



Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	3 February 2015		Bunhill

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE NEW APPLICATION
DISCO DOG, OLD STREET STATION, LONDON EC1Y 1BE**

1. Synopsis

- 1.1 This is an application for a new premise licence under the Licensing Act 2003.
- 1.2 The new application is to:
 - I. Supply alcohol for consumption on the premises from 08:00 to 23:30 on Monday to Saturday and 08:00 to 22:30 on Sunday;
 - II. Allow late night refreshment 23:00 to 23:45 Monday to Saturday.
 - III. Opening hours of the premises from 08:00:00 to 00:00 Monday to Saturday and from 08:00 to 23:00 on Sunday.

2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	Yes
Noise	No
Health and Safety	No

Trading Standards	No
Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	No
Other bodies	No:

3. Background

3.1 Papers are attached as follows:-

Appendix 1: application form;

Appendix 2: representations;

Appendix 3 decision notice 25 November 2014

Appendix 4: suggested conditions and map of premises location.

3.2 The current applicant submitted a premises licence application for this premises, for the same hours but included "off sales" of alcohol, in October 2014. This application was refused by the Licensing Sub-Committee on 25 November 2014, and the reasons are set out in the decision notice shown in Appendix 3.

4. Planning Implications

4.1 The property was granted a certificate of lawfulness for change of use as a café/restaurant (A3) on 3 July 2014 with one restrictive condition regarding hours of use not to operate except between the hours of 08:00hr and 00:00hr Monday - Saturday, and between 08:00hr and 23:00hr on Sunday and Bank Holidays.

5 Recommendations

5.1 To determine the application for a new premises licence under Section 17 of the Licensing Act 2003.

5.2 To consider that this address is in the Bunhill Saturation or "Cumulative Impact Policy" of Islington. This special policy creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

5.3 If the Committee grants the application it should be subject to:

- i. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (see appendix 4)
- ii. any conditions deemed appropriate by the Committee to promote the four licensing objectives.(see appendix 4)

6 Conclusion and reasons for recommendations


6.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions as appropriate to promote the licensing objectives.

Background papers:

The Council's Statement of Licensing Policy
Licensing Act 2003
Secretary of States Guidance

Final Report Clearance

Signed by


Service Director – Public Protection

23.1.15

Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

WK/201468199

Appendix 1 KT OK?

26/11/14

LONDON BOROUGH OF ISLINGTON

Application for a premises licence to be granted 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/We JONA AHEARNE

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description DISCO DOG, OLD STREET STATION		COMMERCIAL/LICENSING 26 OCT 2014 PUBLIC PROTECTION DIVISION 222 UPPER ST, LONDON N1 1XR	
Post town	LONDON	Postcode	EC1Y 1BE

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£0

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as ONLINE

- a) an individual or individuals please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)

ISLINGTON COUNCIL LICENSING	
Date	26/11/14
Fee Paid	100
Receipt Number	IP2/291473
Received By	JW
Date	
Fee Paid	
ISLINGTON COUNCIL LICENSING	

OK Knt
Barhill CIA
26 Nov 14

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname AHEARNE			First names JONA		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town	London		Postcode		
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over <input type="checkbox"/> Please tick yes					
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	01	2015

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
 RESTAURANT / OYSTER BAR

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

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What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>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</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
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 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
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 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3) AS PART OF THE OPERATION AS A RESTAURANT /OYSTER BAR		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<u>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</u> (please read guidance note 5)		
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			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 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
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 4)		
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 5)		

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	23:00	23:45	Please give further details here (please read guidance note 3) As part of the operation of a Restaurant/oyster bar		
Tue	23:00	23:45			
Wed	23:00	23:45	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	23:45			
Fri	23:00	23:45	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 5)		
Sat	23:00	23:45			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	8:00	23:30			
Tue	08:00	23:30			
Wed	08:00	23:30			
Thur	08:00	23:30			
Fri	08:00	23:30			
Sat	08:00	23:30			
Sun	08:00	22:30			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Jona Ahearne	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

