed layout plan submitted with the application.
- 11.3 If umbrellas are used they must be of a minimum height of 2.4 metres.
- 11.4 The installation of barbecues, rotisseries, ice cream machines, drinks machines and other equipment for the sale of food and drink for consumption off the premises will not normally be approved.
- 11.5 The Council will not authorise the use of patio-heaters.

12. OTHER CONDITIONS

- 12.1 The licence holder must not interfere with the surface of the highway.
- 12.2 The licence holder, if requested by the Council, must provide mobile litter bins in positions and at times specified. Applicants and their employees must not dispose of any refuse in permanent litter bins provided by the Council.
- 12.3 The licence holder will be 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.
- 12.4 The trading area shall not exceed the dimensions specified on the licence and any pitch limits marked on the ground during trading hours.
- 12.5 The licence holder shall trade only from the position indicated on the licence.
- 12.6 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.
- 12.7 The Council can revoke the tables & chairs licence at any time upon giving the applicant seven days' notice in writing of the reasonable grounds of the revocation. This notice shall be deemed to be sufficiently served if addressed to the applicant and sent by post or left at the premises. Following the notice period, all tables and chairs must be removed, and in default, the Council may remove the tables and chairs and recover its costs from the applicant. The licence holder will have the right of appeal, against the revocation, to the Licensing Sub-Committee.

- 12.8 If the Council serves a notice on the applicant requiring him/her to take steps necessary to remedy any breach of the terms of the tables & chairs licence, and the applicant fails to comply with the notice the Council may itself take steps required by the notice and recover any costs incurred from the applicant.
- 12.9 The applicant must obtain written consent of frontages of the property adjoining the piece of public highway the applicant wants to use and that this written consent must clearly state that there is an agreement to the placing of tables and chairs.
- 12.10 Consent given is without prejudice to, and shall not be construed as derogating from, any of the rights, powers and duties of the Council pursuant to any of its statutory functions or in any other capacity and, in particular shall not restrict the Council from exercising any of its powers or duties under the Highways Act 1980 (as amended).
- 12.11 The licence holder shall not place any item on the highway or attempt to exercise any permission unless he/she has obtained both a valid licence to place the said objects on the public highway and has a current licence and planning permission for the land use.
- 12.12 The licence holder shall be responsible for any rates, taxes and other charges which may be levied in connection with the licensed area.
- 12.13 The licence holder must notify the Council of any permanent change of address as soon as it occurs.
- 12.14 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 applicant must ensure that the activities or actions of persons using the licensed area do not disturb nearby occupiers.
- 12.15 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.
- 12.16 The Council will attach conditions to tables & chairs licences, as outlined above.
- 12.17 The Council reserves the right to cancel any licence if a breach of the conditions occurs.

