

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): 3metres

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 (Coraonvirus). 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 visit 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 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 (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