

London Borough of Hackney – Decisions taken by the Licensing Sub Committee E on Wednesday 20 December 2023

Agenda Item No	Topic	Decision
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**Items considered in public**

6	Temporary Event Notices - Copper Cats, 574-576 Kingsland Road, London E8 4AP	<p><b><u>Counter Notice - Temporary Event Notice 24th December 2023</u></b></p> <p><b><u>The decision</u></b></p> <p>The Licensing sub-committee, in considering this decision from the information presented to it within the report and at the hearing on 20th December, has determined that having regard to the promotion of all the licensing objectives:</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder;</li> <li>• Public safety;</li> <li>• Prevention of public nuisance; and</li> <li>• The protection of children from harm</li> </ul> <p>and in particular upon consideration of the ‘objection’ given by the Environmental Protection Team, is satisfied that the proposed event would undermine the licensing objectives. Therefore, the sub-committee has decided to serve a counter notice.</p> <p><b>Reasons for the decision</b></p> <p>The Licensing Sub-committee took into consideration the objection received from the Environmental Protection Team to the Temporary Event Notice for the period from on 24/12/2023 from 00:01 finishing on 24/12/2023 at 04:00 am, which contended that this event would undermine the licensing objectives, on the grounds of prevention of public nuisance. The Sub-committee carefully considered the reasons for this objection.</p>
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		<p>The Sub-committee took into consideration objections from the Environmental Protection Team that they had received 36 complaints from local residents since March 2023 relating to live and amplified music coming from the premises which has a serious impact on the residential area close to the premises.</p> <p>The Sub-committee took into consideration objections from the Environmental Protection Team that on 14 April 2023 Environmental Protection Officers witnessed a statutory noise nuisance and subsequently an Abatement Notice under section 80 Environmental Protection Act 1990 was served on the Premises User. The Sub-committee also took into account that Environmental Protection Officers have witnessed 2 further breaches of the Abatement Notice dated 14 April on 16 June at 22:15 and on 2 December at 00:10.</p> <p>The Sub-committee took into account that the Environmental Protection Team had ongoing concerns about the addition of regulated entertainment; these events could result in a further statutory noise nuisance which would undermine the licensing objectives.</p> <p>The Sub-committee took into consideration objections from the Environmental Protection Officer, who had witnessed noise nuisance at the premises, that they had spoken to the Premises User about the noise nuisance, and they had an agreement with the Premises User and the Owner of the premises. However, the noise nuisance continued and the Premises User failed to comply with the agreement reached. The Sub-committee took into consideration that the Premises User accepted that the music was loud and a nuisance at the time.</p> <p>The Sub-committee took into consideration the Environmental Protection Officer’s evidence that the last complaint was received on 8th December 2023, however, it was not clear if the noise came from the basement or the ground floor because no testing had been carried out.</p> <p>The Sub-committee heard that the Environmental Protection Team cannot therefore be satisfied that the licensing objectives will not be undermined and that local residents would not</p>

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		<p>continue to be disturbed by noise nuisance. Therefore, they maintained their objection to the hours of the premises being further extended by this Temporary Event Notice.</p> <p>The Sub-committee took into account the Premises User’s representations that the temporary event on the 24th December would be in the basement only. The Premises User contended that this temporary event would have no DJ and no live or loud music. They were looking to only play background music until 03:30 am, and the premises will have security and staff on the ground floor also. The Premises User made representations that they were not seeking to cause noise nuisance or disturb local residents and they had good communication with one local resident that lived above the premises.</p> <p>The Sub-committee took into consideration that the Premises User made representations that they were aware about the complaints from local residents, and the noise issues were on the ground floor. Therefore, they were not going to play live or loud music on the ground floor for this temporary event to prevent noise nuisance.</p> <p>The Sub-committee carefully considered the evidence presented to them by both the Environmental Protection Team and the Premises User. The Sub-committee took into consideration that longer opening hours of premises meant there is a risk of causing noise nuisance and a disturbance to local residents late at night.</p> <p>The Sub-committee took into account that the Environmental Protection Team presented compelling evidence of noise nuisance and non-compliance by the Premises User, and they maintained their objections to this temporary event taking place. The Sub-committee felt that there was no evidence to prove the noise was coming from the basement or the first floor of the premises, and they could not accept the Premises User’s representations without an acoustic report and further investigation carried out by the Environmental Protection Team.</p> <p>The Sub-committee has no confidence that the Premises User was able to operate the</p>

