



London Borough of Hackney – Decisions taken by the Licensing Sub Committee C on Thursday 8 June 2023

Agenda Item No	Topic	Decision
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Items considered in public

6	Adam and Eve, 155 Homerton High Street E9 6AS	<p><u>Review of the Premises Licence – Adam and Eve, 155 Homerton High Street, London, E9 6AS</u></p> <p><u>The decision of 8th June 2023</u></p> <p>The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing today and having regard to the promotion of the licensing objectives:</p> <ul style="list-style-type: none">• The prevention of crime and disorder• Public safety• Prevention of public nuisance• The protection of children from harm <p>The Licensing Sub-Committee carefully considering the evidence presented to them at the review hearing by the Applicant, (the Licensing Authority), the Environmental Protection Team, the Legal Representative who represented the Premises Licence holder, the premises noise expert, and Other Persons (local residents) who made representations in support of the review in relation to the prevention of public nuisance following noise complaints received which derived from the use of two areas of the external part of the premises located at the rear and shown on the plan of the premises as “Covered Yard” and “Bottle Store”.</p> <p>The Licensing Sub-Committee decided after considering the evidence:</p> <p>1. Not to restrict customer access to the two external areas formerly known as “Covered Yard” and “Bottle Store” and to allow the noise mitigation measures proposed by the premises noise expert to be carried out immediately followed by a period of monitoring and</p>
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		<p>testing at the Premises Licence holders expense, from residential properties (with their agreement). Following a period of monitoring during Summer 2023, after the installation of the noise mitigation measures, a further acoustic assessment report at the Premises Licence holders expense to be produced and provided to the Responsible Authorities and local residents to consider.</p> <p>2. To modify the conditions on the premises licence to prevent public nuisance, the Sub-committee made the following determination:</p> <p>Modified conditions:</p> <p>And the following conditions to be added to the premises licence</p> <ul style="list-style-type: none"> • The external areas of the premises shall be regularly monitored by staff/door staff when in use. • The Premises Licence Holder shall display the telephone number/email address of the Designated Premises Supervisor for use by any Responsible Authority or any person who may wish to make a complaint during the operation of the licence in a prominent external location at the premises that is easily accessible to the public. • Use of any external areas will cease at 22:00. • After 22:00 there shall be a maximum of 8 smokers outside the front of the premises (and they shall not be permitted to take drinks with them). • No TVs shall be used in any external areas. • Substitute any former plan for the plan attached to this decision (the plan dated 8

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		<p>November 2021).</p> <ul style="list-style-type: none"> • The Premises Licence Holder shall organise and publicise a meeting for local residents to discuss the operation of the premises and any issues arising every 4 months. • The Premises Licence Holder shall submit an updated Noise Management Plan to the Licensing Authority, the Environmental Protection Team for their approval. The timescale to be agreed with the Licensing Authority, and the Environmental Protection Team. • The Premises Licence Holder at their own expense shall carry out immediately the following noise mitigation measures recommended by their noise expert to the two areas in the external part of the premises located at the rear shown on the plan as the “Covered Yard” and “Bottle Store”: <ul style="list-style-type: none"> i) to treat the under-croft areas with acoustic absorption. ii) to improve the high-level screenings to minimise the sound escaping to the environment. iii) to improve the management of the external area, and management of the doors to inside the establishment to avoid noise breakout. iv) A further acoustic assessment report shall be produced post works referred to in (i) and (ii) above, including access to residents’ properties (with their agreement) to be carried out during Summer 2023. <p>The methodology of the acoustic assessment shall be agreed with the Environment Protection Team.</p>