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 8).
 NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	00:00	<p>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 5)</p>
Tue	08:00	00:00	
Wed	08:00	00:00	
Thur	08:00	00:00	
Fri	08:00	00:00	
Sat	08:00	00:00	
Sun	08:00	23:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

Premises is located under the traffic island and is part of the Old Street underground station. Patrons and staff will need to be off of the premises before the station closes each night. Between 08:00 hours and 10:00 hours each day the alcohol will only be sold as ancillary to a meal. During the remainder of the day the premises will have a food focus with the majority of the customers purchasing food though some persons within a group may not eat

The premises will be laid out to table and chair and, other than an area around the bar marked on the plan where up to 10 patrons may stand to wait for a table, all patrons will be required to be seated. Service of food and drink will be by waiter and waitress service. Such other conditions as may be agreed with the responsible authorities.

The premises licence will cease after 12 months or when the licence/right to occupy from tfl ends and is not extended whichever is the later.

b) The prevention of crime and disorder

See a above and

CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.

Clear and prominent notices shall be displayed on the premises warning customers of the need to guard their property and to be aware of the operation of pickpockets, bag snatchers, etc. The notices shall advise customers to report concerns to the designated premises supervisor or the person in charge of the licensed premises.

c) Public safety

All appropriate risk assessments will be carried out.

Safety checks shall be carried out before the admission of the public. Details of safety checks shall be kept in a Log-book on the premises. The Log-book shall be made available for inspection by authorised officers.

d) The prevention of public nuisance

See a above

e) The protection of children from harm

The licensee shall adopt the Challenge 25 and the BII National Standards Proof of Age Scheme.
 The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	<input checked="" type="checkbox"/> Recoverable Signature  X _____ Robert Sutherland consultant solicitor Signed by: robert.sutherland@keystonelaw.co.uk
Date	26/11/2014
Capacity	SOLICITOR AND AUTHORISED AGENT FOR AND ON BEHALF OF THE APPLICANT