PART C SEASONAL & FARMERS MARKETS : LICENCE CONDITIONS

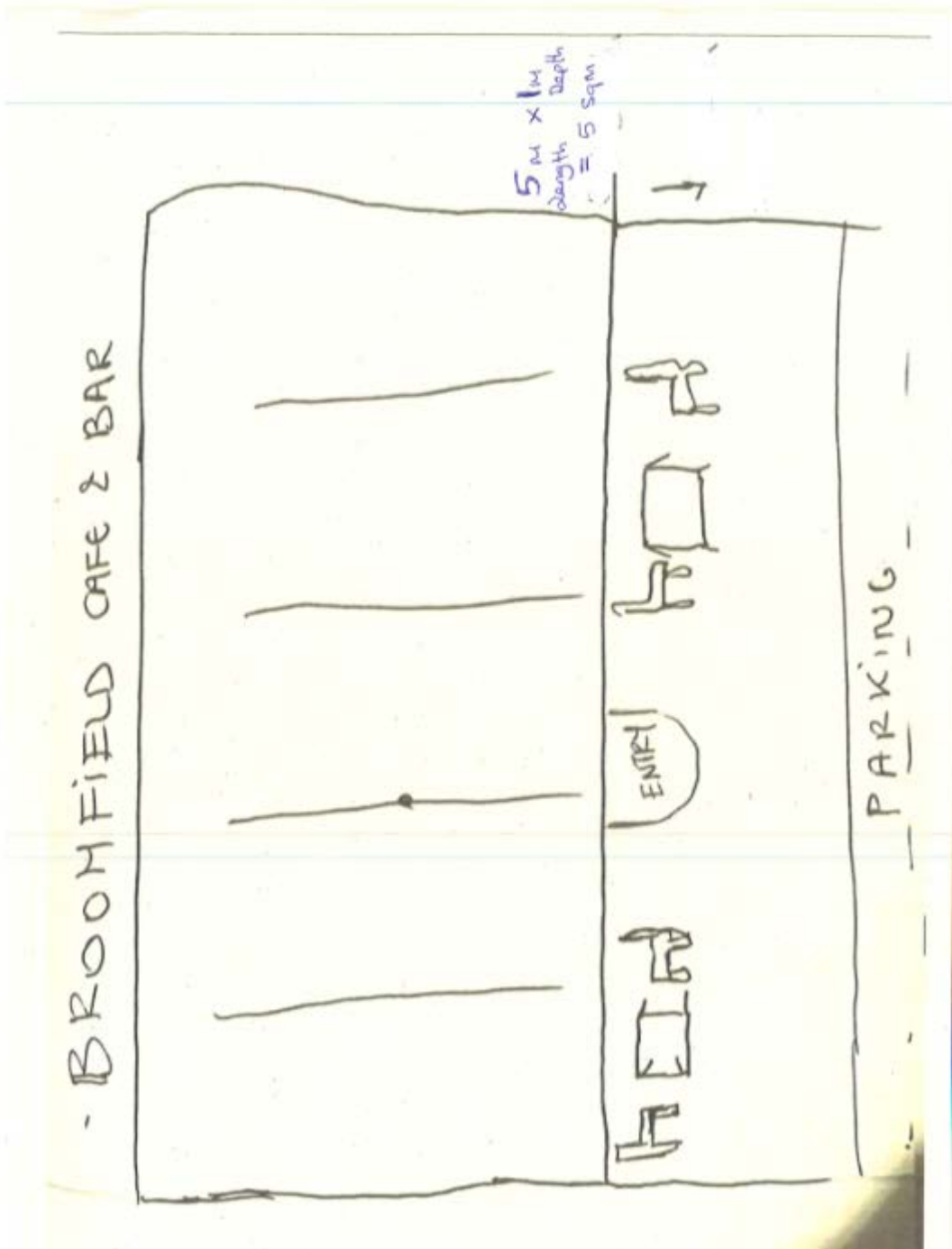
13. ADDITIONAL REQUIREMENTS

- 13.1 The licence holder shall cause all refuse arising from the market to be placed in suitable containers supplied by him, and shall cause them to be removed to or emptied, from time to time, as may be necessary into any vehicle or container provided by the licence holder for the purpose.
- 13.2 All waste shall be transferred and disposed of by a registered waste carrier and appropriate waste transfer notes shall be provided to the Council on request.
- 13.3 The licence holder shall keep the area around his stall predominantly free of litter, ensure that all waste water is collected in a secure container and disposed of or discharged legally and in such a manner so as not to cause a nuisance.
- 13.4 Any arrangements the Council makes in respect of cleansing of street trading areas does not absolve a licensed street trader or his assistant(s) of his responsibilities under the Environmental Protection Act 1990 (or any subsequent or superseding legislation).
- 13.5 Stalls must be of such a design to fit within the pitch size and must not exceed 2.5 metres in height. High-risk food stalls, refreshment stalls and trailers must also be able to be fully contained within the pitch dimensions specified in the licence and must have a removable tow bar if used. Where necessary the stall or trailer must comply with the Food Safety Act 1990 and Food Hygiene (Market Stalls and Delivery Vehicles) Regulations 1996 and have received prior approval for their use by the appropriate authority.
- 13.6 A stall must be placed on the designated pitch area. Where the use of an adjacent site has been authorised the stalls can be placed together, but a wider gangway must be created on either side of the double site which must be kept clear of obstruction at all times.
- 13.7 The use of a back sheet or side sheets is permitted provided they are manufactured in the same material and colour as the awning or from a clear (uncoloured) transparent material, or from a plain white material.
- 13.8 No fittings or accessories shall be attached to the stall that would be likely to cause damage to the street or represent a health and safety hazard to any person.
- 13.9 A stall from which high-risk food (non-pre-packed) is sold must be suitably screened from the risk of contamination.

13.10 Any awning sheets, covers, screens, clips, ties or any other construction or means of support are secured in such a manner so that they do not cause a health and safety hazard or nuisance to any person.

APPENDIX – HIGHWAYS TO BE DESIGNATED AS ‘LICENCE STREETS’

Aldermans Hill N13	Haselbury Road N9 & N18
Ashfield Parade N14	Hertford Road EN3 & N9
Baker Street EN1	High Road N11
Bounces Road N9	High Street EN3 & N14
Bowes Road N11 & N13	Hoe Lane EN3
Bramley Road N14	Lavender Hill EN2
Brimsdon Avenue EN3	Lincoln Road EN1 & EN3
Broadway (The) N14	London Road EN1
Bullsmoor Lane EN1, EN3 & EN8	Main Avenue EN1
Bury Street West N9	Montagu Road N9 & N18
Bush Hill Parade EN1	Nightingale Road N9
Cannon Hill N14	Ordnance Road EN3
Chase Side EN1, EN2 & N14	Percival Road EN1
Chaseville Park Road N21	Queen Annes Place EN1
Cheapside N18	Ridge Avenue N21
Church Street EN1	Savoy Parade EN1
Cockfosters Road EN4	Silver Street EN1
Colmans Parade EN1	Southbury Road EN1
Crescent West EN4	St Marks Road EN1
Crown Lane N14	St Onge Parade EN1
Fore Street N18 & N9	Station Road N11
Forty Hill EN2	Tottenham Road N13
Galliard Road N9	Town (The) EN2
Green Lanes N13 & N21	Westerham Avenue N9
Green Street EN3	Winchmore Hill Road N14 & N21
Green (The) N14 & N21	Windmill Hill EN2



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Supporting Representation

RE: Tables and chairs licence review at Broomfield Café Bar N134PP

Date 09/06/20

Dear Sir/Madam

May I please bring to your attention the issues, concerns and observations I have made and experienced. This is relating to continual breaches in the current licensing, regarding pavement tables and chairs at Broomfield Café Bar. Most of which I cannot provide photographic evidence for. This is due to being directly outside the premises. I will be open to abusive attacks and retaliation by defensive management and staff.

Excessive pavement noise

As a closely situated resident to Broomfield Café Bar, I am routinely subjected to excessive pavement noise. This being shouting, yelling and laughing by people drinking and socialising on the seating/smoking area outside. This routinely starts from as early as 6:30am and has continued to as late as 02:30am. This being without the exception of New Year's Eve.

This is also amplified beyond measure, when fuelled by the consumption of alcohol. The designated pavement area is not adequately supervised to control the number of patrons and their behaviour. It is not controlled by management or staff, in any manor, to prevent noise nuisance to public residence.

It is the responsibility of the premises licence holder to ensure these noise levels at the seating area are adequately maintained at correct intervals, of which they are not. I have also witnessed the manager and staff contributing to the noise nuisance and number of patrons on the pavement seating area outside the premises.

Group gatherings

It is also apparent the number of people outside the bar cannot exceed the recommended number of 10 at any given time. Even though, I feel this number is far too large for a pavement of this size and location. Friends and acquaintances do not restrict themselves to the seated areas provided. I have witnessed additional seats being brought out from the premises to accommodate increased numbers taking residence on the pavement.

This, when accompanied by additional patrons taking residence by leaning against cars for smoking and social engagement, causes restriction to public right of way. This crowding of the seating area and beyond, is not regulated at any frequency by the premises licence holder or staff. There again, is no regulation in terms of numbers and behaviour of patrons. This shows a lack of regard for the protocols set by the local authorities and lack of social responsibility toward the wider community.

Restriction to public right of way.

I have seen members of the community hesitantly trying to pass, with unease, due to large numbers of intimidating crowds that make no effort to ease public right of way. I have witnessed members of the public, including those with limited mobility, use the road to pass freely instead of the pavement outside the premises.

I have witnessed members of the community use the road to pass freely to maintain their own social distancing during lockdown, even though social distancing is not being maintained outside by patrons of Broomfield café bar.

I know of aggressive and defensive behaviour encountered by members of the community when kindly requesting ease of access outside the premises.

I myself cross the street when I need to pass by Broomfield Café Bar. This is to avoid negotiating large intimidating crowds outside the premises and avoid antagonising comments and behaviour.

I feel this is a breach of the premises licence holder to not adhere to the protocols that ensure and maintain the above does not cause a problem to local residents.

Music noise

I have witnessed excessive music volume from the pavement and excessive crowd noise during private parties. I have witnessed excessive TV volume outside the premises and excessive crowd noise when providing sporting entertainment. This is also with the exterior doors of the premises wide open.

(Please refer to video A of previous representation, to witness exterior doors wide open while providing entertainment)

I have witnessed transit vans being unloaded with additional chairs to provide overspill seating inside and on the pavement outside, during the screening of large sporting events. All of which displays a consistent negligence to the licencing agreement related to pavement seating areas.

The premises licence holder does not make any subjective assessment of noise levels outside the perimeter of the premises and its seating area. It is the responsibility of the licence holder to ensure this is done at regular intervals. This is to ensure noise levels from the premises do not cause disturbance to local residents.

Rival conflicts

On the 11 June 2018, 22:36pm I witnessed the tables and chairs of Bromfield Café Bar, pavement seating area, being thrown into the road. This was in the path of oncoming traffic, causing a serious danger to motorist and pedestrians. This was related to a large street fight with a rival gang, trying to resolve a conflict with patrons and staff of Broomfield Café Bar. This fight broke out at the seating/smoking area of premises.

I called 999 immediately as I considered this to be a very serious incident. Having misplaced the Cad no, I am sure this incident can be crossed referenced by your team.

(Please see video evidence A, taken from my window)

I believe this may possibly be a result of the antagonising behaviour by patrons using the outdoor seating area. Behaviour which is not regulated or monitored at any interval by management or staff of the premises.

