

For Consideration By	Licensing Sub-Committee
Meeting Date	6 December 2022
Type of Application	Vary a Premises Licence
Address of Premises	My Ex Bar, 11 Chatsworth Road, London, E5 0LH
Classification	Decision
Ward(s) Affected	Lea Bridge
Group Director	Rickardo Hyatt

1. **Summary**

- 1.1. This is an application to vary a premises licence to allow authorisation:
- To extend the terminal hour in the outside seating area
 - To amend condition 31

2. **Application**

- 2.1. Kent Media Limited has made an application to vary a premises licence under section 34 of the Licensing Act 2003.
- 2.2. The premises is not located within a special policy area.
- 2.3. The application seeks to vary the following licensable activities and times:
- To extend the terminal hour for outside seating area on Mondays - Saturdays from 22:00 to 23:00 and Sundays from 22:00 to 22:30.
 - To amend a condition 31 "The outside seating area shall not be used after 22:00 hours".
- 2.4. The application is attached as Appendix A. The applicant has not proposed any additional measures to address the licensing objectives.

3. **Current Status/History**

- 3.1. The current premises licence was approved by Licensing Sub-Committee on 7 July 2020 (attached as Appendix D).
- 3.2. Temporary event notices have given in current year at this premises as follows.

<u>Date of the event(s)</u>	<u>Hours</u>
29/10/2022-30/10/2022	23:00-02:00

4. **Representations: Responsible Authorities**

From	Details
Environmental Health Authority(Environmental Protection)	No representation received
Environmental Health Authority (Environmental Enforcement)	Have confirmed no representation on this application
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	Have confirmed no representation on this application
Police	Have confirmed no representation on this application
Licensing Authority (Appendix B)	Representation received on the grounds of The Prevention of Public Nuisance
Health Authority	No representation received

5. **Representations: Other Persons**

From	Details
4 representations received from and on behalf of local residents (Appendices C1-C4)	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. Guidance Considerations

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

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), LP2 (Licensing Objectives), LP6 (External Areas and Outdoor Events) and LP11 (Cumulative Impact-General) are relevant.

8. Officer Observations

- 8.1. If the Sub-Committee is minded to approve the application, the following conditions should be applied the licence:

None.

9. Reasons for Officer Observations

- 9.1. No additional conditions have been proposed by the applicant and responsible authorities.

10. Legal Comments

- 10.1. 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

- 10.2. 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.

11. Human Rights Act 1998 Implications

- 11.1. There are implications to;
- **Article 6** – Right to a fair hearing
 - **Article 14** – Not to discriminate
 - Balancing: **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

12. **Members Decision Making**

12.1. **Option 1**

That the application be refused

12.2. **Option 2**

That the application be approved, together with any conditions or restrictions which Members consider necessary for the promotion of the Licensing objectives.

13. **Conclusion**

13.1. That Members decide on the application under the Licensing Act 2003.

Appendices:

Appendix A: Application to vary a premises licence and supporting documents

Appendix B: Representations from responsible authorities

Appendix C: Representations from responsible authorities

Appendix D: Current Licence

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 LA07	Application to vary a premises licence under the Licensing Act 2003
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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/We **KENT MEDIA LTD**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 108172
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 11 Chatsworth Road, Hackney, London, E5 0LH			
Post town	HACKNEY	Postcode	E5 0LH

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£14250

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]
E-mail address (optional)	[REDACTED]
Current postal address if different from premises address	11 Chatsworth Road, Hackney, London, E5 0LH

Post town	HACKNEY	Postcode	E5 0LH
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Part 3 – Variation

Please tick as appropriate	
Do you want the proposed variation to have effect as soon as possible?	<input checked="" type="checkbox"/> Yes
	<input type="checkbox"/> No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

<p>Please describe briefly the nature of the proposed variation (Please see guidance note 2)</p> <p>Annex 3 – Conditions attached after a hearing by the licensing authority 31. The outside seating area shall not be used after 22:00 hours.</p> <p>As it seen in my premise licence, I would like to amend the condition 31. to extend my terminal hours from 22.00 to 23.00 for the outside seating area. Due to high demand from customers for the outside seating and affecting my business profit, I'd like to extend my condition 31. as 'the outside seating shall not be used after 23.00 for Monday-Saturday and for 22.30 on Sundays' as these hours match with my closing and supply of alcohol hours in my licence.</p> <p>this request is only for amending condition 31. to extend my hours for outside seating area from 22.00 to 23.00 Mon-Sat and from 22.00 to 22.30 on Sundays</p>
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If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

