

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

<b>Meeting of</b>	<b>Date</b>	<b>Agenda Item</b>	<b>Ward(s)</b>
Licensing Sub-Committee	14 <sup>th</sup> April 2016		St. Mary's

<b>Delete as appropriate</b>		Non-exempt
------------------------------	--	------------

**Subject: PREMISES LICENCE VARIATION APPLICATION**  
**RE: DIRTY MARTINI, 74 UPPER STREET, LONDON, N1 0NY**

**1. Synopsis**

- 1.1 This is an application for the variation of a premise licence under the Licensing Act 2003.
- 1.2 The premises currently holds a licence allowing
  - The sale by retail of alcohol, on supplies, Mondays to Sundays from 10:00 until 00:00;
  - The sale by retail of alcohol, off supplies, Mondays to Sundays from 10:00 until 23:00;
  - The provision of regulated entertainment for the showing of films, the performance of live music and the playing of recorded music, Mondays to Sundays from 10:00 until 00:30 the following day;
  - The provision of late night refreshment, Mondays to Sundays from 23:00 until 00:30 the following day; and
  - The premises to be open to the public, Mondays to Sundays from 10:00 unto; 00:30 the following day.
- 1.3 The new application is to extend the licensing hours to allow:
  - The sale by retail of alcohol, on and off supplies from midnight until 2am, Thursdays to Saturdays;
  - The provision of regulated entertainment for the showing of films, the performance of live music and the playing of recorded music from 00:30 until 02:00, Thursdays to Saturdays;

- The provision of late night refreshment from 00:30 until 02:00, Thursdays to Saturdays; and
- The opening hours of the premises to be extended from 00:30 until 02:30, Thursdays to Saturdays.

## 2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	No
Noise	No
Health and Safety	No
Trading Standards	No
Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes: Three local residents
Other bodies	Yes: Two local Councillors

## 3. Background

### 3.1 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: current licence;
- Appendix 3: representations;
- Appendix 4: suggested conditions and map of premises location.

### 3.2 Brief Licensing History:

- 24<sup>th</sup> November 2005 - Premises licence granted by way of conversion under Licensing Act 2003;
- 16<sup>th</sup> December 2011 - Former licensee, Rathiba Limited, transfers onto the licence;
- 26<sup>th</sup> June 2014 - Premises Licence Review application submitted as a result of crime and disorder issues connected to the premises;
- 12<sup>th</sup> August 2014 - Licensing Sub-Committee determined a reduction in licensable hours and a number of control measures when determining the premises licence review application;
- 5<sup>th</sup> June 2015 – Current licensee, DC Bars Limited, transfers onto the licence;
- 30<sup>th</sup> July 2015 – As a result of an appeal and subsequent Consent Order authorised by the magistrates court the hours and licence conditions were amended to that which exist currently;
- 18<sup>th</sup> February 2016 – Premises licence variation application received.

#### **4. Planning Implications**

4.1 None

#### **5 Recommendations**

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

5.2 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**



JanHart

Service Director – Public Protection

Date 31 March 2016

**Received by**

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

**Thomas & Thomas**

Partners LLP

Your ref:  
Our ref: JS/DCB.1.10

38a Monmouth Street  
London WC2H 9EP  
tel: 020 7042 0410  
fax 020 7379 6618

Licensing Team, Public Protection Division  
Environment and Regeneration  
Islington Council  
Third Floor  
222 Upper Street  
London  
N1 1XR

18 February 2016

Dear Sirs

**Licensing Act 2003 - Application to Vary a Premises Licence  
Dirty Martini, 74 Upper Street, N1 ONY**

Please find enclosed our client's application to vary the above Premises Licence.

**Background**

The Premises Licence was transferred to the applicant in June 2015. Thereafter the Premises was re-opened as "Dirty Martini" on 16 July 2016. Dirty Martini operates as premium cocktail bar concept across London. The applicant has operated the Premises under the current Premises Licence and Temporary Event Notices since this date. It has done so without complaint.

