

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

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

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

9<sup>th</sup> June 2020

Dear Ms Green

## **Premises Licence – Broomfield Coffee Bar**

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

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

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

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

IP9 representation of 14<sup>th</sup> May begins as follows:

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



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# AKIN PALMER

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

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

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

## Audio recording

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

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

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

## Photographic Material

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

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

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

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

## Assistance to the Panel

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

# AKIN PALMER

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

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

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

## Likely timescale of the Hearing

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

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

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

## Our Photographic evidence

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

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

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

I await hearing from you as a matter of urgency.

Yours sincerely



**JOHN PALMER**