Traffic restriction

I have witnessed, on many occasions, traffic problems caused by friends and acquaintances double parking vehicles to socialise with patrons using the seating/smoking area outside Broomfield Café Bar. This recently caused beeping traffic of cars and busses up Aldermans Hill, towards Cannon Hill. This was due to the driver refusing to move until he had finished his conversation with patrons using the seating/smoking area.

This resulted in conflict with the car behind, which in turn, resulted in a near physical attack in the street. This led to one car reversing into another in anger before speeding off. (cad no: 7034 25/05/20)

Pavement drinking

I have witnessed the consumption of alcohol in glass bottles on the seated area outside and by people standing in the street. This is by friends and acquaintances who are not being seated for a meal and not awaiting to be seated for a meal. I have witnessed pavement drinking as late as 02:30am. This again being without the exception of New Year's Eve.

I have witnessed the sale of alcohol in glass bottles off the premises to the driver of a car and his passengers, while parked outside the premises. This occurred during lockdown. (Please refer to email, cad number and photos. Charlotte Palmer 28/04/20)

Litter

The overcrowding and general management of the seating area and pavement outside the premises causes the littering of vast amounts of discarded cigarette ends and cigarette boxes. Even though ashtrays have to be provided by law.

These are not swept up by staff prior to closing and are left in the street for the local services to tend to. I have also witnessed cigarette ends, cigarette boxes plastic bottles and carrier bags being blown with a leaf blower, from outside the premises, into the street and park opposite instead of being swept up responsibly.

This shows a complete disregard and negligence to environmental issues. I feel this is the responsibility of the premises licence holder and staff to maintain the cleanliness of the designated seating/smoking area and pavement.

IP2 Representation

I wish to write in complaint of the people who run and use the coffee bar who are intimidating local residents and, I understand, threatened to beat up a police constable who asked a crowd of them to disperse. The police constable clearly had no back up available to help him so was forced to retreat. This is a very worrying situation, especially in view of the [REDACTED] connections which they clearly have. Hundreds of such customers from all over North London are using this establishment as a [REDACTED]. They clearly feel they have safety in numbers and seem to see themselves as a new order who can completely disregard the law and our whole community with impunity. I fear that we are going to have a serious problem on our hands if this is allowed to continue and this area will become a no go area for anyone who values their safety. I have already raised my concern at their disregard of social distancing and the two attached photographs show that they have marked out the territory of the half of the pavement they perceive they own with yellow lines. This has nothing at all to do with social distancing as they have all wilfully ignored it right from the start.

The other photograph shows that they altered the structure of the front of the building without planning permission. I believe this was done about last October or November but it has only come to my notice that they did not have planning permission recently. It also shows a group of about five people within the shop failing to social distance. These people are a danger to our community in different ways and this establishment should be closed permanently with immediate effect.

I think it would be wise to withhold the identities of everyone who has taken any action against the cafe as these are people who may take reprisals against any of us, including members of the council.

Those of us who live in Grovelands road are unanimous in wanting this cafe closed permanently. The few of us who have taken the trouble to write are reflecting the views of the entire street and others besides.

This is something we all feel very strongly about. These people are adversely affecting our environment with their littering, their abusive behaviour and their crowding of the pavements which occurs every day continually all day.

It is inconceivable that the health hazard to our community that they present is irrelevant.

You may not have work colleagues who have died of Covid 19 but I have.

In my view the owner unsuitable to hold the licence.

The obstruction of the pavement caused by this means that the pavement is often totally blocked and social distancing is an issue because pedestrians are forced to walk in the road in order to get past safely.

The antisocial behaviour of both the owner and his customers is an issue and relevant.

It sounds to me as if the council is afraid to take appropriate action and that the valid concerns of the local community are going to be totally ignored as usual. This is likely to lead to trouble in the future as more and more people become so angry that some sort of alternative action is taken.

Please have the courage to take this issue seriously.



IP3 Representation

Supporting Representation Re: External tables & chairs License review Broomfield Café Bar N13 4PP

Dear Sir/Madam

Further to the recent notice regarding the above I would like to bring to your attention my concerns regarding this application specifically. In my previous representation regarding the renewal of the music license I have outlined my general concerns regarding how the bar is run and the customers that use it. I have repeated them here for the sake of completeness.

Tables & chairs

The license allows for two tables and two chairs outside the premises. The license also states that no alcoholic drinks or glass containers shall be taken into the designated smoking area between opening and closing time. It further states that no more than 10 people can use the smoking designated area at any one time.

I would request that the license is refused for the following reasons:

1. The café's customers do not limit themselves to the four chairs and two tables outside, often bringing out more chairs or standing around the tables. This creates obstruction on the pavement making it difficult for pedestrians to pass freely.
2. Customers are aggressive when asked to move out of the way.
3. There are invariably more than 10 people outside at any one time drinking and smoking.
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).
6. I have witnessed alcoholic drinks being consumed in this designated area both in glasses and in bottles.
7. I have seen men drinking alcohol in this area before 11am.

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.

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 1st 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 2nd 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 5th 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 10th 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 19th 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 9th 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 1st 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:



IP4 Representation

The premises licence was granted with the following condition:

*"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** [my emphasis]. The designated area shall be adequately supervised to control the number and behaviour of patrons so as to not cause noise nuisance."*

"Tables & chairs licences will ONLY be granted where safe and convenient pedestrian movement can be ensured outside premises that are permitted to provide food and drink for consumption by the public on the premises."

I have no objection in principle to this cafe having tables and chairs outside - other restaurants and cafes on Aldermans Hill do (in non Coronavirus times of course), and it's nice to see people enjoying themselves and businesses doing well.

The difficulty with this particular cafe is that groups of people regularly congregate outside it, smoking and drinking. So, by the time you add in two tables and chairs, each with two people at them, and a further six people (if they abide by the maximum of ten, which is a moot point) standing on the pavement outside, it is difficult for people to walk through. The clientele are almost exclusively male and as a woman, on my way to the shops or station, I find it quite intimidating to walk through a crowd of men, smoking, and not moving out of the way. Increasingly I have found myself walking in or crossing the road, or taking the long way round to avoid having to go past this cafe.

I actually think the problem is with the number of people permitted to be outside the cafe (ie up to 10, as per condition 7 of the premises licence), but as I can't have my representation taken into account on that, I would ask that consideration is given to not having the table and chairs as the combination effectively blocks 'safe and convenient pedestrian movement', which Ms Green has said is a prerequisite to the tables and chairs licence.

IP5 Representation

I am not in favour of having the chair license renewed. Having the tables and chairs there mean it's very difficult to get past. The customers from inside the cafe, before Covid-19, would come out from the cafe and block the pavement while smoking. Having the chairs there made it impossible to get past. Also I do believe planning for the change of the front of the Cafe has not been approved. I hope this is taken into account when it comes to the review.

IP6 Representation

I am writing to object to the application for a chairs and table licence outside Broomfield café and bar, 64 Aldermans Hill, and 13.

I would like my submissions sent to the licencing team in respect of the review of the premises music licence to be taken into account.