0

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |
| Provision of late night refreshment (if ticking yes, fill in box I) | <input type="checkbox"/> |
| Supply of alcohol (if ticking yes, fill in box J) | <input type="checkbox"/> |

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue			State any seasonal variations for performing plays (please read guidance note 6)		
Wed			Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Wed					
Thur			Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			Non-standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Thur					
Fri			Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed					
Thur			Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed			Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue			State any seasonal variations for the performance of dance (please read guidance note 6)		
Wed					
Thur			Non-standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur					
Fri			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Sat					
Sun			Non-standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)		

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri			Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon			Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

THE OUTSIDE SEATING AREA HOURS FOR 22.00 AFFECTS MY BUSINESS PROFIT AS WELL AS CUSTOMERS' PREFERENCES FOR CHOSSING MY BUSINESS. CUSTOMERS PRFER THE OUTSIDE SEATING ALL THE TIME TO KEEP SOCIAL DISTANCE AND FOR MORE BREATHABLE ATMOSPHERE WHEN THEY GO OUT

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

WELL TRAINED STAFF AND MANAGEMENT

b) The prevention of crime and disorder

WELL TRAINED STAFF AND MANAGEMENT, CCTV

c) Public safety

WELL TRAINED STAFF AND MANAGEMENT

d) The prevention of public nuisance

WELL TRAINED STAFF AND MANAGEMENT

e) The protection of children from harm

WELL TRAINED STAFF AND MANAGEMENT

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- 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 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	17/10/2022
Capacity	PREMISE LICENCE HOLDER

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
TONY MANCON 11 Chatsworth Road, Hackney, London, E5 0LHI			
Post town	HACKNEY	Post code	E5 0LH
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:

APPENDIX B

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Licensing Authority
ADDRESS OF AUTHORITY	Licensing Service Hackney Service Centre 1 Hillman Street London E8 1DY
CONTACT NAME	David Tuitt
TELEPHONE NUMBER	020 8356 4942
E-MAIL ADDRESS	david.tuitt@hackney.gov.uk

APPLICATION PREMISES

Premises	My Ex Bar 11 Chatsworth Road London E5 0LH
Applicant	Kent Media Ltd

COMMENTS

I make the following relevant representations in relation to the above application at the above address.

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance **x**
- 4) the protection of children from harm

Representations (which include comments and/or objections) in relation to:

I write in relation to the application to vary the existing premises licence. The application seeks to vary the following condition to enable an additional hour:

37. All outside seating to be taken inside at 22:00 hours each day or rendered unusable.

I am concerned that the applicant has failed to demonstrate “comprehensive control measures” for departing from LP6 within the Council Licensing Policy which states:

LP6 External Areas and Outdoor Events

The Licensing Authority will normally restrict external areas and outdoor activity to between 08:00 and 22:00 unless the applicant can demonstrate that comprehensive control measures have been implemented that ensure the promotion of the licensing objectives, in particular the public nuisance objective. Notwithstanding any proposed control measures, the Licensing Authority may restrict the hours and/or activity even further.

The additional timing in this area could have a negative impact on nearby residential premises therefore undermining the promotion of the licensing objective (the prevention of public nuisance).

The above representations are supported by the following evidence and information.

The Licensing Act 2003, guidance issued by the Home Office under s182 of the Licensing Act 2003

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

The applicant is invited to make an additional submission in order to address LP6 above.

Name: **David Tuitt (Business Regulation Team Leader) - Licensing and Technical Support**

16 November 2022

Objection to liscence application - My ex bar 11 Chatsworth Road

1 message

14 November 2022 at 22:24

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

I would like to object to the application for extending the times that seating can be used outside [11 Chatsworth Road](#) My Ex Bar.for the following reasons.

- The later hours would bring noise, disruption and nuisance to the residents, including children living close to the bar at a time when people are trying to sleep.

