

For Consideration By	Licensing Sub-Committee
Meeting Date	8 June 2023
Type of Application	Review of a premises licence
Address of Premises	Adam and Eve, 155 Homerton High Street, London, E9 6AS
Classification	Decision
Ward(s) Affected	King's Park
Group Director	Rickardo Hyatt

1. Summary

- 1.1. Application for the review of a premises licence on the basis of prevention of public nuisance.

2. Application

- 2.1. Mr David Tuitt, on behalf of the Licensing Authority has applied for the review of a premises licence under Section 51 of the Licensing Act 2003 in respect of Adam and Eve, 155 Homerton High Street, E9 6AS.
- 2.2. The review application is attached as Appendix A.

3. Current Status/History

- 3.1. The Adam and Eve has been in possession of a premises licence since 24th November 2005. The premises licensee is Rose Seven Limited and Designated Premises Supervisor is Mr Michael John Nicholas.
- 3.2. The current premises licence is attached as Appendix B.
- 3.3. Temporary event notices have been submitted over the past 12 months as follows:

<u>Date of the event(s)</u>	<u>Hours</u>
01/01/2023-01/01/2023	00:00-02:00

4. **Representations: Responsible Authorities**

From	Details
Environmental Health Authority (Environmental Protection) (Appendix C)	Representation received on the grounds of Prevention of Public Nuisance.
Environmental Health Authority (Environmental Enforcement)	No representation received
Environmental Health Authority (Health & Safety)	No representation received
Weights and Measures (Trading Standards)	No representation received
Planning Authority	No representation received
Area Child Protection Officer	No representation received
Fire Authority	No representation received
Police	No representation received
Licensing Authority	N/A.
Health Authority	No representation received

5. **Representations: Other Persons**

From	Details
Representations received from and on behalf of local residents, support and against the review application (Appendices D1-D4)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and The Protection of Children from Harm.

6. **Representations: Licensee**

No representations have been received from the licensee.

7. **Policy Considerations**

- 7.1. Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy) adopted by the Licensing Authority.
- 7.2. The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles) and LP2 (Licensing Objectives) are relevant.

8. **Guidance Considerations**

- 8.1. The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

9. Officer Observations

- 9.1. The applicant is seeking to modify the licence to amend the annexed plan and attached the proposed conditions (see the review application).

10. Reasons for Officer Observations

- 10.1. N/A

11. Legal Implications

- 11.1. A legal representative will be in attendance to advise members.

12. Legal Comments

- 12.1. The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;

- The Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- The Protection of Children from Harm

- 12.2. It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

13. Human Rights Act 1998 Implications

- 13.1. There are implications on Article 6, Article 8, Article 14 and the First Protocol of Article 1.

14. Members Decision Making

- 14.1. Members must, having regard to the application and any relevant representations, take such steps (if any) as it considers necessary for the promotion of the licensing objectives.

- 14.2. The steps are:

- A. **Option 1**
Take no action
- B. **Option 2**
Modify the conditions of the premises licence.

- C. **Option 3**
Exclude a licensable activity from the scope of the premises licence.
- D. **Option 4**
Remove the designated premises supervisor.
- E. **Option 5**
Suspend the premises licence for a period not exceeding three months.
- F. **Option 6**
Revoke the licence.

15. Conclusion

- 15.1.** That Members decide on the application for review of the premises licence under the Licensing Act 2003.

Appendices:

Appendix A: Application for the review of a premises licence and supporting documents

Appendix B: Current Licence

Appendix C: Representation from responsible authorities

Appendix D: Representation from other persons

Appendix E: Location map

Background documents

Licensing Act 2003

LBH Statement of Licensing Policy

Report Author	Name: Shan Uthayasangar Title: Licensing Officer Email: shan.uthayasangar@hackney.gov.uk Tel: 02083562431
Comments for the Group Director of Finance and Corporate Resources prepared by	Name Title Email Tel
Comments for the Director of Legal, Democratic and Electoral Services prepared by	Name Title Email Tel

↳ Hackney

LA 40

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I David Tuitt (on behalf of the Licensing Authority)

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Adam and Eve
155 Homerton High Street

Post town

London

Post code (if known)

E9 6AS

Name of premises licence holder or club holding club premises certificate (if known)

Rose Seven Ltd

Number of premises licence or club premises certificate (if known)