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

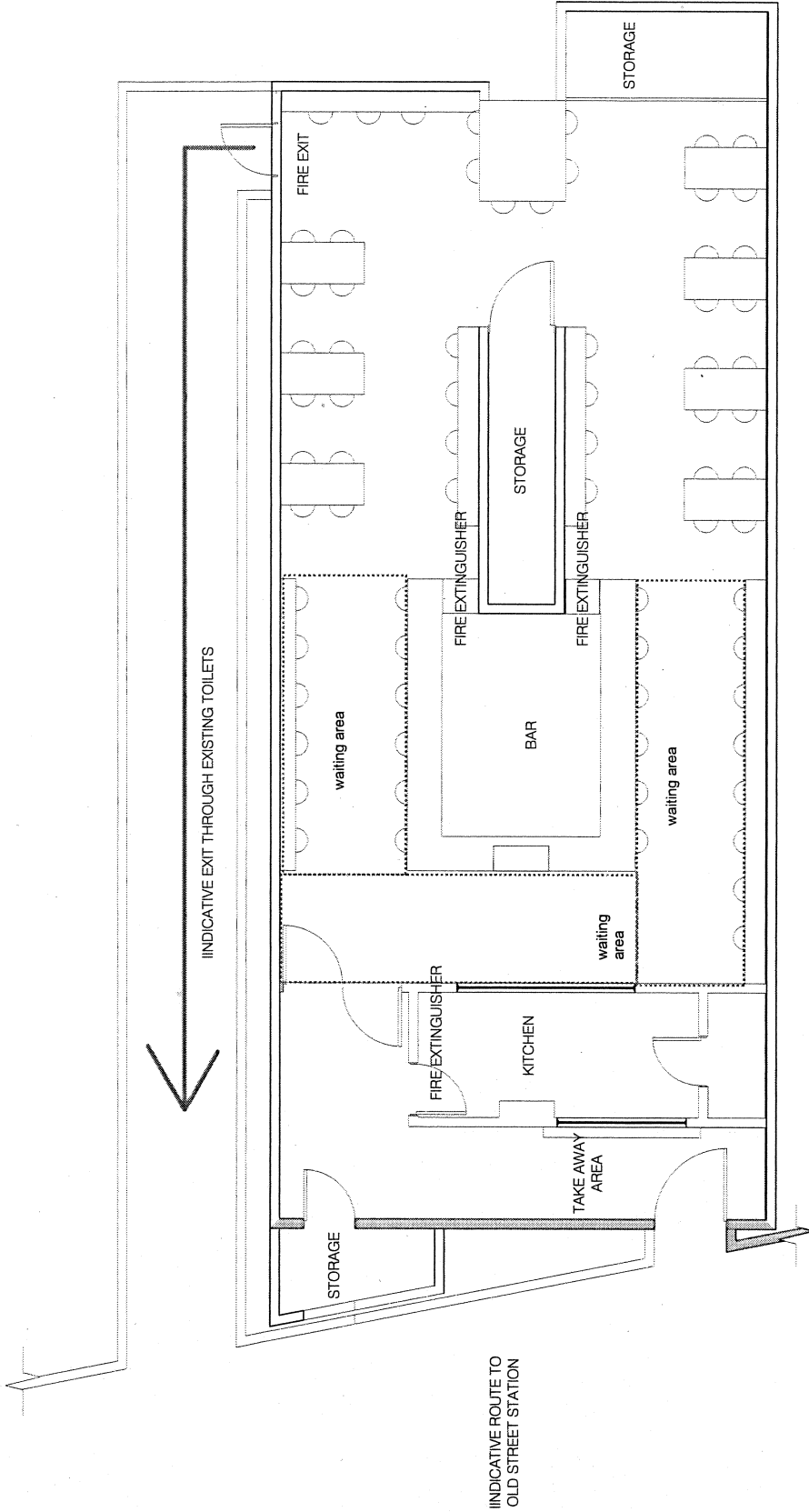
Signature	
Date	

Capacity	
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Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) ROBERT SUTHERLAND KEYSTONE LAW 53 DAVIES STREET			
Post town	LONDON	Postcode	WIK 5JH
Telephone number (if any)	02071526550		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) robert.sutherland@keystonelaw.co.uk			

Notes for Guidance

1. 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 for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



ATC

@AN-ARCHITECTURE.CO.UK

(+44)7855807101

Proposed Plans for Disco Dogs Old Street
 Consult Soulshakers drawings for Bar Design
 1:500A2

Copyright ATC - AN-Architecture

LOCATION MAP

Your

Our Licensing/NI/Objection

Date: 24th December 2014



**METROPOLITAN POLICE
SERVICE**

Licensing Team
Islington Police Licensing Unit
Islington Police Station
2 Tolpuddle Street
London
N1 0YY

Telephone: 07799133204

Facsimile:

Email:

licensingpolice@islington.gov.uk

Disco Dog
Old Street Station
EC1Y 1BE

Dear Sir

Re: New Licence Application – DISCO DOG Old Street Station EC1Y 1BE

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives, being the Prevention of Crime and Disorder.

This venue is located in the Bunhill Cumulative Impact Zone, an area identified in the Islington Council Licensing Police 2013 – 2017 as one of high crime. Between 1st April 2013 and 31st March 2014 there were 2541 recorded crimes, including high levels of Assaults and Antisocial Behaviour.

History/ Venue:

This is a location which is currently an unlicensed premises, therefore is no licensing history for police to consider. However, the area around Old Street station suffers from a considerable amount of Anti-Social behaviour and attracts street drinkers who beg for money.

The venue is also underground and not obvious to passing emergency services. This in itself may cause issues as police will not be able to monitor the venue without actually going under the roundabout to it. Finally, in 2008 the Mayor of London banned all drinking on the Underground. The application requests an off-licence which may encourage customers to drink on the London Underground which is now a crime.

This is the second application made by the current applicant. As an agreement could not be reached, the previous application was sent to Licensing sub-Committee on Tuesday 25th November 2014 where the applicant failed to attend the meeting. The Committee refused this application.

Since the refusal, there has been limited engagement with the applicant, as it is felt that this new application is not significantly different from the original application.