Sincerely yours,

[REDACTED], Resident at [REDACTED] [Chatsworth Road](#)

[REDACTED]

Fwd: Objection to licensing app for 11 Chatsworth Road London E5 0LH Lea Bridge Kent Media Ltd

1 message

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

From: **Ian Rathbone (Cllr)** <ian.rathbone@hackney.gov.uk>

Date: Sun, 13 Nov 2022 at 20:18

Subject: Objection to licensing app for [11 Chatsworth Road London E5 0LH Lea Bridge Kent Media Ltd](#)

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

Cc: Deniz Oguzkanli (h) [REDACTED] Margaret Gordon (Cllr) <Margaret.Gordon@hackney.gov.uk>

Hi

Re My Ex bar [11 Chatsworth Road London E5 0LH](#) Kent Media Ltd

This is a residential area and having a cocktail bar with street seating open late into the night runs counter to the nature of Chatsworth Road and the surrounding area. We have spent years creating a street market with shops for local residents, and restaurants, but without drinking only bars and pubs.

It is only very recently that residents nearby were affected by the high level of noise coming from My Ex bar when they repeatedly breached their licensing conditions and having people seated outside until late at night, often gone midnight, making lots of noise and lacking consideration of residents nearby trying to get to sleep.

They need to show more responsibility. On Saturday 12 November, mid-afternoon, they had their seating placed as this picture shows, clearly on the highway. They need to show full awareness and compliance with their licensing conditions.



I agree with residents who say that It is not appropriate to allow outdoor seating until 11pm at a bar in a residential area such as Chatsworth Road and the surrounding streets, especially on weekday nights and Sunday evenings.

The noise disturbance from My Ex bar during the summer months this year following its opening was significant and repeated despite residents complaining.

This sort of noise pollution and at times antisocial behaviour in close proximity to residential properties is inappropriate and undesirable for the area.

The indoor section of the bar is small and so the business is strongly incentivised to exceed its outdoor seating restriction. Residents fear extending the outdoor seating area will incentivise them to breach that restriction again on warmer evenings. As can be seen from the photo of the outside area, it is not really wide enough for a table with two people sitting opposite one another, north and south. The temptation is to spread out onto the highway.

We welcome new businesses in what has become a successful shopping and market area, precisely because we have created the atmosphere and climate which has brought customers to the area. This bar currently threatens this by trying to extend its outside hours.

All the best

Cllr Ian Rathbone on behalf of Lea Bridge ward councillors and Kings Park ward councillors.

Fwd: 11 Chatsworth Road1 message

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

From: **Lynne Troughton (Cllr)** <lynne.troughton@hackney.gov.uk>

Date: Sun, 13 Nov 2022 at 20:47

Subject: [11 Chatsworth Road](#)To: <subangini.sriramana@hackney.gov.uk>Cc: Ali Sadek (Cllr) <ali.sadek@hackney.gov.uk>, Sharon Patrick (Cllr) <sharon.patrick@hackney.gov.uk>

I am a ward councillor in King's Park am My Ex is just on the border but technically just outside my ward. I am copying my fellow councillors.

I wish to object to the venue's application to extend its outside seating hours. Although there are shops and restaurants in the area, it is heavily residential with many residential homes above the retail outlets. The increase in the number of licensed premises over the last couple or so years has been a source of increased noise in the evenings. We have consistently objected, successfully, to late licenses for the reasons that the area is already very busy for a predominately residential area. While I support the growth of businesses it is important that this is reasonable for residents to live with. Once one venue is allowed outside seating till 11pm it becomes more difficult to refuse such an extension to others. The venue should be required to fall in line with the character of the area, not try to change it.

I understand the venue already flouts it's restrictions. Extending the licence can only make matters worse.

Please therefore refuse the application.

Thank you.

--

Lynne Troughton
Labour Councillor, King's Park Ward
Tel 020 8356 2072

Disclaimers apply, for full details see: <https://hackney.gov.uk/email-disclaimer>

Disclaimers apply, for full details see: <https://hackney.gov.uk/email-disclaimer>

Licensing Application - 11 Chatsworth Road

1 message

15 November 2022 at 23:07

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

Dear Officers,


I am writing in relation to the request from My Ex bar at [11 Chatsworth Road](#) to have their outdoor seating hours extended to 11pm Mon-Sat and 10.30pm Sunday. I live at [Clifden Road](#) and so am a resident living in very close proximity to the premises. These comments are submitted on behalf of myself and my wife.