LBH-PRE-T-0056

Part 2 - Applicant details

I am

Please tick yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick yes

Mr Mrs Miss Ms Other
title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current
postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address David Tuitt Business Regulation Team Leader – Licensing & Technical Support Licensing Service Hackney Service Centre 1 Hillman Street London E8 1DY
Telephone number (if any) 020 8356 4942
E-mail address (optional) david.tuitt@hackney.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

The review is sought on the grounds of the prevention of public nuisance due to noise complaints received which derive from the use of areas of the external part of the premises located at the rear. These areas are shown on the original plan submitted with the application as "Covered Yard" and "Bottle Store"

Please provide as much information as possible to support the application
(please read guidance note 3)

According to records held by the Licensing Service, an application to convert and vary the liquor justices licence under transitional provisions of the Licensing Act 2003 was received on 31 May 2005 from the then licensee Spirit Group Ltd. The premises licence was then transferred to Punch Taverns PLC 6 December 2006. At some point between 2013 and 2018 it appears that the premises licence was transferred back to Spirit Group Ltd.

Records show an application received on 30 April 2018 from Rose Seven Ltd to transfer the premises licence from Spirit Group with immediate effect.

The Licensing Service began to receive complaints re noise from external areas pre Coronavirus pandemic. Complaints then restarted upon reopening after the Coronavirus restrictions ended.

I served a closure notice under s19 of the Criminal Justice and Police Act 2001 in May 2021 due to the ongoing use by customers of the areas on the plan labelled "Bottle Store" and "Covered Yard". The closure notice was allowed to expire and not progressed to seek a closure order as subsequent discussions with licensee suggested matters pertaining to the use of the external areas would be addressed shortly.

An application for a new premises licence was received on 8 November 2021. Following the receipt of representations, the matter was referred to the Licensing Sub-Committee on 28 July 2022 where it was refused.

The Licensing Sub-committee cited existing noise nuisance and expressed concern that the would be exacerbated in its reasons for refusal. A copy of the decision notice is appended to this application.

I am aware that the use of external areas labelled "Bottle Store" and "Covered Yard" continues due to further complaints being received. Therefore there remains a need to resolve this matter as the complaints suggest that the activities are still causing nuisance to members of the public.

Complaints were made to Environmental Protection on the following occasions:
Noise started: Sat, 30 Jul 2022, 7pm Noise ended: Ongoing at Sat, 30 Jul 2022, 10:03pm

Noise started: Wed, 10 Aug 2022, 7pm Noise ended: Ongoing at Wed, 10 Aug 2022, 8:01pm

Noise started: Fri, 19 Aug 2022, 8:45pm Noise ended: Ongoing at Fri, 19 Aug 2022, 8:59pm

Noise started: Sat, 18 Feb 2023, 9pm Noise ended: Ongoing at Sat, 18 Feb 2023, 9:47pm

I am aware that works have been carried out to mitigate noise outbreak from the garden. However, as far as can be seen, there has been no independent or external assessment of the effectiveness of these works. The complaints received also suggest that these works have not been effective.

This review application therefore seeks to modify the licence to amend the annexed plan and attached the following conditions:

- The external areas shall be regularly monitored by staff/door staff when in use
- Email address and phone number will continue to be available to local residents to discuss any issues
- Use of any external areas will cease at 22:00
- After this time there will be a maximum of 8 smokers outside the front of the premises (and they shall not be permitted drinks with them)
- No TVs shall be used in any external areas

And to substitute the existing plan attached to the licence for that attached to this application which is itself a modified version of the plan submitted on 8 November 2021. This aims to remove the parts of the premises previously known as "Bottle Store" and "Covered Yard" from customer use.

It is believed that the above modifications would be appropriate for the promotion of the licensing objectives, in particular, the prevention of public nuisance.

Please tick

yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

Representations were made in writing on 6 December 2021 in response to the s17 application for a premises licence received by the Licensing Service on 8 November 2021. This representation expressed concern about the then proposed new premises licence primarily due to the complaints of noise nuisance to surrounding residential properties. The representation was amplified at the Licensing Sub-Committee hearing on 28 July 2022.

Please tick

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature:



Date: 22 March 2023

.....