As the Council will be aware, the operation of the Premises by the previous Premises Licence holder as "XOXO" led to a review application by the Metropolitan Police in 2014. The review proceedings were subsequently settled between the Council and previous Premises Licence holder before a full appeal hearing at the Magistrates' Court.

The terms of the parties' settlement are reflected in the current Premises Licence. The parties agreed a reduction in terminal hours on Thursdays to Saturdays to midnight (previously 2.00 am) and additional conditions. The current application seeks to reinstate the previously authorised terminal hour on Thursdays to Saturdays.

The applicant is fully aware of the concerns relating to the historical operation of the Premises. The management team have worked tirelessly to repair relationships with the Police, Council and local residents. A recent meeting with the Metropolitan Police confirmed the applicant has turned the Premises around, with no recent or ongoing concerns. This includes a successful trading period over Christmas and New Year, including Temporary Event Notices authorising later hours.

The applicant is an extremely experienced, professional and responsible operator. It successfully manages seven Dirty Martini premises across London, as well as two restaurants in Covent Garden. The applicant's comprehensive management procedures have been implemented at the Premises to ensure the promotion of all four licensing objectives and no repeat of the historical concerns.

**London Borough of Islington Statement of Licensing Policy**

The Premises is located in the Angel and Upper Street Cumulative Impact Area.

Licensing Policy 2 states:

*"This special policy will create a rebuttable presumption that applications or 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 a promotion of the licensing objectives."*

The applicant has successfully demonstrated that the operation of the Premises does not add to the cumulative impact and does not impact adversely on the promotion of the Licensing Objectives and thus constitutes only a re-instatement of hours, based upon a complaint and incident free trading period.

Yours faithfully



**Thomas & Thomas Partners LLP**

tel: 020 7042 0413

email: [jspiegler@tandtp.com](mailto:jspiegler@tandtp.com)

Encl.

# Thomas & Thomas

Partners LLP

Application to vary a premises licence under the Licensing Act 2003

16000 5350

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

LN/3715

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.

Due: 17/03

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

I/We DC Bars Limited

(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  
LN/3715-050615

## Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description  
Dirty Martini  
74 Upper Street

Post town London

Postcode

N1 0NY

Telephone number at premises (if any)

Non-domestic rateable value of premises

£67,000

## Part 2 – Applicant details

Daytime contact  
telephone number

E-mail address (optional)

Current postal address if  
different from premises address

Post town

Postcode

IP2/672555

£315-00. 18/2/15

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

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

DD	MM	YYYY

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

**Please describe briefly the nature of the proposed variation (Please see guidance note 2)**

To extend licensable activities until 2am on Thursday, Friday and Saturday nights (the morning following) as per the previous premises licence reference LN/3715-160414.

There are no proposed changes to the licence conditions, capacity or permitted hours on Sundays to Wednesday nights.

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:

**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 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 checked="" 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 checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)  | <input checked="" 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)<br>(if ticking yes, fill in box H) | <input type="checkbox"/>            |

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

**Sale by retail 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 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for performing plays (please read guidance note 5)		
Thur								
Fri						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 6)		
Sat								
Sun								

**B**

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Hours for Sunday to Wednesday and seasonal variations to remain as currently permitted.		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur	1000	0200			
Fri	1000	0200	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 6) An additional hour when British Summertime Commences		
Sat	1000	0200			
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
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 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur			<u>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</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<p>Please give further details here (please read guidance note 4) Hours for Sunday to Wednesday and seasonal variations to remain as currently permitted.</p> <p>State any seasonal variations for the performance of live music (please read guidance note 5)</p> <p>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 6) An additional hour when British Summertime Commences</p>		
Mon					
Tue					
Wed					
Thur	1000	0200			
Fri	1000	0200			
Sat	1000	0200			
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Hours for Sunday to Wednesday and seasonal variations to remain as currently permitted.		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	1000	0200			
Fri	1000	0200	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 6) An additional hour when British Summertime Commences		
Sat	1000	0200			
Sun					