I would like to disclose upfront that I am a Hackney councillor, for King's Park ward, in case this has any bearing on how you treat my representations.

We would like to **object** to the request to vary licensing conditions, for the following reasons:

- The Chatsworth Road neighbourhood is residential in nature and there are very few premises (if any) offering alcohol for outdoor consumption late in the evening. We support the Council's efforts to develop and improve the Chatsworth Road offer but do not support any proposals that would materially change the character of the neighbourhood. We worry that allowing this application could set a precedent for other venues in the area, with potential consequences for local residents in terms of noise disturbance and anti-social behaviour.
- In the early months last year when the bar first opened, there was little adherence to the licensing conditions and consequently we experienced considerable noise disturbance late into the night and at times antisocial behaviour. These instances were reported to the Council at the time. The problems stemmed from My Ex serving numbers of customers outside in excess of the maximum permitted limit, including allowing groups of customers to stand outside on the pavement / around the tables, and serving outdoors long past the permitted time (at times as late as 1am). I must say that My Ex appears to have heeded the Council's advice because the licensing infringements seem to have stopped and the bar is now (as far as we can tell) consistently complying with its conditions, however the events of the summer months do make us nervous about what will ensue in spring and summer next year (and thereafter) if you allow the bar the extra hour of outdoor service. Our experience is that the bar's noise control is hugely more effective when customers are required to sit indoors.
- Whilst we recognise that Fridays and Saturdays are weekend days and so perhaps ought to be treated differently, 11pm is in our view too late for outdoor service in a residential area especially with families nearby on the ladder streets off Chatsworth Road.

Many thanks,





This premises licence has been issued by:

Licensing Service
1 Hillman Street
London E8 1DY

PART A – PREMISES LICENCE

Premises Licence Number

108172

Part 1 – Premises details

11 Chatsworth Road
Hackney
London
E5 0LH

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Supply of Alcohol

The times the licence authorises the carrying out of Licensable activities

Supply of Alcohol (On sales)	Standard Hours: 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 10:00-22:30
Supply of Alcohol (Off sales)	Standard Hours: Mon 10:00-23:00 Tue 10:00-23:00 Wed 10:00-23:00 Thu 10:00-23:00 Fri 10:00-23:00 Sat 10:00-23:00 Sun 10:00-23:00

The opening hours of the premises	Standard Hours: Mon 07:00-23:30 Tue 07:00-23:30 Wed 07:00-23:30 Thu 07:00-23:30 Fri 07:00-00:30 Sat 07:00-00:30 Sun 07:00-23:00
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and Off Premises

Part 2 –

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Kent Media Limited
606 Cassia Point
2 Glasshouse Gardens
London
E20 1HU

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

11876875

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

Tony Manconi

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

Licence No: [REDACTED]
Issuing Authority: [REDACTED]

Date of Grant: 7 July 2020

Signed:

[REDACTED]

David Tuitt
Team Leader – Licensing

Annex 1 - Mandatory Conditions

Supply of Alcohol

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 a 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.
4. 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).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. 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.
7. The responsible person shall 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
 - a. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - b. 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.

Minimum Drinks Pricing

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 amount 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

(c) 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;

(d) "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;

(e) “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

(f) “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 8.2(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.

Door Supervision

8. Each individual who is to carry out a security activity at the premises must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the Operating Schedule

9. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Licensing Authority recent data or footage with the absolute minimum of delay when requested.
11. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. any complaints received
 - c. any incidents of disorder
 - d. any faults in the CCTV system
 - e. any refusal of the sale of alcohol
 - f. any visit by a relevant authority or emergency service.
12. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police.
13. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.
14. There shall be prominent signage requesting customers to leave the premises quietly and respect local residents.
15. All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request.
16. The license holder shall maintain a dedicated telephone number of the DPS for use by any responsible authority or any person who may wish to make a complaint. This contact number shall be provided to the licensing authority, police and to any local residents upon request.