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		<p>premises responsibly taking into consideration the 36 previous noise complaints received from local residents, and the negative impact on the local residents that live near to the premises. The Sub-committee took into consideration that the Premises User did not comply with the agreement made with the Environmental Protection Team. The Sub-committee took into consideration that the premises are located in a large residential area.</p> <p>The Sub-committee did not agree that the hours should be increased contrary to the Council’s Licensing Policy. The Sub-committee considers each case on its own merits.</p> <p>On balance, the Sub-committee considered that the event would contribute to nuisance late at night that will add to the noise and negative impact in the area.</p> <p>The Sub-committee therefore considered that allowing the event to take place in accordance with the Temporary Event Notice would undermine the licensing objectives. The Sub-committee determined that it was therefore necessary and proportionate to serve a counter notice.</p> <p><b>Public Informative</b></p> <p>The Premises User is advised to engage with the Environmental Protection Team to resolve the noise issues at the premises such as obtaining a noise limiter set at an agreed decibel and to obtain an acoustic report.</p> <p><b><u>Counter Notice - Temporary Event Notice 27th December 2023</u></b></p> <p><b><u>The decision</u></b></p>

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		<p>The Licensing sub-committee, in considering this decision from the information presented to it within the report and at the hearing on 20th December, has determined that having regard to the promotion of all the licensing objectives:</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder;</li> <li>• Public safety;</li> <li>• Prevention of public nuisance; and</li> <li>• The protection of children from harm</li> </ul> <p>and in particular upon consideration of the ‘objection’ given by the Environmental Protection Team, is satisfied that the proposed event would undermine the licensing objectives. Therefore, the sub-committee has decided to serve a counter notice.</p> <p><b>Reasons for the decision</b></p> <p>The Licensing Sub-committee took into consideration the objection received from the Environmental Protection Team to the Temporary Event Notice for the period from on 27/12/2023 from 00:01 finishing on 27/12/2023 at 04:00 am, which contended that this event would undermine the licensing objectives, on the grounds of prevention of public nuisance. The Sub-committee carefully considered the reasons for this objection.</p> <p>The Sub-committee took into consideration objections from the Environmental Protection Team that they had received 36 complaints from local residents since March 2023 relating to live and amplified music coming from the premises which has a serious impact on the residential area close to the premises.</p> <p>The Sub-committee took into consideration objections from the Environmental Protection Team that on 14 April 2023 Environmental Protection Officers witnessed a statutory noise nuisance and subsequently an Abatement Notice under section 80 Environmental Protection Act 1990</p>