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</b>			Please give a description of the type of entertainment you will be providing		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here (please read guidance note 4)</b>		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)</b>		
Fri					
Sat			<b>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 6)</b>		
Sun					

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4) Hours for Sunday to Wednesday and seasonal variations to remain as currently permitted.					
Mon								
Tue								
Wed						<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur	2300	0200						
Fri	2300	0200				<b>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</b> (please read guidance note 6) An additional hour when British Summertime Commences		
Sat	2300	0200						
Sun								

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick (please read guidance note 6)</b>	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>		Both	<input checked="" type="checkbox"/>
Mon			<b>State any seasonal variations for the supply of alcohol (please read guidance note 5)</b> Hours for Sunday to Wednesday and seasonal variations to remain as currently permitted.		
Tue					
Wed					
Thur	1000	0200	<b>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 6)</b> An additional hour when British Summertime Commences		
Fri	1000	0200			
Sat	1000	0200			
Sun					

K

<p><b>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 9).</b></p> <p>None</p>
---

L

<b>Hours premises are open to the public</b> <b>Standard days and timings (please read guidance note 7)</b>			<b>State any seasonal variations (please read guidance note 5)</b> <b>Hours for Sunday to Wednesday and seasonal variations to remain as currently permitted.</b>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon			
Tue			<b>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 6)</b> <b>An additional hour when British Summertime Commences</b>
Wed			
Thur	1000	0230	
Fri	1000	0230	
Sat	1000	0230	
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.

None

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.

The premises licence has been lost.

## **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 10)**

The application follows consultation with the Metropolitan Police and a complaint free trading period since the applicant starting operating the premises in July 2015.

Please refer to the application's covering letter for further background and submissions on the Council's Statement of Licensing Policy.

The comprehensive schedule of existing premises licence conditions will remain unchanged and continue to promote all four licensing objectives.

### **b) The prevention of crime and disorder**

Please refer to box a) above

### **c) Public safety**

Please refer to box a) above

### **d) The prevention of public nuisance**

Please refer to box a) above

### **e) The protection of children from harm**

Please refer to box a) above

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- 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, 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 5 – Signatures (please read guidance note 11)**

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>Thomas &amp; Thomas</i>
Date	18/02/2016
Capacity	Thomas & Thomas Partners LLP, Solicitors on behalf fo the applicant

**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 13). 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 14)**

Amy Catlin (DCB.1.10)  
 Thomas & Thomas Partners LLP  
 38a Monmouth Street

Post town	London	Post code	WC2H 9EP
-----------	--------	-----------	----------

Telephone number (if any)	020 7042 0418
---------------------------	---------------

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)  
 acatlin@tandtp.com

## 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 to 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 for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state 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.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. 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.
8. 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'.
9. 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.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.



ISLINGTON

**PREMISES LICENCE  
LICENSING ACT 2003**

<b>Premises licence number</b>	LN/3715-160715	<b>Date of original grant*</b>	24 November 2005
--------------------------------	----------------	--------------------------------	------------------

*\*An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
<b>DIRTY MARTINI 74 UPPER STREET</b>			
<b>Post town</b>	London	<b>Post code</b>	N1 0NY
<b>Telephone number</b>			

<b>Where the licence is time limited the dates</b>
Not Applicable

<b>Licensable activities authorised by the licence</b>
<b>Ground Floor</b>
<ul style="list-style-type: none"> <li>• The provision of regulated entertainment by way of: <ul style="list-style-type: none"> <li>The exhibition of films</li> <li>The performance of live music</li> <li>The playing of recorded music</li> </ul> </li> <li>• The provision of late night refreshment</li> <li>• The sale by retail of alcohol</li> </ul>