Capacity: Applying on behalf of the Licensing Authority

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	



London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday 28 July 2022

Agenda Item No	Topic	Decision
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Part A – Items considered in public

5	The Adam and Eve, 165 Homerton High Street, E9 6AS	<p>The Licensing Sub-committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all 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 application to vary a premises licence has been refused in accordance with Licensing Policies LP1, LP2, LP3, LP4, LP6 and LP11 within the Council’s Statement of Licensing Policy.</p> <p><u>Reasons for the decision</u></p> <p>The Licensing Sub-committee, having heard from the Licensing Authority and Other Persons believed that granting the application would result in the licensing objectives being undermined, and would have a negative impact on the area.</p> <p>The Sub-committee took into consideration the representations of the Licensing Authority who objected to this application due the impact it would have on local residents. The Sub-committee also took into consideration 10 representations received on behalf of local residents who strongly objected to this application on the grounds of public nuisance.</p> <p>The Sub-committee noted that Environmental Enforcement and the Metropolitan Police Service withdrew their objections in advance of the hearing as they agreed conditions with the</p>
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London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday 28 July 2022

Agenda Item No	Topic	Decision
		<p>applicant.</p> <p>The Sub-committee took into consideration the Licensing Authority and Other Persons (local resident&#39;s) representations that there were a number of noise complaints received since December 2020 relating to the conversion of the "Bottle Store" and the "Covered Yard" in the customer areas and within the existing licensed area. The Sub-Committee heard that the Licensing Authority raised the noise complaints with the Applicant before the Coronavirus lockdown, however the applicant failed to take any action and the noise complaints continued when the lockdown eased from April 2021.</p> <p>The Sub-committee heard representations from the Licensing Authority that following ongoing noise complaints from April 2021 they visited the premises and found that additional seating had been installed in external areas abutting the boundary walls. The applicant was asked to cease using the additional external areas, the "Bottle Store" and the "Covered Yard", take steps to mitigate the noise nuisance that was continuing to affect the local residents.</p> <p>The Sub-committee took very seriously that while the use of the external areas abutting the boundary walls ceased the applicant did not take measures to prevent customers accessing the external areas even though they were aware of the impact that this would have on a number of local residents who live within close proximity of the existing premises. The Applicant&#39;s failure to take the necessary measures to prevent noise nuisance that was brought to their attention a number of times which was very disappointing to the Sub-committee and showed that they had no regard for their neighbours and the impact the noise nuisance was having on them.</p> <p>The Sub-committee felt that the grant of a new licence will exacerbate the existing problems causing further noise nuisance and will continue to undermine the licensing objectives. The Sub-committee were concerned that there is nothing in the new application that addresses the existing problems given the concerns and unresolved problems of the existing premises. The</p>

London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday 28 July 2022

Agenda Item No	Topic	Decision
		<p>Sub-committee were disappointed that the applicant did not take the time to make the policy documents (Dispersal Policy and Smoking and Alfresco Dining Policy submitted specific to the premises to try and address the existing issues.</p> <p>The Sub-committee had no confidence that the Applicant would uphold the licensing objectives in particular public nuisance.</p> <p>The Sub-committee took seriously the concerns raised in the Licensing Authority's representations that instead of the Applicant trying to resolve the problems and issues associated with the premises for some time they decided to concentrate their efforts to increase the footprint of the premises to directly about the perimeter wall.</p> <p>The Sub-committee took into consideration the Noise report but felt the changes proposed were not enough to resolve the noise issues.</p> <p>The Sub-committee felt the current premises licence is fit for purpose and does cover the back external areas, however, the Applicant has failed to manage the premises. The Sub-committee felt the Applicant needed to work on meeting conditions of the current licence and not renew or obtain a new licence.</p> <p>The Sub-committee noted the Applicant wanted a new licence because they felt it would be better and would meet the licensing requirements.</p> <p>The Sub-committee took into consideration the use of the outside space and felt the details were not clear.</p> <p>The Sub-committee took into account local residents' concerns about the capacity of 120 outside. The Sub-committee were disappointed that no information on the capacity and the outside area was provided in advance of the hearing.</p>

London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday 28 July 2022

Agenda Item No	Topic	Decision
		<p>The Sub-committee are really concerned the Applicant may be in breach of their current licence. The Sub-committee felt it would be wrong to give a new licence when they cannot operate under the existing licence which is subject to enforcement action.</p> <p>The Sub-committee felt the Applicant did not prove their case and why a new licence should be granted. Sub-committee took into consideration the complaints from local residents and felt the Applicant needed to sort out their process and procedures and that should be demonstrated.</p> <p>The Sub-committee took into consideration that the licensee had implemented mitigation measures and was offering an external area management plan, however, it is not clear what impact these would have had. The noise report stated that the noise had reduced but the local residents have informed that the measures have made no difference.</p> <p>The Sub-committee took into consideration that the Applicant is now seeking to regularise the external areas of the premises with operational hours in line with the internal areas. The Sub-committee after considering the evidence presented to the felt that by granting this licence would lead to significant noise nuisance and disturbance to local residents in the area who have been reporting noise nuisance at the premises for some time. Therefore, the Sub-committee decided to refuse this application in its entirety.</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>