I understand that a chairs and table licence will only be granted were “safe and convenient pedestrian movement can be ensured” outside the premises which is granted the licence. It is fair to say that the way the bar operates means that it is not possible to safely and conveniently pass as a pedestrian, unless the tables are not in use.

People routinely congregate around the tables and also stand all across the pavement while they talk to people who are sat at the tables.

As you walk up the pavement from the station, it is possible to see crowds of people, usually men, gathered in a group blocking the way. They can also see you, but intentionally refuse to move, blocking the pavement, with a challenging eye. I have had to ask people to stand aside as I am unwilling to walk into the road as it is a particularly fast and dangerous spot to do that with lots of parked cars.

As a woman, I would add that if “convenient“ includes being able to walk without being ogled, I feel the behaviour should be taken into account. The people sat at the tables both outside the bar and on the semi internal raised area use it like a “viewing platform“. It amounts to sexual harassment. From my perspective this is neither “safe”, nor “convenient”.

The bar is not run in compliance with its general licence and consequently I think the applicant is unsuitable to apply for a tables and chairs licence. They do not clear up the cigarette butts created by the customers, they abuse residents’ rubbish bins, they create a nuisance blocking the pavement and as can be seen from the licence review materials regularly breach the conditions for the music licence. I think this demonstrates that they are unsuitable applicants to apply for/be granted a tables and chairs licence and should be refused.

I believe that the Covid social distancing requirements are an additional reason that the chairs and table licence should be refused. Even if the distance which we are supposed to keep from each other is reduced to 1 m, it is not possible to safely pass people sat at the table and chairs at an appropriate distance. And, as mentioned above, usually there are people standing on the pavement talking to the people who are sat at the tables, thereby using up even more of the pavement space. This is particularly true if people are walking in both directions. It requires people to walk into the road and as mentioned above it is really too dangerous to do that there, unless the parking bays are suspended. Throughout lockdown, the legal obligation to socially distance has been completely flouted by the café/bar owners and customers despite numerous calls to 101.

Thank you for your attention. Particularly given the intimidation experienced by local residents recently from the bar owner, I would be grateful if you could keep my personal details confidential. I consider that behaviour another reason why the bar owner is an unsuitable applicant for this licence.

IP7 Representation

I would like to make a formal representation against the renewal of the table and chairs license for Broomfield Cafe.

My name and address is xxxx, xxxxx. I understand only my street name will be shared with the cafe.

My representations fall under prevention of public nuisance, public safety and prevention of crime and disorder.

There have been 3 consistent issues with this cafe linked to table and chairs license:

(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 (6am) 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. At most times of the day there will be people outside the cafe resting up against their parked cars.

(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) lack of social distancing by those using the cafe but worse the behaviour and obstruction denying other users of the road the ability to socially distance without crossing the road - where visibility is already limited by the behaviour of the cafe users.

In addition:

(1) litter and misuse of bins - the litter and fly tipping issue in the area which is in part the result of people hanging around the cafe and just dropping their rubbish

(2) random parking and hanging around in cars outside the cafe and on the corner often causing obstruction or reducing visibility.

As the other cafes in Alderman's Hill do not have similar problems, one can only assume this is something relating to the license holder.

I attach two photos from different days to illustrate the problem - these are less 'busy' days.

The applicant is unsuitable to hold a licence.

Thanks

IP8 Representation

Subject: Chairs and Table licence Broomfield Café & Bar. 64 Alderman's Hill.
London N13 4PP

To whom it may concern,

My name is xxxxx. I would like to object to the chairs and table licence for the above-mentioned premises.

I don't have any photographic evidence, however I would to object it on the basis of total disrespect for the community while using the outdoor space.

There is a constant gathering of people preventing regular by passers to walk easily (mainly on their way to Palmers Green train station). This in total disrespect of any social distancing that there is at the moment but even without this the situation would be unsustainable because of the constant gathering of people.

Furthermore while standing outside, the owner and customer or the Broomfield Café have taken this opportunity to stop and insult (even sometimes in front of their own children), the ones among us who have been more vocal and dared to protest. Most of these episodes have been reported to 101.

Finally, I would like to mention that if it is not just on the pavement of the café itself, there are gatherings around the area such as next to the old Steph and Philips real estate agency or on the other side of the street but still in front of the café. The situation is out of control and unbearable from a community point of view.

IP9 Representation

As a councillor I have received numerous objections over recent years from my residents complaining of obstructions caused by the customers using and standing around the tables and chairs. I have been told that the chairs are moved away from the tables so that more space is taken and that many people (men) stand around the tables. This obstructs the footway so that others find it difficult to pass without walking in the road or crossing to the opposite footway.

This happens particularly at the beginning and end of the day when many people are walking to and from the station and local schools.

I appreciate that we do not have the power to prevent people gathering outside a café but if the tables and chairs were removed there would be more space so they would cause less of a problem.

There are tables and chairs in the garden of 'Baskervilles' café next door and outside 'Starfish Loves Coffee' on the corner of the next street. Broomfield café is opposite an entrance to Broomfield Park where there is plentiful seating.

Cllr Dinah Barry

Winchmore Hill Ward

IP10 Representation

I definitely object to table and chairs for the same reasons as given below, as per my representation to the premises licence review: ASB, smoking, impeding on pavement, intimidation.

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 their licensing hours are but certainly from 7.00 am until well after 12.00 pm the behaviours above continue. 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.

IP11 Representation

Several months ago, the owners of Broomfield Cafe (Broomfield Coffee Bar, 64 Alderman's Hill) converted the front of the cafe to have a permanent outdoor seating area, which on a normal day, pre-pandemic, sees large amounts of people smoking, drinking and gathering on the pavement, which you have to navigate through every morning and evening.

This behaviour of drinking and smoking isn't in keeping with the welcoming, family neighbourhood of Alderman's Hill and the Lake's Estate. I don't understand how planning permission is allowed for this type of establishment with an alcohol license? and how they are allowed to convert the front of the shop into an outdoor area and therefore allowing customers to consume alcohol which then spills out onto the streets which affects the local residents? The shop front has basically become a busy and noisy bar which pulls down the village feel and aesthetic of the street which many residents find has a negative impact socially on our local community.

Even now, large amounts of people gather on the street in front of the cafe, with no social distancing in place, meaning that local residents are forced to walk on the road to avoid getting too close. This seems to amuse the large group gathered outside and brings a negative atmosphere to a street which otherwise has a great community spirit.

I would very much appreciate your help in looking into this matter as the bar has become an increasing issue for many local residents.

IP12 Representation

I am writing with regard to this cafe on Aldermans Hill. It has always been a bit of problem with men loitering and smoking out side on the pavement. since the lockdown unfortunately the numbers of men congregated can be considerable and they have a threatening attitude in that they do not move aside for pedestrians. This is particularly menacing when it comes to younger women and can be mentally destabilising for some. It's really quite unacceptable behaviour in today's society.

I'm raising the matter as there was an incident my neighbour witnessed yesterday of a young mother with buggy trying to get through, and actually being blocked intentionally. No-one wants to call the police in situations like this but it seems that would be the only course of action in order to get this stopped.

IP13 Representation

I understand that the above cafe are renewing their Tables & Chairs Licence.