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		<p>The Sub-committee requires that the noise assessment be carried out at the neighbouring properties at a time when the outside space is at its busiest and the noise is at its loudest i.e. on Fridays and Saturdays in the evening.</p> <p>The local residents agree which rooms or areas in their property shall be monitored and tested for noise levels from the premises.</p> <p>v) the acoustic assessment report post works after the period of monitoring referred to in (iv) above shall be provided to the Licensing Authority, the Environmental Protection Team and local residents for their comments and consideration.</p> <p><u>Reasons for the decision</u></p> <p>The Licensing Sub-committee took into consideration the Licensing Authority's Application, the representations received from the Environmental Protection Team and the representations received from local residents in support of the review.</p> <p>The Sub-committee took into account that this review application seeks to modify the premises licence to clarify the site plan and attach the above conditions. The Sub-committee felt that they did not have the powers to prohibit the use of the "Covered Yard" and "Bottle Store" which in fact were included in the licensed area.</p> <p>The Sub-committee felt that it is necessary to carry out further testing from residential properties and for the Premises Licence Holder to carry out the proposed noise prevention works immediately from June 2023 at their own expense with the aim of resolving the ongoing noise nuisance.</p>

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		<p>The Sub-committee heard the representations made by local residents and they had a great deal of sympathy for the local residents, and how their health and well-being have been affected by the noise nuisance from the premises over an extensive period of time.</p> <p>The Sub-committee took into consideration that the Environmental Protection officers had not visited the complainants properties and therefore were not able to witness any noise nuisance.</p> <p>However, the Sub-committee decided to allow the continued use of the outside areas, and the Sub-committee requires that the remedial works and steps proposed by the premises noise expert shall be carried out immediately and at the Premises Licence holder's expense to facilitate a period of testing and monitoring to commence as soon as possible in the Summer of 2023. In addition the Sub-committee requires that a further noise report shall be produced in September 2023 to be considered by the Licensing Authority, Environmental Protection, local residents and the Premises Licence holder to assess the results of the noise testing, and remedial works to the external areas.</p> <p>The Sub-committee felt that the premises noise experts report was thorough, however, the report was inconclusive, and was carried out at the wrong time of year. The Sub-committee took into consideration that the premises noise experts report did not include any tests carried out in the local residents properties.</p> <p>The Sub-committee took into consideration that the strength of evidence from local residents did not correspond with the premises noise report therefore the Sub-committee would like to test the measures proposed by the noise consultant which both the Environmental Protection Team, and the Licensing Authority accepted. The Sub-committee felt the report in September will provide the information that is currently lacking.</p> <p>The Sub-committee felt that testing at residential properties should be conducted</p>

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		<p>independently, and hopes that both the Premises License holder, and the local residents will cooperate, and work with the noise expert for this period of testing.</p> <p>The Sub-committee felt that all the remedial works, the testing and monitoring at the premises over the Summer months, and the further report to be produced in September should be carried out at the expense of the Premises License holder.</p> <p>The Sub-committee requires that the noise expert shall ensure that the testing is carried out in the room(s) of each residential property agreed with the local residents. In addition the Sub-committee requires that the noise assessment be carried out at the neighbouring properties at a time when the outside space is at its busiest.</p> <p>The Sub-committee felt that given the circumstances and the length of time that the noise nuisance has occurred that the Premises License holder could have dealt with the noise issues better, and they could have acted earlier, and shown more consideration to local residents who were clearly affected by the constant noise nuisance.</p> <p>The Sub-committee hopes that with the proposed noise measures, and remedial works that will be carried out to the rear external areas together with the modified conditions on the premises licence that the impact of noise nuisance will be reduced. However, the Sub-committee will only be assured that the licensing objectives are being promoted following consideration of the report commissioned for September.</p> <p>Public Informatives</p> <p>1. The Premises Licence holder is advised to work with the Council’s Environmental Protection Team to investigate and assess whether there is a statutory nuisance coming from the 1st floor room in the premises.</p>

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		<p>2. The Premises Licence holder is encouraged to engage in meaningful dialogue with the local residents to resolve any issues relating to the premises, and for the Premises Licence holder to play their part in reducing any impacts of noise emanating from the premises, particularly during the evening and late at night to prevent public nuisance.</p> <p>Your right to appeal</p> <p>If you are aggrieved by any term, condition or restriction attached to this decision, you have the right to appeal to the Thames Magistrates Court, 58 Bow Road, London E3 4DJ within 21 days of the date you receive this written decision.</p>