PROPOSED AMENDED PLAN



This is for information only and is not intended for precise dimensions. Do not scale from drawing for site purposes

Scale bar:



Revisions:

No	Date	Notes
1	25/10/2021	Amended boundary to rear
2	25/10/2021	Back gate amended

BASEMENT PLAN

GROUND FLOOR PLAN

This premises licence has been issued by:
Licensing Service
1 Hillman Street
London
E8 1DY

Premises licence number
LBH-PRE-T-0056

Part 1 - Premises Details

Postal address of premises, or if none, ordnance survey map reference of description

Adam and Eve
155 Homerton High Street

Post town

London

Postcode

E9 6AS

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Live music
Recorded music
Supply of Alcohol:
Performances of dance
Entertainment of a similar description to live music, recorded music and performances of dance
Late night refreshment
Supply of alcohol

The times the licence authorises the carrying out of licensable activities

Live music

Mon 10:00-23:00
Tue 10:00-23:00
Wed 10:00-23:00
Thu 10:00-23:00
Fri 10:00-00:00
Sat 10:00-00:00
Sun 10:00-23:00

Recorded music

Mon 10:00-23:00
Tue 10:00-23:00
Wed 10:00-23:00
Thu 10:00-23:00
Fri 10:00-00:00
Sat 10:00-00:00
Sun 10:00-23:00

Performances of dance

Mon 10:00-23:00
Tue 10:00-23:00
Wed 10:00-23:00
Thu 10:00-23:00
Fri 10:00-00:00
Sat 10:00-00:00
Sun 10:00-23:00

Entertainment of a similar description to live music, recorded music and performances of dance

Mon 10:00-23:00
Tue 10:00-23:00
Wed 10:00-23:00
Thu 10:00-23:00
Fri 10:00-00:00
Sat 10:00-00:00
Sun 10:00-23:00

Late night refreshment

Mon 23:00-01:00
Tue 23:00-01:00
Wed 23:00-01:00
Thu 23:00-02:00
Fri 23:00-02:00
Sat 23:00-02:00
Sun 23:00-01:00

Supply of alcohol

Mon 10:00-00:00
Tue 10:00-00:00
Wed 10:00-00:00
Thu 10:00-01:00
Fri 10:00-01:00
Sat 10:00-01:00
Sun 10:00-00:00

Non-standard timings

An additional hour to the standard hours on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day subject to giving the police 7 days notice and agreement with the police.

An additional hour to the standard hours on Statutory Bank Holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve.

An additional hour to the standard hours on occasions of local, national or international significance or for charitable events, limited to 12 per year, subject to giving the Police 14 days notice and agreement with the Police.

The opening hours of the premises

Mon 10:00-01:00

Tue 10:00-01:00

Wed 10:00-01:00

Thu 10:00-02:00

Fri 10:00-02:00

Sat 10:00-02:00

Sun 10:00-01:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and off sales

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Rose Seven Limited
The Enterprise
2 Haverstock Hill
London
NW3 2BL

Registered number of holder, for example company number, charity number (where applicable)

08536632

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Michael John Nicholas

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

N/A

Date of grant: 24 November 2005

**David Tuitt
Team Leader - Licensing**

Annex 1 - Mandatory Conditions

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. 5.1 The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.
- 5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
- (a) a holographic mark or
 - (b) an ultraviolet feature
6. The responsible person must ensure that:
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
- beer or cider: 1/2 pint;
 - gin, rum, vodka or whisky: 25ml or 35ml; and
 - still wine in a glass: 125ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
7. 7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 7.2 For the purposes of the condition set out in paragraph 7.1 above
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula $-P = D + (D \times V)$ Where -
- (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

7.3 Where the permitted price given by Paragraph 7.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

7.4 (1) Sub-paragraph 7.4(2) below applies where the permitted price given by Paragraph 7.2(b) above on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

9. To maintain and comply with the Spirit Group's Approach to Responsible Drinking and current policies on this.
10. Each individual who is to carry out a security activity at the premises must be licensed by the Security Industry Authority.
11. Where a Disc Jockey is utilised, that Disc Jockey must ask that customers leave the premises quietly.
12. Where CCTV systems are installed on the premises, they will operate for the duration of the operation of the premises and displays will be kept and maintained highlighting this.
13. All instances of crime and disorder will be reported to the Police.