<b>The times the licence authorises the carrying out of licensable activities</b>																																																																						
<ul style="list-style-type: none"> <li>• The provision of regulated entertainment for the exhibition of films: <table border="0"> <tr><td>Monday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Tuesday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Wednesday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Thursday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Friday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Saturday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Sunday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> </table> </li> <li>• The provision of regulated entertainment for the performance of live music: <table border="0"> <tr><td>Monday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Tuesday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Wednesday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Thursday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Friday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Saturday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Sunday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> </table> </li> </ul>	Monday	10:00	to	00:30	the following day	Tuesday	10:00	to	00:30	the following day	Wednesday	10:00	to	00:30	the following day	Thursday	10:00	to	00:30	the following day	Friday	10:00	to	00:30	the following day	Saturday	10:00	to	00:30	the following day	Sunday	10:00	to	00:30	the following day	Monday	10:00	to	00:30	the following day	Tuesday	10:00	to	00:30	the following day	Wednesday	10:00	to	00:30	the following day	Thursday	10:00	to	00:30	the following day	Friday	10:00	to	00:30	the following day	Saturday	10:00	to	00:30	the following day	Sunday	10:00	to	00:30	the following day
Monday	10:00	to	00:30	the following day																																																																		
Tuesday	10:00	to	00:30	the following day																																																																		
Wednesday	10:00	to	00:30	the following day																																																																		
Thursday	10:00	to	00:30	the following day																																																																		
Friday	10:00	to	00:30	the following day																																																																		
Saturday	10:00	to	00:30	the following day																																																																		
Sunday	10:00	to	00:30	the following day																																																																		
Monday	10:00	to	00:30	the following day																																																																		
Tuesday	10:00	to	00:30	the following day																																																																		
Wednesday	10:00	to	00:30	the following day																																																																		
Thursday	10:00	to	00:30	the following day																																																																		
Friday	10:00	to	00:30	the following day																																																																		
Saturday	10:00	to	00:30	the following day																																																																		
Sunday	10:00	to	00:30	the following day																																																																		

- The provision of regulated entertainment for the playing of recorded music:

Monday	10:00	to	00:30	the following day
Tuesday	10:00	to	00:30	the following day
Wednesday	10:00	to	00:30	the following day
Thursday	10:00	to	00:30	the following day
Friday	10:00	to	00:30	the following day
Saturday	10:00	to	00:30	the following day
Sunday	10:00	to	00:30	the following day

- The provision of late night refreshment:

Monday	23:00	to	00:30	the following day
Tuesday	23:00	to	00:30	the following day
Wednesday	23:00	to	00:30	the following day
Thursday	23:00	to	00:30	the following day
Friday	23:00	to	00:30	the following day
Saturday	23:00	to	00:30	the following day
Sunday	23:00	to	00:30	the following day

- The sale by retail of alcohol:

Monday	10:00	to	00:00
Tuesday	10:00	to	00:00
Wednesday	10:00	to	00:00
Thursday	10:00	to	00:00
Friday	10:00	to	00:00
Saturday	10:00	to	00:00
Sunday	10:00	to	00:00

Except on:

New Year's Eve until the time authorised on the following day.

**Gaming Machine Provision:**

Not Authorised

**The opening hours of the premises:**

Monday	10:00	to	00:30	the following day
Tuesday	10:00	to	00:30	the following day
Wednesday	10:00	to	00:30	the following day
Thursday	10:00	to	00:30	the following day
Friday	10:00	to	00:30	the following day
Saturday	10:00	to	00:30	the following day
Sunday	10:00	to	00:30	the following day

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

On and off supplies - Off sales only permitted, daily, from 10:00 until 23:00.

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

DC Bars Limited  
Suite 1  
36-37 Maiden Lane  
London  
WC2E 7LJ

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

07582932

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

Mr Matthew Arthur Quick

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

Islington Council  
Public Protection Division  
222 Upper Street  
London  
N1 1XR  
T: 020 7527 3031  
E: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

  
Service Manager (Commercial)

  
Date of Issue

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, or
  - 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. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.

There are further 'Mandatory conditions' applicable to licences authorising the supply of alcohol. A full list of the current mandatory conditions is available from the licensing pages on Islington's web site, [www.islington.gov.uk](http://www.islington.gov.uk). This list is subject to change by order of the Secretary of State and licensees and other responsible persons are advised to ensure they are aware of the latest conditions.