I would like to make representations against this licence renewal.

The outdoor area of this cafe has become a local hang out with many men congregating on the public footpath. Sometimes 20 or more men will be on the pavement at a given point in time. They refuse to move out of the way of pedestrians and their presence is generally very intimidating. I am often stared at and smoke blown in my face whilst refused entry to pass with my pram and child. They are still doing this despite the social distancing rules currently in place.

Many local residents continue to experience this as a problem. I believe one of my neighbours has taken photos today to demonstrate what is going on.

IP14 Representation

I wish to make a formal objection for the renewal of the licence for Broomfield cafe 64 Aldermans Hill.

The patrons of the cafe repeatedly fill the pavement morning and night with very little regard for passers by. At this time, with such stringent rules regarding social distancing, I suggest that controlling the space outside the cafe and surrounding pavements opposite and in the park is very important. It has become impossible to move freely without jeers or harassment.

I myself have had the experience of cycling passed and when looking to see why there were so many men on the pavement I was shouted at.

I now do not walk to the shop because I have to walk through the crowd.

Below I have photographed the pavement last night and as you can see the lady who is forced to walk through these customers outside has to break the social distancing rules or cross the road.

Based on the repeated disregard for pedestrians and the uncomfortable nature of the attitude of the patrons I ask that the renewal Not be given.





IP15 Representation

I am a resident on xxxx, and wanted to bring to your attention a problem which I have encountered on several occasions. The Broomfield Cafe has lots of men congregating outside blocking the pavement and causing obstruction to passers by.

This is so annoying as we are suppose to be keeping a 2 m distance from strangers yet these men do not move out of the way and continue drinking, smoking, and carrying on with conversations regardless of who wants to pass by!

My 15 year old son did not want to walk past them as he felt they were intimidating. Please can something be done to move them on and not stand around getting in peoples way!

This might seem very trivial but I just don't think it's fair to feel intimidated every time I want to walk to the shops.

IP Additional Representations

IP2 Additional Representation

I do wish to make two further points.

The first is that the width of the pavement is, approximately, two metres or less meaning that if there is just one person standing in the middle of the pavement then social distancing is impossible even if the requirement was reduced to one metre. It is common for customers to do this and make provocative comments as one walks by in the road.

Secondly. Such is the success of this business with so many customers, that the premises is much too small for such high numbers and is, therefore, inappropriate for this neighbourhood. Surely it would make sense for the Broomfield cafe to relocate to a much larger premises with plenty of outside seating in an area which is not a quiet suburban area such as this.

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Supporting Representations**SUP01 Representation**

Several of my neighbours expressed their dislike of the Broomfield Cafe long before we had ever heard of Coronavirus. On discussion, their objections seemed to be because the patrons were a) men and b) immigrants. I was appalled by this attitude, and I have always found the chaps who gather outside that cafe to be well groomed, quiet and polite.

I worry that coronavirus regulations are being used to settle other grievances. I also worry that these men may well be living in poor housing and remitting money back to families in Albania and need a relief from loneliness.

However, they did tend to congregate on the pavement and although most now disperse to the other side of the road or into the park, they did not help their own case.

If the owners of the cafe are breaking the terms of their license in terms of noise levels then that should, quite rightly, be dealt with. But I fear other more sinister issues here.

My apologies if I have missed the deadline for comments on this, but I feel a counter to local prejudice must be made.

The family running the cafe have clearly made mistakes but they are industrious and deserve to be given the chance to succeed. And prejudice should not be part of the decision.

SUP02 Representation

Ms Charlotte Palmer
Senior Licensing Enforcement Officer
Enfield Council
Trading Standards
Civic Centre
Silver Street
Enfield, EN1 3XY

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Mobile: xxxxx
Email: xxxxx

Date: 13th May 2020.

Recorded Delivery

Dear Ms Palmer

Table and Chair Licence, 15/06/2020
Broomfield Coffee Bar

My name is xxxxx and I am the owner and landlord of premises known as 64 Aldermans Hill, Palmers Green, London, N13 4PP.

These premises have a restaurant at front elevation, pavement level and six bedsits on two upper floors of the property, bedsit rooms both front and rear. I have owned these premises for 37 years but have only personally managed the property since 2003.

I write to you regarding my tenants request to renew “Tables & Chairs Licence” which I believe is creating some opposition from local residents. Suffice it to say, I am deeply concerned that the licence will be revoked and not renewed.

My current tenants, Mr Borufi, and his wife Tila, have grasped the correct formula to make their business a success and I am delighted by their entrepreneurial style and approach. I gave my tenants permission to adjust and re-instate a new shopfront, a little deeper into the property, to accommodate a Smoking Area, with tables and chairs, which did not encroach onto the pavement. I believe Planning Permission was not required for this small adjustment.

May I please suggest that there seems to be a campaign of persecution towards my tenants and if this new outdoor seating arrangement is not to the satisfaction of the council, the same rules / guidelines / legislations must also be applied towards the competitors of my tenants. I wish to highlight at least four other establishments on Aldermans Hill, who may fall foul of your guidelines.

I only request that you treat my tenants fairly and justly.

I do wish to attest to the character of my tenants. I believe Mr & Mrs Borufi to be an honest and hard-working couple and originally from Albania.

They have been in residence in UK for 18 years and are British Citizens. They own their own house in Enfield and have two children and a third expected in August. In addition, they have adopted three children through the London Borough Enfield's adoption service. I have no doubt that your Council's Social Services Department rigorously vetted their applications and can confirm my impression of them.

I would request that you do not refuse the application for a new licence.

Yours sincerely

xxxxx

SUP03 Representation

Thank you for drawing my attention to the further application for **tables on pavement**. As expressed below, this is a small facility used as a social space by an apparently disadvantaged community, and some of the measures contemplated seem disproportionate and lacking in tolerance. I think they are Albanians, and these people have a smoking habit. I don't like smoking at all, but recognise this is part of their social culture and it is part of how they relax. So they need a place where to smoke. I see that other cafes are allowed a couple of tables on the pavement, and so should this one. Not to do so could be seen as discriminatory.