14. An crime and disorder incident book will be kept and main tained in the premises,
15. Free drinking water will be available at all times the premises is open to the public.
16. The premises will comply with the Spirit Group#s policy on Health and Safety.
17. All management and staff are to be trained to th e standards required by relevant legislation.
18. Additional patrols will take place by members of staff, internally and externally to limit any noise pollution when entertainment is being offered within the premises.
19. Where appropriate, notices will be displayed asking customers to respect neighbours when leaving the premises.
20. Where already used, text/radio pagers will continue to be used for the additional hours of trading and will be monitored buy an appointed member of staff.
21. Soft drinks and non alcoholic drinks are to be made available where the premises remains open between the cessation of the supply of alcohol and the closure of the premises
22. When children are permitted on the premises, any entertainment offered within the premises will be suitable for young persons.
23. Children will be required to be accompanied by an adult at all times.
24. A no smoking area will be provided.
25. A recognised proof of age policy will be enforced.
26. Soft drinks and non alcoholic drinks will be made available on the premises.
27. The installation of sound limiting devices (device type to be approved by the Pollution Team) to all music systems. The limiting devices should be set to ensure inaudibility in all residential premises. A certificate of compliance should be submitted to the Pollution Team.

Annex 3 - Conditions attached after a hearing by the licensing authority

N/A

Annex 4 - Plans

N/A

Fwd: Licensing Act 2003 - Application for the Review of a Premises Licence: - Adam and Eve, 155 Homerton High Street, London E9 6AS

1 message

Gurch Patti <gurch.patti@hackney.gov.uk>

19 April 2023 at 22:33

To: "Licensing (Shared Mailbox)" <Licensing@hackney.gov.uk>

Cc: Ashraful Haque <ashraful.haque@hackney.gov.uk>, Subangini Sriramana <Subangini.Sriramana@hackney.gov.uk>

Dear Licensing Team

Please accept this statement below as a formal representation for the review application at 155 Homerton High Street, Adam and Eve Pub. In addition to the complaints history shown within the review application Environmental Protection would like to confirm that noise complaints were also received on:

21st January 2022: Noise started at 8pm and ongoing 9:41pm - Noise disturbance description: 'Crowd noise from the Adam and Eve pub clearly audible inside house (bedrooms, including children's bedrooms) despite all windows (triple glazed) and doors being closed. Level of noise not acceptable for a residential area'.

22nd January 2022: Noise started at 8pm and ongoing 9:49pm: 'Noise disturbance description: Crowd noise, Noise is constant. Happens pretty much every day'.

21st May 2022: noise started at 5pm and ongoing at 7:37pm: Loud crowd noise from Adam and Eve pub garden area, disrupting children's bedtime in a residential area.

17th June 2022: Noise started at 7pm and ongoing at 9:03pm: 'Loud crowd noise from pub garden. Audible in house. Unacceptable in residential area'

15th July 2022: Noise started at 7:30pm and still ongoing at 10:43: 'Loud ongoing crowd noise from pub in residential area. Constant background crowd noise punctuated by shouting and louder noise. Noise travels directly from area used as pub garden to residential property'

The premises claims to have carried out noise mitigation works but Environmental Protection continues to receive complaints of noise from patrons in the garden area. Environmental Protection are satisfied with the additional proposed premises licence conditions as stated on the review application.

Kind regards,

Gurch

Gurch Patti

Environmental Protection Team

Public Realm

1 Hillman Street

London

E8 1DY

Tel: 0208 356 4997

Adam and Eve 155 Homerton High Street / Kings Park / application to review the premises licence

1 message

18 April 2023 at 19:55

[REDACTED]
To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>

Dear Licensing,

As a resident at [Coopersale Road](#), I am writing to you to express my support for Hackney's application to review the premises licence for the Adam and Eve pub, [155 Homerton High Street](#).

I note that the application asks for the premises plan to be updated so that areas shown in red are not accessible to customers. I support this request, given that those areas are not currently covered by the existing license yet the pub continues to allow customers to use them.