17. Notices shall be prominently displayed at any area used for smoking, requesting patrons to respect the needs of local residents and use the area quietly.
18. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
19. Patrons permitted to temporarily leave and then re-enter the premises to smoke, shall not be permitted to take drinks or glass containers with them.
20. The use of the smoking area to the side of the premises on Clifden road which is part of the premises is restricted to a maximum of 6 people at any one time. Rope barriers are to be employed at all times to cordon off the users of the smoking area.
21. All deliveries to the premises must be carried out on Chatsworth road and not on Clifden Road.
22. No deliveries must be made to the premises between 22:00 and 08:00 hours.
23. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties near the premises. This includes the avoidance of slamming doors, playing loud music, shouting, over revving engines and sounding of horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the premises and will park considerately without causing any obstruction to the highway.
24. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.
25. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
26. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.

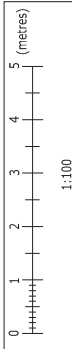
27. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
28. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.
29. The current trade waste agreement/duty of care waste transfer document shall be kept on the premises and be available to view, upon request, during the opening hours of the premises. The waste agreement/duty of care waste transfer document shall include:
 - the name of the registered waste carrier
 - the date of commencement of trade waste contract
 - the date of expiry of trade waste contract
 - the days and times of collection
 - the type of waste including the European Waste Code

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

30. No glass shall be taken outside of the premises except for those seated in the clearly defined designated area.
31. The outside seating area shall not be used after 22:00 hours.
32. The outside shall be limited to 10 seated customers and shall be served by waiter/waitress service only.
33. The venue shall have in place a written dispersal policy in place a copy of which will be kept on the premises and made available on request to either the Police or Responsible Authority.
34. The Licensee / management shall record the full name, home address and contact telephone number, SIA registered number, and the time/ date of employment of any door supervisor(s) employed at the premises. Where door supervisor(s) are employed by an agency the name, business address and contact telephone number will also be recorded. These records are to be maintained for less than 12 months.
35. Male and female SIA door supervisors to be employed on the basis of an operational risk assessment.
36. All sales of alcohol shall be to seated customers only and by waiter/waitress service only with the exception of 6 non-seated customers.
37. All outside seating to be taken inside at 22:00 hours each day or rendered unusable.

Annex 4 – Plans

PLAN/108172/070720



LEGEND

- EXISTING WALL
- PROPOSED PARTITION WALL
- AMBIT OF LICENSED PREMISES
- SAFETY LIGHTING
- SMOKE DETECTOR
- CARBON DIOXIDE FIRE EXTINGUISHER
- 8 L.T. WATER FIRE EXTINGUISHER
- 9 L.T. FOAM FIRE EXTINGUISHER
- FIRE BLANKET
- FIRE ESCAPE KEEP CLEAR
- INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)

EXISTING TOTAL FLOOR AREA: 104.25 m²

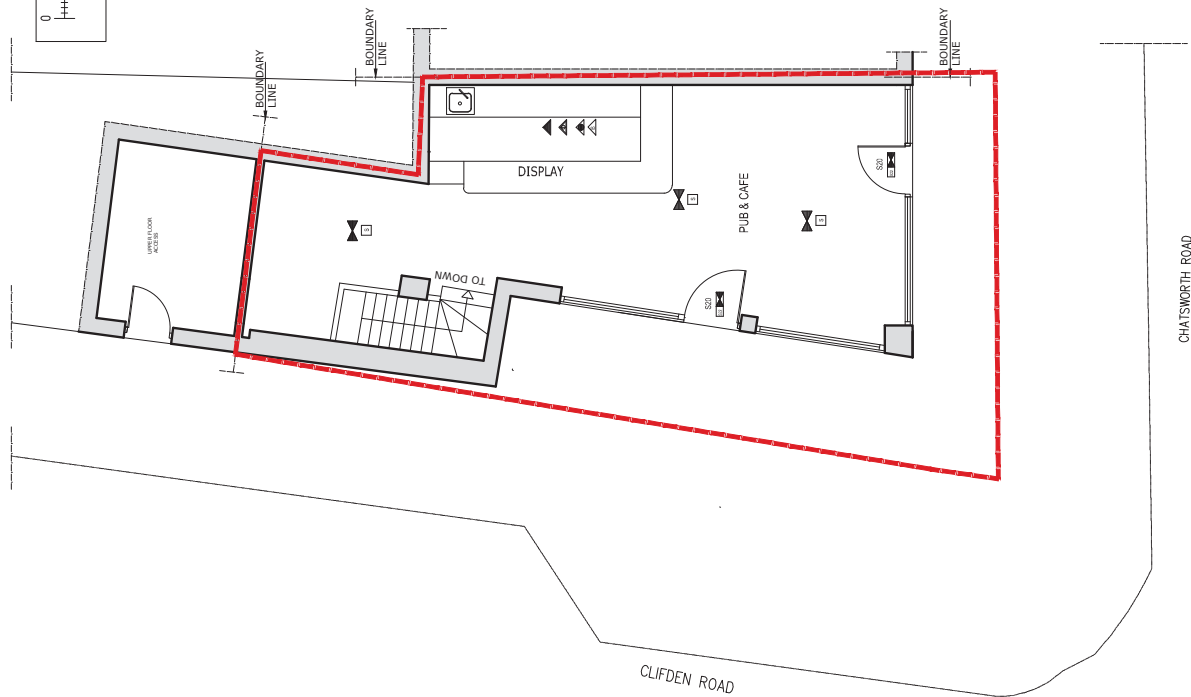
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11 CHATSWORTH ROAD
LONDON
E5 0LP