SUP02 Additional Representation



IP2 Image



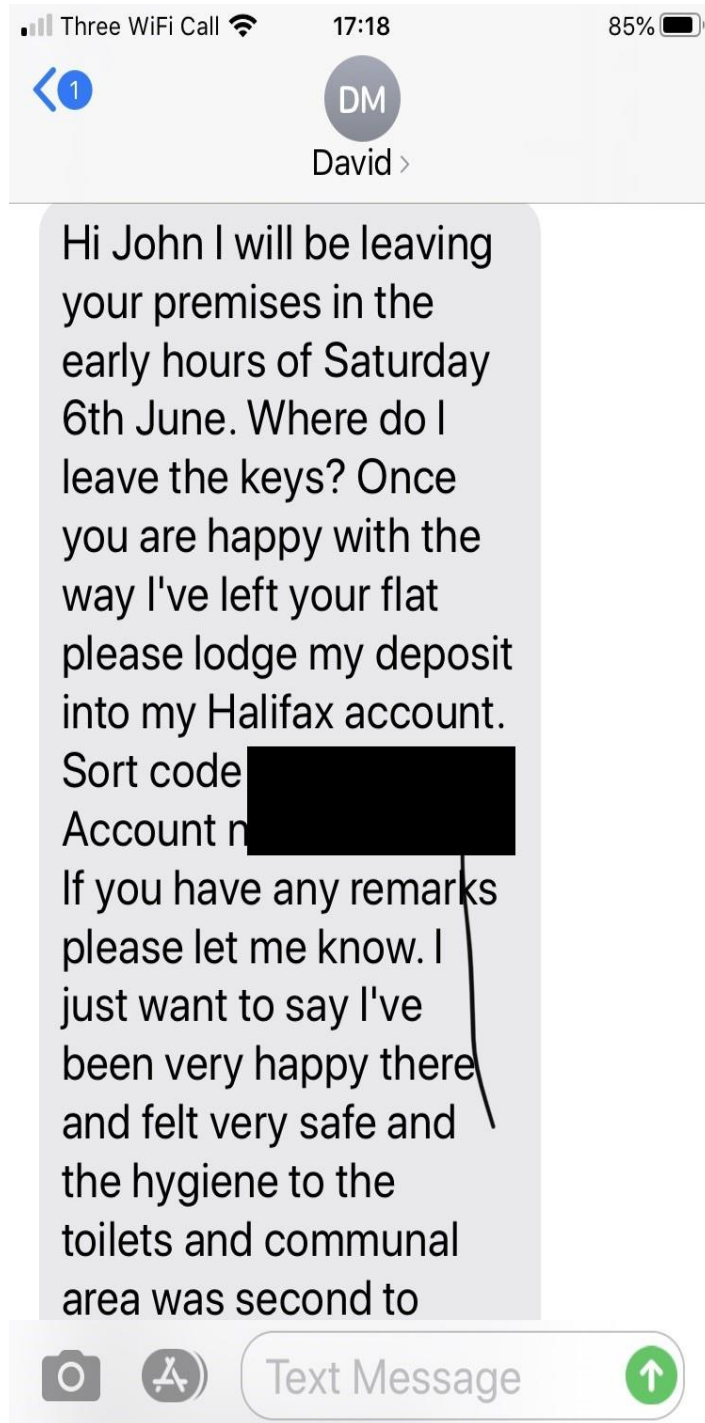
IP3 Image



JE Image 1



JE Image 2 Sunday 28th June



JE Text from Tenant Room 6 Thursday 21st May Image 3

RESIDENT
Room One
64a Aldermans Hill
Palmers Green
London N13 4PP

Date: 19th February 2005

Delivered by Hand

Dear RESIDENT

On my visit to the property on Sunday 13th February I noticed that your petrol-can had reappeared in the walkway.

As we have previously discussed this petrol-can constitutes a serious fire hazard and you agreed to remove the said item from the premises. I now demand that the petrol can is immediately discarded or you are in breach of your tenancy agreement.

Petrol (in any container) or any other inflammable liquid must not be stored within the premises known as postcode "N13 4PP".

Thank you

Yours sincerely



John Edgar

██████████
Room 1
64a Aldermans Hill
Palmers Green
London
N13 4PP

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Mobile: ██████████
Email: ██████████

Date: 18th June 2020.

Dear ██████████

I have been contacted by ██████████ in Room 4 above, stating you have approached him in an aggressive and intimidating manner regarding excessive noise.

Can you please direct complaints towards me, for me to deal with these issues?

I do not wish to have verbal or physical conflicts within this residential property. Perhaps you and ██████████ can meet each other and to seek harmony between neighbours.

I have also "Copied" ██████████ on this note, to be acting fairly in this matter

Yours sincerely

John

John Edgar

cc. Agathoklis Christodoulopoulos

JE Ref IP1 Letter 2 Image 5



JE Image from Room 1 28th June Image 6



JE Image from Room 1 28th June Image 7



JE Image from Room 1 Winter 2019 Image 8



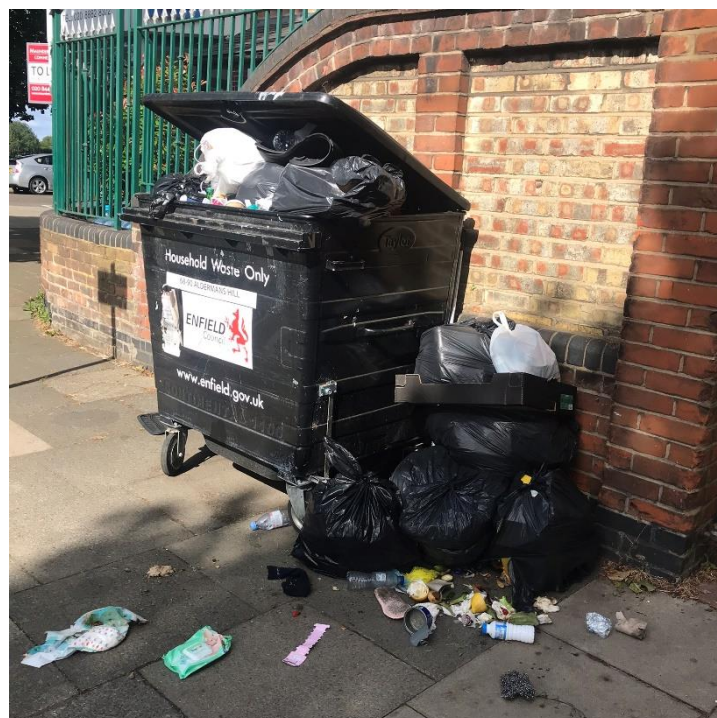
JE Image from Room 4 24th June Image 9



JE Image from Room 4 24th June Image 10



JE Image Sunday 28th June Image 11
Resident 62a and 64a Aldermans Hill



JE Image 28th June Grovelands Road Image 12
Steff and Phillips

From: [REDACTED]
Sent: 04 January 2020 15:42
To: Mark Chamberlain <Mark.Chamberlain@enfield.gov.uk>
Cc: [REDACTED]
Subject: 64 Aldermans Hill, N13 4PP

Good Afternoon Mark

Mobile Refuse Bins

I refer to the two mobile bins situated on the pavement in Grovelands Road and at the mouth of the rear service road.

Both bins have broken locks and the lids cannot be secured. The situation is again encouraging Fly Tipping with complaints from neighbours in Grovelands Road

Can you please instruct your Maintenance Team to repair or replace these bins in an urgent manner

I would appreciate a reply once the bins have been refurbished in order for me to notify my tenants so that my tenants can again lock the bins

Thank You

John Edgar

From: Mark Chamberlain <Mark.Chamberlain@enfield.gov.uk>
Sent: 06 January 2020 11:11
To: [REDACTED]
Subject: RE: 64 Aldermans Hill, N13 4PP

Dear John

I have added the repair on to our contractors list. They will attend on Thursday to repair the locks.