I have had to complain about noise levels from the Adam and Eve continually despite their license application being rejected in July 2022, which clearly showed that their use of the outdoor space is not only unclear but also not evaluated independently in terms of the public nuisance that it creates for residents. My complaints were made with Hackney via the self-reporting site in August 2022 (twice) and then in February 2023 (twice). However, there have also been emails to the Licensing department directly to clarify issues, given that residents were not notified that the rejection was only formally recognised in mid October 2022.

During this time, the Adam and Eve have built a structure around the outdoor area that they claim reduces the sound, however, this is not the case. In addition, they have also approached a local councillor to ask if they can meet with local residents to discuss their license use despite not yet confirming that those areas marked on the plan as not accessible to customers were now up to date. Having been into the premises myself, I saw that the outdoor area was still being used in a way that contravened their license.

I really hope that this review finally resolves the ongoing issues so that we, as the residents who live at the back, might regain our sense of wellbeing that has increasingly been negated by the actions of the owners of the premises.

Kind regards,
[REDACTED]

application for review of licence of the Adam and Eve pub, 155 Homerton High Street

1 message

18 April 2023 at 22:54

To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>

Cc: Gerry McCarthy <Gerry.McCarthy@hackney.gov.uk>, David Tuitt <david.tuitt@hackney.gov.uk>

To whom it may concern,

Please see attached my representation in support of the council's review of the licence of the adam and eve pub, [155 Homerton High Street](#). I'd be grateful if you could confirm receipt.

I would like to register to speak at the licencing committee meeting. can you please provide details.

Many thanks,



Glyn Road
E5 

**Adam and Eve.docx**

19K

To whom it may concern.

Re - Adam and Eve Pub, 155 Homerton High Street

I'm writing to in support of the Council's review of the licence of the Adam and Eve pub on 155 Homerton High Street. This licence review results from long standing noise complaints and significant public nuisance caused by the pub and the management of its space, which is unacceptable in a residential area. Agreeing to the terms of the licence would help ensure that the pub complies with the intention of their current licence in terms of the use of outdoor space next to residential properties, but which they have consistently broken. Without action on their licence, the management of the pub has shown no intent of reducing the impact of the pub's activities on local residents. Addressing this, and ensuring the prevention of public nuisance, should be the primary concern of Hackney's licencing committee.

Current noise and public nuisance

Local residents have long raised significant concerns about the noise and public nuisance resulting from the Adam and Eve pub. Ongoing concerns resulting from misuse of the pub's current licence, and poor management practice by the pub, already result in significant noise disturbance throughout the week.

The Adam and Eve backs directly on to residential homes and gardens of Glyn Road and Coppersale Road. As a result, noise from drinkers using outdoor space travels directly into the residential homes in these streets.

As residents of █ Glyn Road we are frequently disturbed by significant and unacceptable noise coming from the Adam and Eve pub and its current use of what it terms its "garden" / outdoor space. During late spring, summer and autumn months, this noise takes occurs every day of the week and frequently reaches unacceptable levels on any particular day. It is particularly problematic on Thursday, Friday, Saturday and Sundays. This problem noise has regularly been reported to the Hackney noise pollution control team, who have acknowledged and agreed with the problem but, to date, have been unable to do anything to control it.

This noise is clearly audible in our house even when all (triple glazed) windows and doors are shut. Noise levels frequently reach such a level that it is audible in the front room of our home, despite this being the furthest part of the house from the pub. At night the noise is clearly audible in our family bedrooms and interrupts our children's bedtime; our daughter has regularly asked "what is that noise", stating that it stops her getting to sleep. It is clear that the noise from the pub risks harm to children. During the day, the noise prevents us using our garden; on a daily basis noise levels are unacceptably loud creating a feeling of being in the middle of a very loud beer garden, making use of the garden incredibly unpleasant.

Type of noise

Loud noise and public nuisance results from both noise from the indoor of the premises and use of the outdoor space. Due to the proximity of the outdoor space to our home (and other residential properties in our and neighbouring streets) even small numbers, eg a table of four people, using the pub's outdoor space results in loud, unacceptable noise levels and generates significant public nuisance in a residential area.

On top of the loud noise levels generated through regular conversation when the outdoor space is in use, which has included being subjected to chanting, cheering, shouting, fights and arguments between people using the pub. Even when there are only small numbers of people involved this chanting, cheering and arguing causes significant nuisance and the owners of the Adam and Eve have shown no willingness or ability to manage or tackle the problem (see below).

This noise happens during the day and night and on all days of the week.