## **Annex 2 - Conditions consistent with the Operating Schedule**

1. After the premises have closed, the Door Supervisors shall remain outside until all customers have left the vicinity and are expected to actively encourage a swift and quiet dispersal;
2. All instances of crime and disorder shall be reported to the police;
3. Any person exiting the venue to smoke must do so within the designated smoking area only;
4. There shall be no more than eight persons, at any one time, using the designated smoking area after 23:00;
5. Any person leaving the venue and wishing to return, other than to visit the designated smoking area, will, upon their return, be classified as a new customer and have to queue for re-entry thereby subject to the normal entry requirements such as a personal search;
6. Any customer of the venue found to be using St. Alban's Place, other than as a legitimate thoroughfare, shall be refused re-entry to the venue;
7. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
8. Doors and windows to the premises will be kept closed, except for entry and exit, after 23:00; and
9. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly service(at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised officer or Police officer (subject to the Data Protection Act 1998) within 24 hours of any request. There will always be a member of staff on duty who can operate the system, to allow officers to view recordings and if required by a Police officer, provide a copy of images immediately and free of charge.

10. Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
11. This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out:
  - Children and Young Persons Act 1933
  - Cinematograph (Safety) Regulations 1955
  - Sporting Events (Control of Alcohol Etc) Act 1985
12. The maximum number of persons accommodated at any one time in the premises shall not exceed the following:
  - a) **Ground Floor: 200**
13. The licence shall be subject to the Council's standard conditions for Places of Entertainment
14. The licence shall be subject to the Council's technical standards for Places of Entertainment
15. The licence is subject to the following Additional Conditions referred to in the Standard Conditions for Places of Public Entertainment:
  - a) **ADDITIONAL CONDITIONS D: APPLICABLE TO PREMISES USING DOOR SUPERVISORS.**
  - b) **ADDITIONAL CONDITION GO: APPLICABLE TO THE KEEPING OF GOOD ORDER.**
  - c) **ADDITIONAL CONDITIONS SX: FOR PARTICULAR CONTROL OVER STRIPTEASE OR SIMILAR ENTERTAINMENT INVOLVING NUDITY.**
16. The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which may include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for music and dancing.
17. The licensees shall ensure that at all times that this licence is in operation all amplified sound and music played on the premises is subject to the control of an entertainment noise control system. The system must be set to maximum music noise levels approved by, and in conjunction with, the Council's Noise Team.
18. If there are any changes in the distribution and type of loudspeakers or amplification equipment serving the sound system, then the noise control system shall be re-calibrated to ensure the music levels given above are not exceeded. The calibration certificate shall be forwarded to the Licensing team.
19. The entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the approved levels by the Council, are not exceeded. This should be undertaken annually. A certificate from an acoustic consultant should be provided at least 28 days before the renewal of the License confirming that the approved levels are not being exceeded.
20. The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.

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

1. No Sales of alcohol for consumption off the premises after 23:00.
2. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
3. No less than two SIA registered door supervisors will be employed on Thursdays, Fridays and Saturdays from 20:00 until closing. One of the SIA registered door supervisors sole responsibility will be to supervise the smoking area and the entrance to St. Alban's Place.
4. A Challenge 25 proof of age scheme shall be operated at the premises where only acceptable forms of identification are recognised photographic identification cards, such as a Driving Licence, Passport or proof of age card with PASS Hologram.
5. All staff engaged outside the entrance of the premises, or supervising or controlling queues, shall wear high visibility yellow jackets.
6. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
7. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
8. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the highway.
9. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
  - The Police (and, where appropriate, the London Ambulance Service) are called without delay;
  - All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police;
  - The crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and
  - Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
10. When outside the venue, only persons seated within the external private seating area may be supplied with alcohol under this licence;
11. Outside tables and chairs will be cleared away or rendered unusable by 23:00.
12. No unaccompanied children allowed in the premises at any time and no children are permitted on the premises after 18:30.