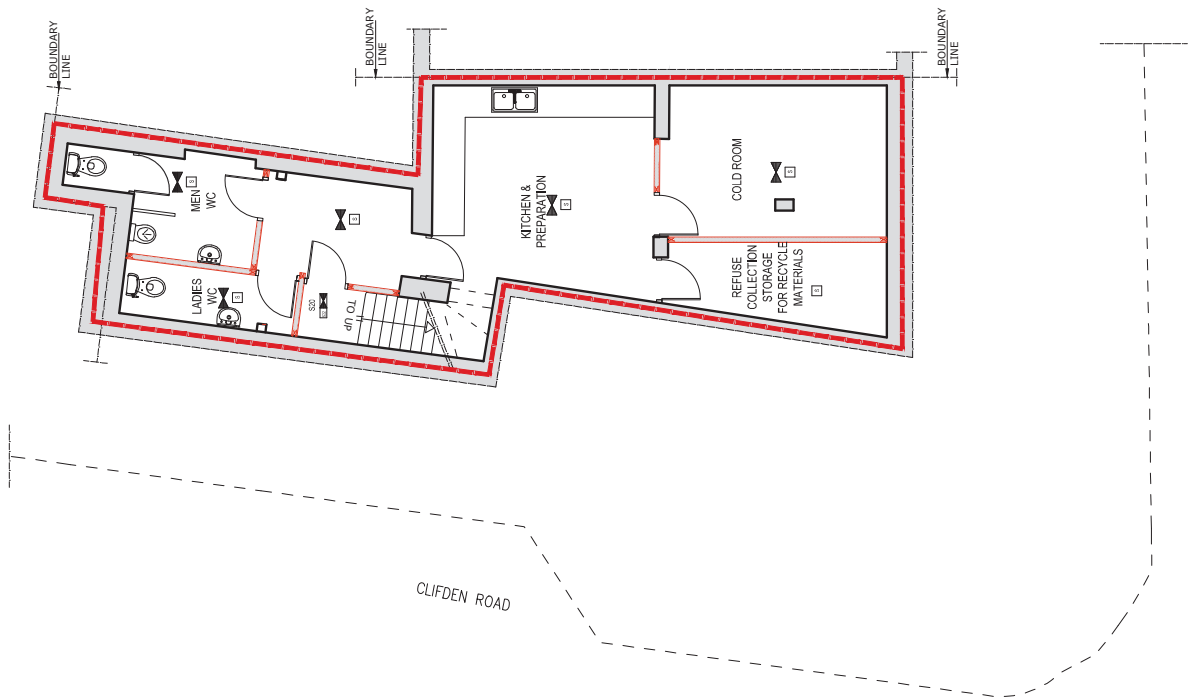
PROPOSED
- GROUND FLOOR PLAN
- BASEMENT FLOOR PLAN

SCALE: 1/100 @ A3
DATE: AUG.20
REF. NO: 024.2002_P
DRG BY: S. AY-SAYAR DESIGN

SAYAR DESIGN
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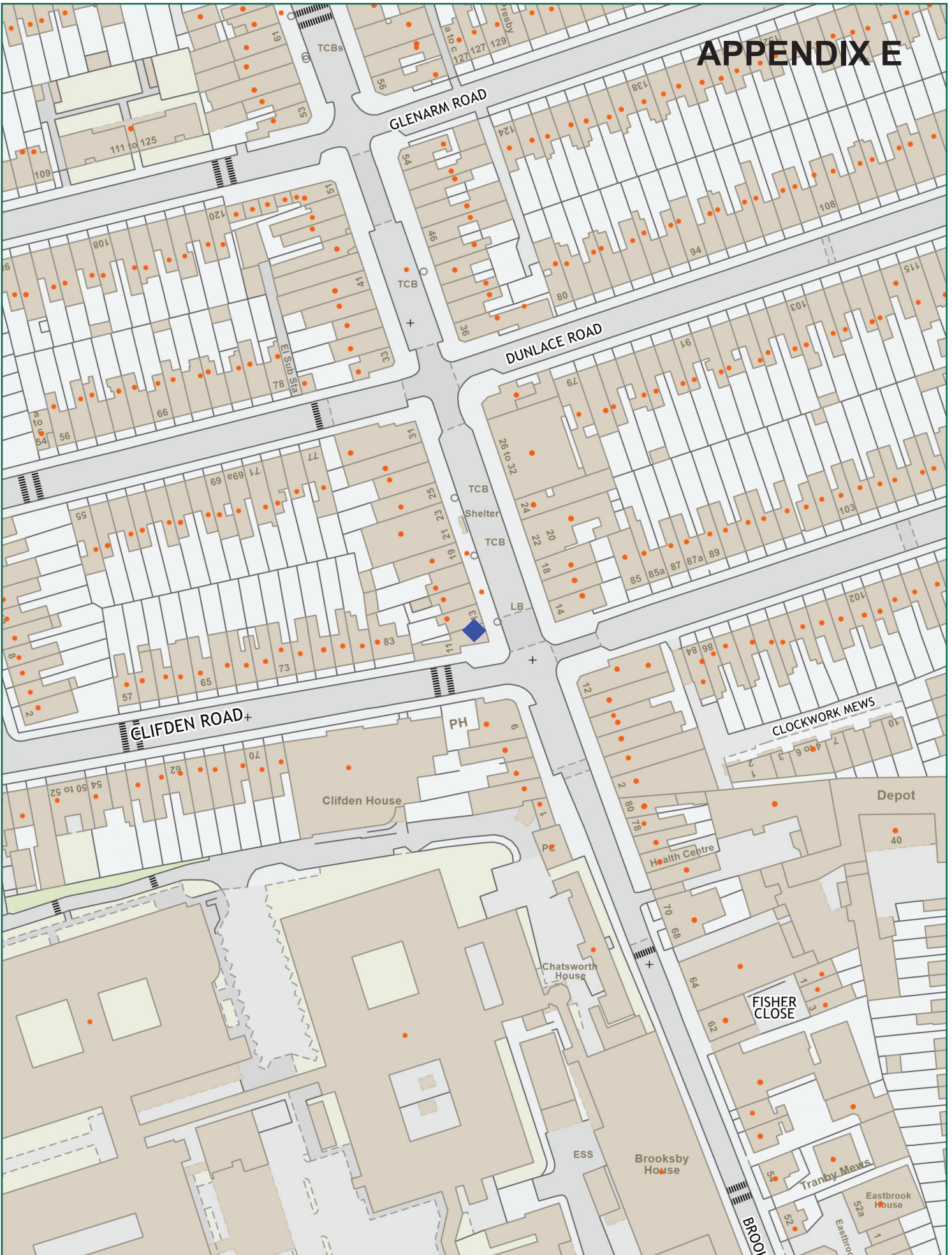


PROPOSED GROUND FLOOR PLAN
SCALE: 1/100



PROPOSED BASEMENT FLOOR PLAN
SCALE: 1/100

APPENDIX E



Scale: 1:1250 at A4

My Ex Bar, 11 Chatsworth Road, E5 0LH



Ref:
Friday, November 25, 2022

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