Impact of licence review

The council has clarified that areas of the outdoor space marked in the plans attached to the current licence as "bottle stores" and "covered yards" are not, in the council's view, covered by the current licence and should not be used by the pub. Despite this they are in daily use by the pub; they form part of the pubs outdoor space with no distinction between these areas and the area of outdoor seating marked on the map attached to the current licence. This licence review would seek to clarify that these areas of the pub should have no customer access. Whilst this would not completely eliminate the noise, it would in my view significantly mitigate the impact.

Given it is likely that the outdoor space will continue to still generate noise in a residential area, I and residents would welcome the imposition of further requirements including a restriction to only allow people seated at tables in the proposed outdoor garden area, which could have the impact of in effect achieving a limit on numbers (something the pub has demonstrated it is unwilling to do itself) and a requirement to keep doors to the indoor areas closed – on a recent visit to the pub, I found the doors to the garden propped open resulting in significant noise transfer from inside the pub to residential areas.

Management of the Adam and Eve

The management of the pub have consistently demonstrated no ability, and more importantly, no willingness to address the noise or its impact. Following issues of the noise being raised previously with the pub by residents and the council, including the fact that areas currently marked as bottle stores should not be in use, rather than address the issue the pub's response was to apply for a new licence that included all of these areas of outdoor space, seeking to regularise their use and significantly increase the footprint of the outdoor space. This application was rejected by the Hackney Licencing Committee on the basis of public nuisance, with Councillors on the licencing panel clearly stating that they felt that use of the space resulted in numbers of people and therefore noise that was unacceptable in a

residential area. Despite their application for a new licence being rejected, the Adam and Eve have continued to use the full extent of this space as if it were agreed, with no regard for the impact on residents. They have clearly demonstrated significant, and ongoing disregard for residents and their inability to manage the situation properly.

Problems with noise from the Adam and Eve started with the change of management (to the current owners) and have got significantly worse over time. As a former Cllr for the ward, and local resident, I have long been aware of the extent of the problems and the impact on residents. Problems have reached their worst over the past few years; following a brief respite during the COVID-19 pandemic when the pub / outdoor space was not in use, the noise problems again reached completely unacceptable levels over the summers of 2021 and 2022. Prior to the previous application for a new licence, I did not personally log complaints with the council prior to this summer as I did not want to do so on a personal basis due to a perception of a conflict of interest as I was also a Councillor for the Kings Park ward.

The owners of the Adam and Eve have continually failed to act in good faith. The council has facilitated discussions between the owners of the pub and me and other local residents. During these discussions the owners of the Adam and Eve acknowledged the extent and unacceptability of the noise problems caused by the pub and the use of the outdoor space. The owners promised long term action to address the problem (by building a new building) and short term measures to address the cause of the problem. Despite repeated reassurances no meaningful long term plans have ever presented and meaningful action has either taken by the pub or communicated to local residents to show how the problem will be addressed in the short term. Instead, as set out above, the owners applied for a new licence which, had it not have been rejected, would have made worse all of the problems experienced by local residents.

This application must be agreed in order to start to address the noise and public nuisance experienced by residents. A problem that is compounded by the actions of the owners of the Adam and Eve who have repeatedly shown disregard to the experiences of local residents and the impact of unacceptable noise from the pub. Given the disregard that the owners and management of the pub have shown for previous decisions of the licencing committee, this must also be followed up with enforcement checks and action as needed.

Fwd: Hackney council's review of Adam and Eve Pub Licence

1 message

Subangini Sriramana <subangini.sriramana@hackney.gov.uk>

20 April 2023 at 09:15

To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>, Shan Uthayasangar <shan.uthayasangar@hackney.gov.uk>

Suba Sriramana
Principal Licensing Officer (Acting)
Tel: 0208 356 4915
Email: Subangini.Sriramana@Hackney.gov.uk
www.hackney.gov.uk/licensing

----- Forwarded message -----

From: [REDACTED]
Date: Wed, 19 Apr 2023 at 23:57
Subject: Hackney council's review of Adam and Eve Pub Licence
To: Subangini.Sriramana@Hackney.gov.uk <Subangini.Sriramana@hackney.gov.uk>