Thanks
Mark

1

JE Scan 4th Jan 2020 Image 13

From: John Edgar [REDACTED]
Sent: 26 May 2020 12:32
To: Mark Chamberlain <Mark.Chamberlain@enfield.gov.uk>
[REDACTED]
Subject: RE: 64 Aldermans Hill, N13 4PP

Hello Mark

64a Aldermans Hill, N13 4PP

To inform you that the build up of rubbish at Groveland's Road / Aldermans Hill is simply unacceptable. I am concerned that you will receive complaints from the residents of Groveland Road and they again wish to attribute the problem towards myself and my tenants. I am abroad and my cleaner of my bedsits has just notified me of the problem by phone and by text images.

As ever, we keep our Wheelie Bin locked so that it is solely for the benefit of 64A Aldermans Hill

Can you please investigate and rectify this intolerable situation

In anticipation, I thank you for your help and assistance in this matter

Regards

John Edgar

From: Mark Chamberlain <Mark.Chamberlain@enfield.gov.uk>
Sent: 27 May 2020 08:23
To: John Edgar
Subject: RE: 64 Aldermans Hill, N13 4PP

Hi John

I have notified our Operations team and asked for them to send a crew back to empty the bins. They were due for collection yesterday, so more than likely they have already been emptied.

Thanks
Mark

JE Scan 26th May 2020 Image 14



JE Image 24th June Boot Pharmacy Image 15



JE Image Old Shop Front Image 16



JE Image Old Shop Front Image 17



New Shop Front Image 18



JE Image 90 Aldermans Hill Image 19

Representation by the Applicant in respect of Tables and Chairs Licence

The Applicant would like to correct a slight discrepancy in the renewal application in that the Licenced area should be 5 metres and the maximum measurements section of the application should refer to a length of 5 metres by 1 metre, in other words, 5m x 1m.

The Applicant notes that the Licensing Authority opposes this renewal on the ground that the Applicant is “unsuitable to hold a licence”.

The Applicant is unclear as to precisely why it is alleged that he is “unsuitable” but will nonetheless endeavour to address the matters set out in the LA’s representation.

It should be noted that the Table and Chair Licence renewal was first granted on 3rd April 2019, this should therefore be the reference point.

The Applicant comments as follows in relation to each of the allegations by reference to the dates.

1. **29th June 2019** This is a complaint in relation to the noise level at the Premises which has already been dealt with at a separate hearing and therefore, this is relying on the same evidence twice and is against the principles of equity and fairness. The thrust of this complaint was in relation to noise audible from speakers at the Premises and not in relation to the use of the Tables and Chairs outside.

2. **9th July 2019**
11th July 2019
26th Sept 2019 The Applicant makes the same observations in that this relates to complaints of “noise” from people outside the Premises. It is inevitable that there will be a degree of conversation and voices heard outside and public access area. This cannot fairly be said to relate directly to the use of the Tables and Chairs. In any event, these matters were also relied on previously at another hearing which has been determined, and once again the Applicant is “being tried twice” on the same evidence. This is simply unfair and against the rules of natural justice.

3. **27th Feb 2020** The Licensing Conditions which were stated as not to be compliant as per Appendix 1, have since been addressed by the Applicant.

The Applicant would point out that the hours permitted under the Licence was erroneously stated as being up until 12am and that is a mutual misunderstanding as between the Applicant and the Street Trading Licence Authority and that this should have been a 24 hour clock.

It should also be noted that the officer indicated that the Licence was to be REISSUED by the Licencing Authority with the correct times, but the officer was not able to do so before the lockdown. Subsequently, the Premises Licence expired and again due to the lockdown there was a delay in reissuing this.

4. **23rd March 2020** This was in relation to the lockdown period and, again, not in relation to the express use of the Tables and Chairs outside of the Premises. The Applicant confirmed on occasions that although there were patrons outside of the Premises, the Tables and Chairs were not placed outside the Premises.

The Advice given by the officer was in relation generally to Covid-19 social distancing, again, not related to the question of Tables and Chairs.

It should be noted that the officer's report stated as follows:

"The officer was aware that the pavement outside these premises is is not very wide, so it is unlikely that people could pass those outside within a 2-metre gap even if only one person was outside".

This therefore reflects the fact that again, this is not a matter that lays squarely with the suitability of the Applicant to hold a Licence.

The Applicant acknowledges that the recent Covid-19 pandemic poses challenges for all and matters should be viewed in that light on a fair and balanced basis.

LOCATION

It is worth noting that the Tables and Chairs Licence was initially granted in April 2019 by the Licensing Authority. Therefore, it is unclear to the Applicant why the LA having previously granted a licence and being fully aware of the prevailing conditions now seeks to assert that as the Premises is not located in the Town Centre it cannot be ensured that pedestrian movement outside the Premises would be safe and convenient .

PEDESTRIAN MOVEMENT AND SPACE

The Applicant will submit that on the basis of the photographs depicted at IP1 Representation, which was intended to show pavement obstruction, in fact the photographs show nothing of the sort. Insofar as the tables and chairs depicted in those photographs show that patrons were within the required perimeter of the subject premises and there is no pavement obstruction.

The photograph of the Broomfield Café clearly shows pedestrians being able to walk quite easily pass the sitting customers.

The reference to the Premises being located in a row of shops opposite Broomfield Park and close to one of the main entrances into the park, Palmers Green, does indicate that there could be a high flow of pedestrians at peak periods. However, it should be noted that the Premises are not the only café/premises with outside seating/tables and chairs close to the Park. The same argument could therefore be made in relation to the nearby premises with similar amenities. This is not uncommon in any number of high streets all over the country.

For instance, as can be seen from the photographs annexed hereto at the Appendix, a number of other nearby premises also have and have been granted tables and chairs licences. Therefore, it would be grossly unfair to deny this one establishment similar facilities.

It would appear that a considerable part of the objections put forward in this matter is down to the fact that a fair number of patrons of the Premises are of ethnic minority, Albanians, and the Premises are primarily frequented by a large number of members of that community.

London Borough of Enfield, like others, is a diverse and multicultural area, representative of various communities. Accordingly, a degree of tolerance, accommodation and understanding is called for.

There seems to be objections in the main to the lifestyle of the patrons, such as their smoking habits. Of Course, whilst smoking may be deemed unpleasant and unacceptable to some, it is not forbidden or prohibited in open spaces.

With regard to the Issue of “previous noise level”, the Applicant has taken on board the points made at the previous hearing referred to above and has put in place a number of practical steps.

The photographs attached hereto (photographs 5-7), clearly show the following.

1. Signs both in English and Albanian have been put up at the Premises to inform the patrons of the requirements to limit any noise nuisance and/or inconvenience to members of the public.
2. Adequate and appropriate notices regarding social distancing have also been put up at the Premises, to take account of the impact of the Covid-19 Pandemic.

Other Premises Nearby

The Applicant draws attention to use of the Pavement by nearby/similar establishments/eateries

- (i) As can be seen from the first photograph of “90 on the Green” (No 90), a similar establishment nearby, the No 90 premises places its tables and chairs predominantly on the pavement outside its premises.
- (ii) Similarly, the second photograph shows patrons at No 90 on motorbikes standing outside those premises, along with other persons on the pavement.
- (iii) The third photograph shows the pavement being substantially taken up by customers of No 90.

The Applicant contends that the nature of the objections in relation to its Premises appear to be more directed at the clientele, which as stated above are mainly of Albanian ethnic minority.

