

AKIN PALMER

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]

9th June 2020
(Second letter)

Dear Ms Green

Premises Licence – Broomfield Coffee Bar

Thank you for your letter/email received at 17:39.

Firstly, I note that the basis of the review application, as stated by you, is as follows:

“Primarily based on the prevention of crime and disorder, and the prevention of public nuisance licensing objectives, therefore representations were accepted if they made comments to this effect.”

I also note that you state that the Licensing Sub-Committee (LSC) are fully aware that representations made in relation to parking and social distancing issues cannot be taken into consideration.

It therefore begs the question as to why you deem it fit to include these in the evidence, nonetheless.

You will no doubt be mindful of the fact that the procedure to be followed at the Hearing by the LSC provides at point 3, evidence 3.1 as follows:

“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 THE EVIDENCE”

Accordingly, one simply fails to see how evidence that cannot be taken into consideration, but can only be construed as intended to be entirely prejudicial can be deemed appropriate to be placed before the Committee, notwithstanding your assertions to the effect that the Committee are fully aware of their obligations.



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3 Angel Gate
326 City Road
London EC1V 2PT

T: 020 7278 2800 / 020 7833 8828
F: 020 7278 6700
E: law@akinpalmer.com
www.akinpalmer.com

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Clearly, the matters to be placed before the Committee should be probative of the matter before them and intended to assist them and not cloud the issues.

Further, the statement to the effect that the representations give an “overview of the Premises and how they are run in general” is again highly prejudicial and irrelevant to the matters in hand.

I would therefore invite you to reconsider your position on these, of course we nonetheless reserve the right to make submissions and will be made to the Committee in this regard.

Emails between 3rd Party representations and the Licensing Team

I note your observations to the effect that:

“The emails between those making representations and the Licensing Team establishes the required criteria for the representation to be accepted, such as confirming to which of the licensing objectives the representation relates, or, the full name and address of the “Other Person”. Therefore, full disclosure of the emails is not a requirement under the licensing regime.”

I disagree with this insofar as the rules of evidence require an “equality of arms”. We do not require detailed information or the names of the persons making the representations. What we wish to see and are entitled to see is the basis of the request made by yourselves which prompted further representations.

In other words, what were the question put by yourselves that led to the answer?

Audio recordings

It is only right and proper that these be excluded.

Photograph displaying vehicle registrations

Am afraid your reply addresses a separate and distinct point from my query.

My query is directed to the appropriateness of what in essence amounted to long-term photographic surveillance of my client by the parties making the observations.

The Licensing Sub-Committee having read the full report before the Hearing

Clearly, by introducing what I had described as highly prejudicial evidence and inviting the LSC to pre-read the same, you are seeking to predetermine the outcome of the application notwithstanding your contentions to the effect that the legal adviser will be present to assist in all matters.

I would invite you to put my objections at this point to your legal adviser and to seek advice and guidance as to the appropriateness of the manner in which the evidence is being sought to be adduced, particularly in respect of my observations as to the prejudicial nature of the same.

Time allocation

To the extent that matters overrun or the allotted time proves insufficient time, this will depend entirely on the way in which you put your case, as that will determine the points we need to address. Accordingly, if necessary, it would be appropriate to seek an adjournment if the time allowed proves inadequate.

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Plan of the Premises

I enclose herewith copy email and revised Plan from the client's architects. I would invite yours and Ms Palmer's comments on the same and to the extent that you consider it to be in satisfactory form, given that Ms Palmer's request for the Plan to be revised was based on your observations, then we shall submit an application for a minor variation.

To the extent that you consider the Plan to be not as required, kindly advise as to what you would wish to see rectified.

My letter of today's date and this letter

I confirm that I wish these two letters to be included in the LSC Report.

Additional information

I note that you would wish to receive any other additional information by midnight tonight 9th June.

Of course, the requirement is that any evidence/submissions should be put forward within 5 working days before the Hearing and if any evidence is to be adduced in less than 5 working days, that would be under the discretion of the chair and Section 100B of the Local Government Act 1972 requires the chair to give written reasons or with the consent of the parties.

For the avoidance of doubt, the substantive contents of my earlier letter and this letter, will form the basis of my submissions to the LSC, thus my request that the same be included in the Bundle.

I would also wish to have a copy of my email of 5th June to yourselves timed at 19:02 to be included in the documentation and for the sake of completeness and convenience, I enclose herewith a further copy of that email and look forward to your confirmation that the same will be included in the Bundle.

Minutes of the Licensing Hearing

I am grateful for the confirmation that the meeting will be appropriately minuted.

Accordingly, I am now able to confirm that my understanding of the documents to be included in the Bundle would be as follows:

Part A – Your evidence against

Part B – Our evidence in support, namely the representations in support of our client's case, being:

- (i) IP17 Representation dated 30th April 2020
- (ii) IP18 Representation dated 3rd May 2020
- (iii) My email of 13th May 2020 to Ms Palmer timed at 16:20
- (iv) My letter of 26th May to Ms Palmer, evidencing the signs displayed around the Premises in respect of the need for patrons to respect the neighbours and the rules
- (v) My email to Ms Green dated 5th June
- (vi) My first letter to Ms Green dated 9th June sent at 13:02
- (vii) My second letter to Ms Green dated 9th June

Yours sincerely


JOHN PALMER