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		<p>was served on the Premises User. The Sub-committee also took into account that Environmental Protection Officers have witnessed 2 further breaches of the Abatement Notice dated 14 April on 16 June at 22:15 and on 2 December at 00:10.</p> <p>The Sub-committee took into account that the Environmental Protection Team had ongoing concerns about the addition of regulated entertainment; these events could result in a further statutory noise nuisance which would undermine the licensing objectives.</p> <p>The Sub-committee took into consideration representations from the Environmental Protection Officer, who had witnessed noise nuisance at the premises, that they had spoken to the Premises User about the noise nuisance, and they had an agreement with the Premises User and the Owner of the premises. However, the noise nuisance continued and the Premises User failed to comply with the agreement reached. The Sub-committee took into consideration that the Premises User accepted that the music was loud and a nuisance at the time.</p> <p>The Sub-committee took into consideration the Environmental Protection Officer’s evidence that the last complaint was received on 8th December 2023, however, it was not clear if the noise came from the basement or the ground floor because no testing had been carried out.</p> <p>The Sub-committee heard that the Environmental Protection Team cannot therefore be satisfied that the licensing objectives will not be undermined and that local residents would not continue to be disturbed by noise nuisance. Therefore, they maintained their objection to the hours of the premises being further extended by this Temporary Event Notice.</p> <p>The Sub-committee took into account the Premises User’s representations that the temporary event on the 27th December would be in the basement only. The Premises User contended that this temporary event would have no DJ and no live or loud music. They were looking to only play background music until 03:30 am, and the premises will have security and staff on the ground floor also. The Premises User made representations that they were not seeking to</p>

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		<p>cause noise nuisance or disturb local residents and they had good communication with one local resident that lived above the premises.</p> <p>The Sub-committee took into consideration that the Premises User made representations that they were aware about the complaints from local residents, and the noise issues were on the ground floor. Therefore, they were not going to play live or loud music on the ground floor for this temporary event to prevent noise nuisance.</p> <p>The Sub-committee carefully considered the evidence presented to them by both the Environmental Protection Team and the Premises User. The Sub-committee took into consideration that longer opening hours of premises meant there is a risk of causing noise nuisance and a disturbance to local residents late at night.</p> <p>The Sub-committee took into account that the Environmental Protection Team presented compelling evidence of noise nuisance and non-compliance by the Premises User, and they maintained their objections to this temporary event taking place. The Sub-committee felt that there was no evidence to prove the noise was coming from the basement or the first floor of the premises, and they could not accept the Premises User’s representations without an acoustic report and further investigation carried out by the Environmental Protection Team.</p> <p>The Sub-committee has no confidence that the Premises User was able to operate the premises responsibly taking into consideration the 36 previous noise complaints received from local residents, and the negative impact on the local residents that live near to the premises. The Sub-committee took into consideration that the Premises User did not comply with the agreement made with the Environmental Protection Team. The Sub-committee took into consideration that the premises are located in a large residential area.</p> <p>The Sub-committee did not agree that the hours should be increased contrary to the Council’s Licensing Policy. The Sub-committee considers each case on its own merits.</p>

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		<p>On balance, the Sub-committee considered that the event would contribute to nuisance late at night that will add to the noise and negative impact in the area.</p> <p>The Sub-committee therefore considered that allowing the event to take place in accordance with the Temporary Event Notice would undermine the licensing objectives. The Sub-committee determined that it was therefore necessary and proportionate to serve a counter notice.</p> <p><b>Public Informative</b></p> <p>The Premises User is advised to engage with the Environmental Protection Team to resolve the noise issues at the premises such as obtaining a noise limiter set at an agreed decibel and to obtain an acoustic report.</p> <p><b><u>Counter Notice - Temporary Event Notice 1<sup>st</sup> January 2024</u></b></p> <p><b><u>The decision</u></b></p> <p>The Licensing sub-committee, in considering this decision from the information presented to it within the report and at the hearing on 20th December, has determined that having regard to the promotion of all the licensing objectives:</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder;</li> <li>• Public safety;</li> <li>• Prevention of public nuisance; and</li> <li>• The protection of children from harm</li> </ul>



