

LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

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

Type of Application: Review of Premises Licence

Detailed below is information not previously included in the review application submitted on 23/04/20:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Location

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

Complaints relating to the Coronavirus and Licence Reviews

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

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

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

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

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

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

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

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

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

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Signed:

Date: 21/05/2020