

## DRAFT MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE E

WEDNESDAY, 20 DECEMBER 2023

- Councillors Present:** Councillor Gilbert Smyth in the Chair  
Cllr Penny Wrout and Cllr Susan Fajana-Thomas
- Officers in Attendance:** Khadine Jackson – Senior Environmental Protection Officer  
Rabiya Khatun – Governance Officer  
Amanda Nauth – Licensing and Corporate Lawyer  
Gurch Patti - Temporary Events Notice Officer  
Suba Sriramana – Principal Licensing Officer
- Also in Attendance:** Copper Cats, 574-576 Kingsland Road  
amir Zar - Premises user (for events on 24/12/23 and 01/01/24)  
Serak Gottom Tesfai - Premises user (for events on 27/12/23)

### **1 Election of Chair**

- 1.1 Cllr Gilbert Smyth was duly elected as Chair.

### **2 Apologies for Absence**

- 2.1 There were no apologies received.

### **3 Declarations of Interest - Members to declare as appropriate**

- 3.1 There were no declarations of interest

### **4 Minutes of the Previous Meeting**

- 4.1 **RESOLVED:** That the minutes of the meeting held on 31 October 2023 were approved as a true and accurate record of proceedings.

### **5 Licensing Sub-Committee General Information & Hearing Procedure**

- 5.1 The Chair outlined the hearing procedure to be followed.

### **6 Temporary Event Notices - Copper Cats, 574-576 Kingsland Road, London E8 4AP**

- 6.1 The sub-committee heard from the Acting Principal Licensing Officer, Responsible Authority Environmental: Protection Team and Premises Users. It was

reported that there was an error within the submitted report and that '01.00 hours' should be amended to '00.01 hours'.

6.2 With regard to the additional information submitted prior to the hearing, the sub-committee noted that the Premises Users could not vary the TENs applications for the events on 24 and 27 December 2023 and 1 January 2024 due to the notices having been issued. However, a new TEN application could be submitted to Licensing Services for the event on 1 January 2024 as a new notice could be issued in compliance with legislation. Following legal advice, the sub-committee indicated that any amendments to the TENs applications could be considered as background information only.

6.3 During the course of submissions and a discussion of the applications, the following points were noted:

- The Premises User highlighted that he was seeking to extend the supply of alcohol for the proposed events on 24 December and 27 December 2023 in the basement only and the themes at those events would be Bollywood and afro and amapiano house music respectively. The event on 1 January 2024 would be held on the ground floor only. The proposed amendments included reduced hours for the sale of alcohol to 01.30 from 04.00 hours, withdrawal of regulated entertainment and no DJ or live music. There would be background music only, which would be played at a low level to address the concerns relating to noise nuisance.
- The Environmental Protection Team made representation on the grounds of the prevention of public nuisance as indicated in the written representation at Appendix B in the agenda. Concerns related to a history of complaints against this premises from local residents alleging noise disturbances from the music being played at the premises. The most recent complaint had been received on 8 December 2023 at 23.29 hours. On 14 April 2023 at 22.05 hours Environmental Protection Officers witnessed a statutory noise nuisance and subsequently an abatement notice was served. Officers had also witnessed two further breaches of the abatement notice on 16 June 2023 at 22.15 hours and 22 December 2023 at 00.10 hours. Concerns were expressed that the regulated entertainment at these events could potentially result in further statutory noise nuisance and undermine the licensing objective of public nuisance.
- Having heard submissions, the sub-committee sought further clarification and the responses were as follows:
  - The Legal Officer stated that the premises user could legally operate until 04.00 hours as listed on the application without committing a breach.
- The Environmental Enforcement's representative:
  - Confirmed that there had been a total of 5 statutory noise nuisance incidents including 2 further breaches of the Abatement Notice and 2 statutory noise nuisance incidents prior to the Abatement notice.
  - Highlighted that the Council had received over 36 complaints since March 2023 in relation to noise from live and amplified music emanating from this premises and Licensing Services continued to receive complaints relating to noise nuisance.
  - Officers that had attended the premises could not determine whether the noise nuisance had been coming from the basement or ground floor. However, officers believed that the issue related to the ground floor as the basement had been recently refurbished.

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- During a visit to the premises, the Senior Environmental Protection Officer had witnessed background music being played at loud and excessive levels.
- The premises user had not submitted an acoustic report to the Environmental Protection or Environmental Enforcement teams.
- It was clarified that the noise complaints had been received from residents living above, adjacent and across the road from the premises.
- In response to the concerns raised, the premises users replied as follows:
  - It explained that there were 6 units above the premises and they had issues with one owner. They had engaged with the flat owner and provided a contact number for them to report any noise nuisance.
  - The basement had recently been renovated including acoustic improvement works. Two events in the basement since it had been refurbished and no complaints had been received. However, the owners were aware that acoustics works were needed on the ground floor.
  - The maximum capacity for the basement was 150 persons however the average capacity did not exceed 100.
  - At the proposed event on 1 January 2024 the sound limiter would be in operation, regulated entertainment had been removed and no bands would be playing in the basement.
  - Confirmed that no application had been made for regulated entertainment for the proposed event on the ground floor.
  - With regard to the majority of noise complaints prior to midnight, it was clarified that there were double doors on the ground floor, and a door between ground floor and basement which should prevent breakout of noise.
  - They were in the process of employing an acoustic engineer to investigate where the noise nuisance was emanating from.
  - Apologised to the local residents about the noise nuisance
- Members noted there was no dispersal policy within the pack.
- In response to the concerns raised, the premises user indicated that they would be willing to proceed with the application for 1 January 2024 only.
- The Environmental Protection Team's representative maintained their objection to the three TENs application and was not amenable to the proposed amended hours stipulating that they did not have confidence and trust in the premises user to operate to the proposed amended hours. In particular, the TEN on 1 January 2024 could potentially impact on residents living above the premises as noise transmitted through the shared wall. As the premises had a history of noise nuisance and abatement notices any TEN application granted by the Sub-committee would set a bad precedent.

**RESOLVED:**

**Counter Notice (Temporary Event Notice for 24th December 2023)**

**The decision**

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:

- The prevention of crime and disorder;

- Public safety;
- Prevention of public nuisance; and
- The protection of children from harm

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.

### **Reasons for the decision**

The Licensing Sub-committee took into consideration the objection received from the Environmental Protection Team to the Temporary Event Notice for the period from 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.

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.

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.

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.

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.

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 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.

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.

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.

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.

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.

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.

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.

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.

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.

#### Public Informative

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.

## **Counter Notice (Temporary Event Notice for 27th December 2023)**

### **The decision**

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:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- The protection of children from harm

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.

### **Reasons for the decision**

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.

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.

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.

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.

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.

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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 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.

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 cause noise nuisance or disturb local residents and they had good communication with one local resident that lived above the premises.

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.

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.

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.

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.

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.

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.

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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.

Public Informative

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.

### **Counter Notice (Temporary Event Notice for 1st January 2024)**

#### **The decision**

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:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- The protection of children from harm
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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.

#### **Reasons for the decision**

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.

The Sub-committee took into consideration 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.

The Sub-committee took into consideration 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.

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.



The Sub-committee took into consideration 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.

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.

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.

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.

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 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.

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 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.

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.

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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.

Public Informative

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.

**Duration of the meeting:** 2.00- 3.5pm