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		<p>and in particular upon consideration of the ‘objection’ given by the Environmental Protection Team, is satisfied that the proposed event would undermine the licensing objectives. Therefore, the Licensing Sub-committee has decided to serve a counter notice.</p> <p><b>Reasons for the decision</b></p> <p>The Licensing Sub-committee took into consideration the objection received from the Environmental Protection Team to the Temporary Event Notice for the period from on 01/01/2024 from 00:01 finishing on 01/01/2024 at 04:00 am, which contended that this event would undermine the licensing objectives, on the grounds of prevention of public nuisance. The Sub-committee carefully considered the reasons for this objection.</p> <p>The Sub-committee took into consideration objections from the Environmental Protection Team that they had received 36 complaints from local residents since March 2023 relating to live and amplified music coming from the premises which has a serious impact on the residential area close to the premises.</p> <p>The Sub-committee took into consideration objections from the Environmental Protection Team that on 14 April 2023 Environmental Protection Officers witnessed a statutory noise nuisance and subsequently an Abatement Notice under section 80 Environmental Protection Act 1990 was served on the Premises User. The Sub-committee also took into account that Environmental Protection Officers have witnessed 2 further breaches of the Abatement Notice dated 14 April on 16 June at 22:15 and on 2 December at 00:10.</p> <p>The Sub-committee took into account that the Environmental Protection Team had ongoing concerns about the addition of regulated entertainment which would undermine the licensing objectives.</p> <p>The Sub-committee took into consideration objections from the Environmental Protection</p>

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		<p>Officer, who had witnessed noise nuisance at the premises, that they had spoken to the Premises User about the noise nuisance, and they had an agreement with the Premises User and the Owner of the premises. However, the noise nuisance continued and the Premises User failed to comply with the agreement reached. The Sub-committee took into consideration that the Premises User accepted that the music was loud and a nuisance at the time.</p> <p>The Sub-committee took into consideration the Environmental Protection Officer’s evidence that the last complaint was received on 8th December 2023, however, it was not clear if the noise came from the basement or the ground floor because no testing had been carried out. The Sub-committee heard that the Environmental Protection Team cannot therefore be satisfied that the licensing objectives will not be undermined.</p> <p>The Sub-committee took into account the Premises User’s representations that they would withdraw live music from the first floor of the premises for the event on 1st January 2024. The Premises User contended that the temporary event on the 1st of January would be for 90 minutes only from 00:01. The Sub-committee heard representations from the Premises User that alcohol will only be supplied and consumed on the ground floor of the premises, and no music or regulated entertainment would be played during that 90 minute period. Therefore, the Premises User did not intend to operate until 04:00 am as set out in their application.</p> <p>The Sub-committee took into account that the Environmental Protection Team presented compelling evidence of noise nuisance and non-compliance by the Premises User, and they maintained their objections to this temporary event taking place. The Sub-committee felt that there was no evidence to prove the noise was coming from the basement or the first floor of the premises, and they could not just accept the Premises User’s representations without an acoustic report and further investigation carried out by the Environmental Protection Team.</p> <p>The Sub-committee has no confidence that the Premises User was able to operate the premises responsibly taking into consideration the 36 previous noise complaints from local</p>

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		<p>residents, and the negative impact experienced by the local residents that live near to the premises. The Sub-committee took into consideration that the Premises User did not comply with the agreement made with the Environmental Protection Team. The Sub-committee took into consideration that the premises are located in a large residential area.</p> <p>The Sub-committee carefully considered the evidence presented to them by both the Environmental Protection Team and the Premises User. The Sub-committee took into consideration that the temporary event on 1 January 2024 was for alcohol to be supplied and consumed, and there would be no regulated entertainment. However, there was still a lack of confidence in the Premises User being able to operate the premises responsibly without causing a disturbance to local residents and a negative impact on the area.</p> <p>The Sub-committee did not agree that the hours should be increased contrary to the Council’s Licensing Policy. The Sub-committee considers each case on its own merits.</p> <p>The Sub-committee therefore considered that allowing the event to take place in accordance with the Temporary Event Notice would undermine the licensing objectives. The Sub-committee determined that it was therefore necessary and proportionate to serve a counter notice.</p> <p><b>Public Informative</b></p> <p>The Premises User is advised to engage with the Environmental Protection Team to resolve the noise issues at the premises such as obtaining a noise limiter set at an agreed decibel and to obtain an acoustic report.</p>