

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I **Charlotte Palmer Senior Licensing Enforcement Officer**

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

Part 1 – Premises or club premises details

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

Name of premises licence holder or club holding club premises certificate (if known) Mr Arjan Borufi
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Number of premises licence or club premises certificate (if known) LN/201500949

Part 2 - Applicant details

I am

Please tick yes

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Charlotte Palmer
Licensing Authority
London Borough of Enfield
PO Box 57
Civic Centre
Silver Street
EN1 3XH

Telephone number: 020 8132 2004

E-mail address: charlotte.palmer@enfield.gov.uk

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

Please tick one or more boxes

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

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

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

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

Background Information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Complaints have come from 6 different named individuals.

Recorded Music

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

The Live Music Act 2012

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

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

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

Licence reviews: Live and recorded music

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

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

Conclusion:

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

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

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

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

Current Conditions

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

Remove – repeat of C2.

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

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

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

Additional conditions to be added to the licence:

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

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

Suspension of Licence:	N
Revocation of Licence:	N
Recommended period of suspension (max 3 months):	
.	

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate Yes No
- I understand that if I do not comply with the above requirements my application will be rejected Yes No

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

Part 3 – Signatures (please read guidance note 3)

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



Signature:

Date: 23rd April 2020

Capacity: Senior Licensing Enforcement Officer

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

Notes for Guidance

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