With regard to the contention that granting renewal of the Licence would be adversely in the interest of space to allow drivers and passengers of cars parked to be able to fully utilise the area, the same argument would of course be applicable to the majority of the other similar premises along that stretch of road.

The Applicant will submit that if it is intended not to grant a Tables and Chairs Licence, or that its hours be restricted, then the same yardstick must be applied to ALL the other premises on that stretch of road which share the same pavement to include No 90 on the Green and also the premises next door to it, which is also a restaurant with a similar tables and chairs licensing permit.

This would ensure consistency and transparency and demonstrate that one set of patrons from one part of society are NOT treated differently and less favourably than others.

SCANDALOUS, LIBELLOUS AND MALICIOUS ALLEGATIONS

The Applicant, in particular, takes great exception to a substantial part of the supporting statements put forward under the cloak of anonymity, which ought to have no place in this matter.

A prime example can be found under IP2, which contains wholly scandalous, unsubstantiated and libellous allegations that the Premises have “Albanian Criminal Gang Connections” and goes on to allege that “the Premises are a hub for Human Trafficking and drug deals”

IP2 further goes on to conclude that if the Council is afraid to take appropriate action,”some sort of alternative action” would be taken.

The above is clearly indicative of the mind set at play in this matter. Further such statements are clearly intended to unfairly prejudice the Committee’s view of this application and calculated to do harm and damage to the Applicant’s reputation and business as well as being defamatory of the Albanian patrons and community in general.

The Applicant wholly reserves all of his legal rights and remedies against all parties in respect of this document regardless of the outcome of this application.

THE PLANS

The Applicant will submit an up-dated and compliant Plan and apologises for the minor discrepancies in the Plan submitted thus far.

The Applicant’s representative will make further submissions in respect of IP1, IP2, IP3, IP4, IP5 to IP15 and reserves the right to make additional representations.

The Applicant refers to the supporting representations SUP01-SUP03, as being fair , reasoned and balanced in their observations and the Committee is invited to place reliance on these rather than some of the plainly scandalous and scurrilous “kitchen sink” objections in opposition.

CONCLUSION

For the foregoing reasons, the Applicant submits that it would be unjust and inequitable to revoke the Tables and Chairs Licence, which would in effect disadvantage this business as against similar businesses in the vicinity and would also amount to pandering to prejudice from some quarters.

The Applicant and his family have worked hard to seek to build a successful business. The Applicant accepts that whilst the business sometimes has not been perfectly run, they are a work in progress and are continually striving for improvements, like all people and businesses.

The Applicant asks to be treated with fairness and understanding.

The Applicant has taken and will continue to take practical steps to ensure compliance with the terms of the Licence and the applicant welcomes any additional assistance and guidance which the Committee and LA are able to provide in this respect.

AKIN PALMER LLP
Solicitors for the Applicant
30th June 2020

Broomfield Café and Bar
64 Aldermans Hill
London
N13 4PP

APPENDIX

PHOTOGRAPH 1



90 On The Green

Images may be subject to copyright.

PHOTOGRAPH 2



90 On The Green

Images may be subject to copyright.

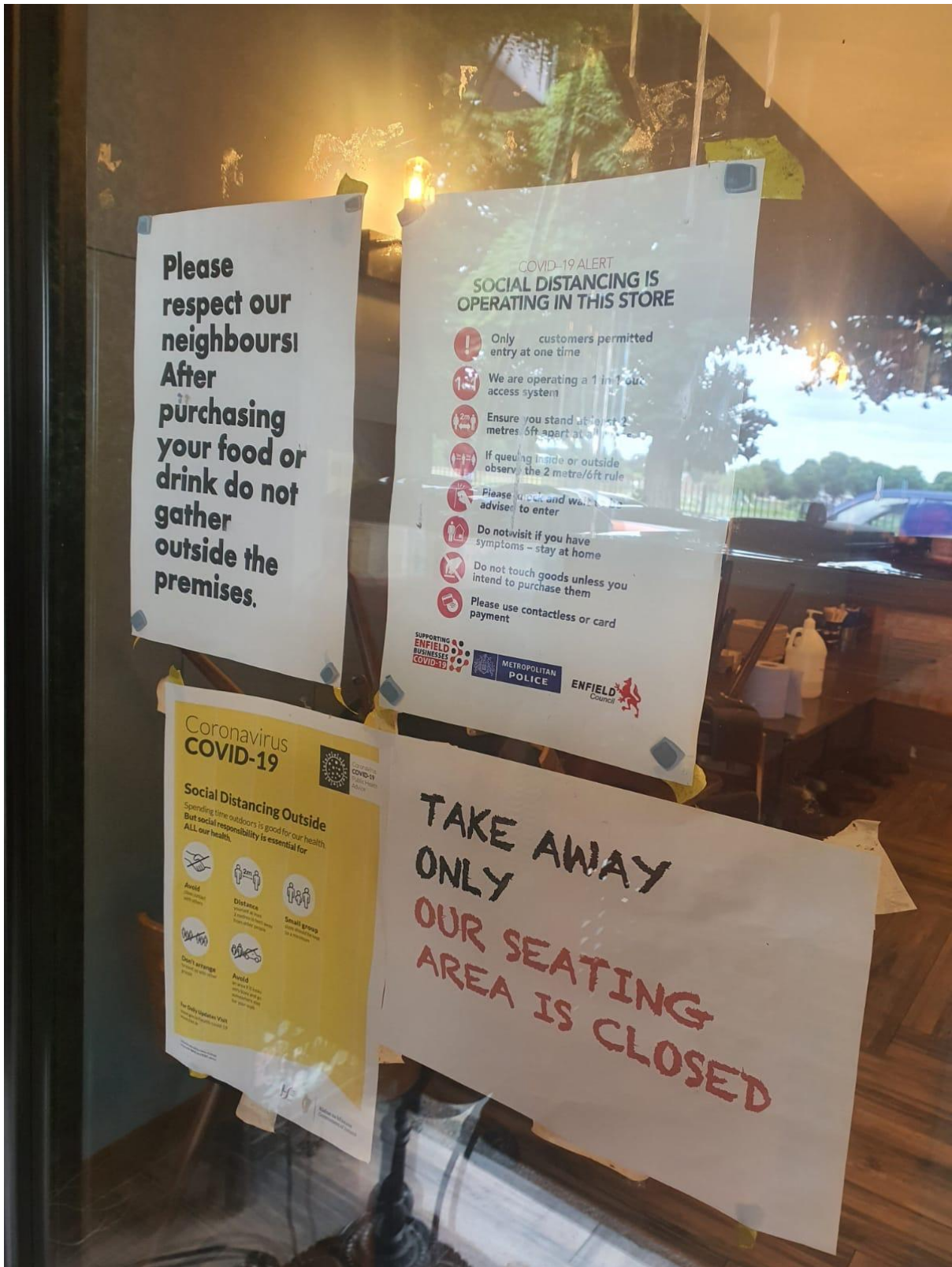
PHOTOGRAPH 3



PHOTOGRAPH 4



PHOTOGRAPH 5



PHOTOGRAPH 6



PHOTOGRAPH 7



PHOTOGRAPH 8



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