To whom it may concern

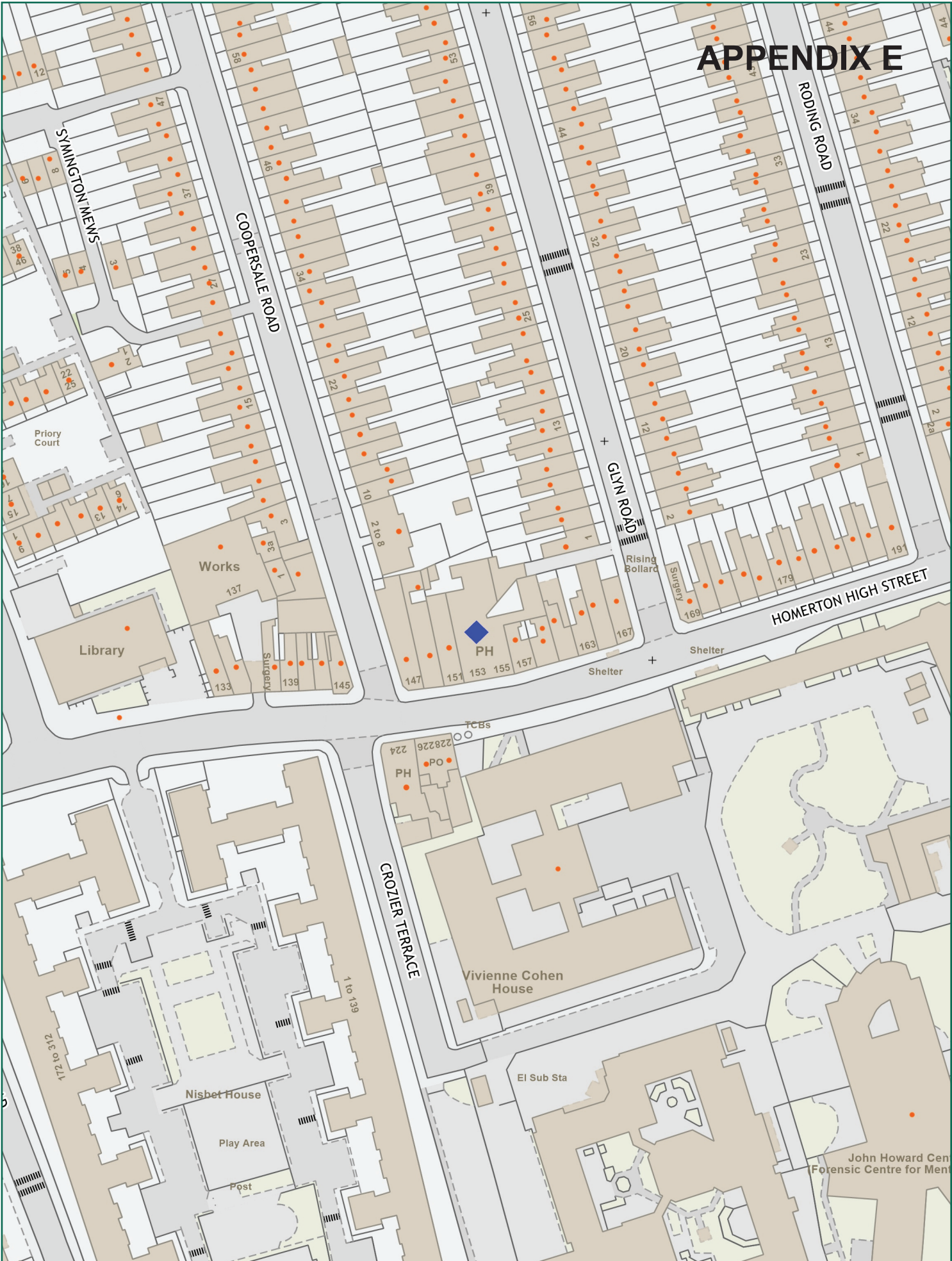
I write to support Hackney council review of Adam and Eve Pub Licence.

The Adam and Eve are currently using part of outside space which is not covered by their licence, a **'Beer Garden'**, which in fact is a **'Concrete Yard'** leading out to the alleyway, part of alleyway which is directly behind the pub which has been covered to create the **'Covered Yard'** and the, **'Bottles Stores'**, which are being used to seat customers. Over Past 8 years the Adam and Eve Pub has shown a clear disregard for their neighbours who have been directly affected by constant unbearable noise. The Management of Adam and Eve have demonstrated even after a review of their licence that they cannot adhere to their current licensing agreement. So I strongly support Hackneys current review of their licence.

Kind regards

[REDACTED]

APPENDIX E



Scale: 1:1250 at A4

Adam and Eve, 155 Homerton High Street, E9 6AS



Ref:

Tuesday, May 30, 2023

Produced by: unspecified

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