Application:

The current application is only slightly improved: there has been some consideration as to the operation of the business, the main aspect being the service of alcohol between 0800 hours and 1000 hours as ancillary to a table meal. This is not acceptable as this indicates that during the rest of the opening hours, the venue will be a bar.

I have spoken with the applicant's agent at some length to explain that I feel this application is for a bar with some food service, not a restaurant with some alcohol. This is evidenced by the applicant's refusal to add conditions which indicate that all alcohol sales will be made as part of a substantial table meal.

The agent argues that the menu will be hotdogs and burgers with side orders and possibly oysters and that these are substantial table meals. I disagree and contend that this is still a bar application, albeit that the customers may be seated. If these foodstuffs are 'substantial' I would also have expected the applicant to make provision for customer toilets on the premises. Instead they are relying on Old Street Station public toilets.

It is noted that the applicant offers a time-limited condition which is appreciated as it allows for a review after 12 months of operation. However, in the meantime, there is a considerable amount of opportunity to fail to promote the licensing objectives.

There is still little evidence of consideration of the Licensing Policy 2013 – 2017. The applicant offers few Conditions to promote the licensing objectives and has not provided police with a business plan of any substance to allow an informed positive decision to be made.

Communication:

There has been increased communication with the applicants agent since the last application, however discussions has stalled over the real use of the venue. Police feel that the application is still a bar with some food. Police will consider any further information if it can be supplied. This information would be in the form of a more comprehensive business plan.

Hours Applied for:

Although the licensable hours are within those recommended by the Licensing Police 2013 – 2017, there is not a clear business case for requesting alcohol sales at 0800 hours, especially considering the number of street drinkers in the proximity

Conditions:

The applicant has offered more Conditions as noted above. Police still feel that the Conditions do not reflect the true nature of the business. The 'general description' is still restaurant/oyster bar, however I cannot see how the conditions offered meet the needs of a restaurant.

Summary:

The applicant has provided Police with a resume of the manager/ DPS. The whole resume relates to bars and licensed premises, not restaurants.

Finally, the main issue under discussion is whether this application is for a bar or a restaurant and therefore whether the applicant is being completely honest as to their intentions. There are two questions:

- 1) What is a Restaurant?
- 2) What is a Meal?

The Oxford English Dictionary states:

Restaurant – *'a place where people pay to sit and eat meals that are cooked and served on the premises'*
Meal – *'any of the regular occasions in the day when a **reasonably large** amount of food is eaten'*

The brief menus supplied indicate that the 'meals' available are hotdogs, burgers (and side dishes) and oysters. These dishes do not meet the definition above. If they do, however meet this definition, I would have expected provision to be made for toilets in the premises, however customers are expected to use the Old Street Station toilets and there is no guarantee that they will be in operation as the applicant has no control over this. It would mean customers relieving themselves in Old Street Station which would indicate a Public Nuisance. I believe this evidence strongly indicates the venue will primarily be a bar, which not suitable in this location for the reasons explained above.

It is for the above reasons that we are objecting to the application and propose that it is refused.

Should you wish to discuss the matter further please contact me on Mobile 07799133204 or via email, licensingpolice@islington.gov.uk

Yours sincerely

Paul Hoppe Pc 208NI

Steven Harrington Pc 425NI
Peter Conisbee Pc 575NI
Islington Police Licensing Team

Licensing Authority Representation

Licensing Act 2003

Application: Disco Dog Old St Station London EC1

I am submitting a representation on behalf of the Licensing Authority respect to the new application to permit on supplies of alcohol and late night refreshment.

The grounds for the representation are:

- Public nuisance
- Crime and disorder
- Public Safety

Licensing Policy Considerations

*Licensing Policies 1 & 2
Licensing Hours 7 & 8*

*Location, cumulative impact and saturation
Licensing Hours*

Issues of Concern

- The premises are located within the Bunhill Cumulative Impact area
- Impact of patrons leaving the premises after midnight on local
- Limited information regarding the capacity of the premises
- Lack of reference to the premises operating as a restaurant in the operating schedule

Recommendation

I recommend that order to promote the licensing objectives the following conditions are attached to the licence:

1. The premises shall operate as a restaurant
2. The sale of alcohol sale cease at 11pm on Mondays to Thursdays
3. No late night refreshment Mondays to Thursdays
4. The premises shall be cleared of patrons and closed by 11.30pm Mondays to Thursdays, Midnight on Fridays and Saturdays (and 11pm on Sundays)
5. The capacity of the premises shall not exceed ##
(NB ## applicant to confirm capacity based upon risk assessment)
6. The premises shall not be used for licensable activities until an approved Building Control Inspector has confirmed, in writing, that the premises comply with the current Building Regulations

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6 January 2015

ISLINGTON COUNCIL LICENSING SUB-COMMITTEE
DECISION FORM

Licensing Sub-Committee B – 25 November 2014

Disco Dog, Old Street Station, EC1Y 1BE

DECISION

The Sub-Committee have decided to refuse the application for a new premises licence in respect of **Disco Dog, Old Street Station, EC1**

The determination of the sub-committee (including the reasons for the decision) will be provided to you in writing within 5 working days.

Appendix 3

REASONS FOR DECISION

The applicant and the legal representative were not in attendance at the meeting. An email had been sent to the licensing team in the afternoon requesting an adjournment. The applicant was advised to attend the meeting to make the request for an adjournment to the Sub-Committee.

The applicant did not provide any grounds for an adjournment and the Sub-Committee decided not to adjourn as it was not necessary to do so in the public interest.

The Sub-Committee received updated information from the licensing officer, the police and the environmental health team and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee noted that the applicant had indicated earlier in the day that off sales would be removed from the application. Discussions with trading standards had led to them withdrawing their objection. The police referred to discussions during the day and that there was confusion as to whether the venue was to be a restaurant or bar. The environmental health officer raised concerns about major anti-social behaviour at Old Street and the problem with public urination which had not been addressed by the applicant in the operating schedule. The officer stated that the plans show 60 covers in the restaurant but no provision of a toilet within the premises.

The Sub-Committee noted that the applicant had failed to produce a detailed operating schedule in accordance with licensing policy 9 and there was insufficient information before the Sub-Committee.

The Sub-Committee took into consideration Licensing policy 2. The premises fall under the Bunhill and Clerkenwell cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives. The applicant failed to rebut the presumption. The Sub-Committee refused the application as the applicant failed to demonstrate that the licensing objectives would be upheld.

Note of the Committee

Suggested conditions of approval consistent with the operating schedule

1. Between the hours of 08:00 and 10:00 alcohol shall only be supplied as ancillary to a meal.
2. The premises shall be laid out to table and chairs and, other than an area around the bar marked on the plan where up to 10 patrons may stand to wait for a table, all patrons will be required to be seated.
3. Service of food and drink shall be by waiter and waitress service.
4. The premises licence will cease after 12 months or when the licence/right to occupy from tfl ends and is not extended whichever is later.
5. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised officer or a Police Officer (subject to Data Protection Act 1998) within 24 hours of any request.
6. Clear and prominent notices shall be displayed on the premises warning customers of the need to guard their property and to be aware of the operation of pickpockets, bag snatchers, etc. The notices shall advise customers to report concerns to the designated premises supervisor or the person in charge of the licensed premises.
7. Appropriate risk assessments shall be carried out.
8. Safety checks shall be carried out before the admission of the public. Details of safety checks shall be kept in a Log-book on the premises. The Log-book shall be made available for inspection by an authorised officer.
9. The licensee shall adopt Challenge 25 and the BII National Standards Proof of Age Scheme.
10. The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.

Condition proposed by the Licensing Authority Officer

11. The premises shall operate as a restaurant
12. The sale of alcohol shall cease at 11pm on Mondays to Thursdays
13. No late night refreshment Mondays to Thursdays
14. The premises shall be cleared of patrons and closed by 11.30pm Mondays to Thursdays, Midnight on Fridays and Saturdays (and 11pm on Sundays)
15. The capacity of the premises shall not exceed ##
(NB ## applicant to confirm capacity based upon risk assessment)
16. The premises shall not be used for licensable activities until an approved Building Control Inspector has confirmed, in writing, that the premises comply with the current Building Regulations