### **Annex 4 – Plans**

Reference Number: P.01



## Premises Licence Summary

### Licensing Act 2003

<b>Premises licence number</b>	LN/3715-160715	<b>Date of original grant*</b>	24 November 2005
--------------------------------	----------------	--------------------------------	------------------

*\*An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
<b>DIRTY MARTINI 74 UPPER STREET</b>			
<b>Post town</b>	London	<b>Post code</b>	N1 0NY
<b>Telephone number</b>			

<b>Where the licence is time limited the dates</b>
Not Applicable

<b>Licensable activities authorised by the licence</b>
<b>Ground Floor</b>
<ul style="list-style-type: none"> <li>The provision of regulated entertainment by way of: <ul style="list-style-type: none"> <li>The exhibition of films</li> <li>The performance of live music</li> <li>The playing of recorded music</li> </ul> </li> <li>The provision of late night refreshment</li> <li>The sale by retail of alcohol</li> </ul>

<b>The times the licence authorises the carrying out of licensable activities</b>																																																																						
<ul style="list-style-type: none"> <li>The provision of regulated entertainment for the exhibition of films: <table border="0"> <tr><td>Monday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Tuesday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Wednesday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Thursday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Friday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Saturday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Sunday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> </table> </li> <li>The provision of regulated entertainment for the performance of live music: <table border="0"> <tr><td>Monday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Tuesday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Wednesday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Thursday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Friday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Saturday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Sunday</td><td>10:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> </table> </li> </ul>	Monday	10:00	to	00:30	the following day	Tuesday	10:00	to	00:30	the following day	Wednesday	10:00	to	00:30	the following day	Thursday	10:00	to	00:30	the following day	Friday	10:00	to	00:30	the following day	Saturday	10:00	to	00:30	the following day	Sunday	10:00	to	00:30	the following day	Monday	10:00	to	00:30	the following day	Tuesday	10:00	to	00:30	the following day	Wednesday	10:00	to	00:30	the following day	Thursday	10:00	to	00:30	the following day	Friday	10:00	to	00:30	the following day	Saturday	10:00	to	00:30	the following day	Sunday	10:00	to	00:30	the following day
Monday	10:00	to	00:30	the following day																																																																		
Tuesday	10:00	to	00:30	the following day																																																																		
Wednesday	10:00	to	00:30	the following day																																																																		
Thursday	10:00	to	00:30	the following day																																																																		
Friday	10:00	to	00:30	the following day																																																																		
Saturday	10:00	to	00:30	the following day																																																																		
Sunday	10:00	to	00:30	the following day																																																																		
Monday	10:00	to	00:30	the following day																																																																		
Tuesday	10:00	to	00:30	the following day																																																																		
Wednesday	10:00	to	00:30	the following day																																																																		
Thursday	10:00	to	00:30	the following day																																																																		
Friday	10:00	to	00:30	the following day																																																																		
Saturday	10:00	to	00:30	the following day																																																																		
Sunday	10:00	to	00:30	the following day																																																																		



- The provision of regulated entertainment for the playing of recorded music:

Monday	10:00	to	00:30	the following day
Tuesday	10:00	to	00:30	the following day
Wednesday	10:00	to	00:30	the following day
Thursday	10:00	to	00:30	the following day
Friday	10:00	to	00:30	the following day
Saturday	10:00	to	00:30	the following day
Sunday	10:00	to	00:30	the following day

- The provision of late night refreshment:

Monday	23:00	to	00:30	the following day
Tuesday	23:00	to	00:30	the following day
Wednesday	23:00	to	00:30	the following day
Thursday	23:00	to	00:30	the following day
Friday	23:00	to	00:30	the following day
Saturday	23:00	to	00:30	the following day
Sunday	23:00	to	00:30	the following day

- The sale by retail of alcohol:

Monday	10:00	to	00:00
Tuesday	10:00	to	00:00
Wednesday	10:00	to	00:00
Thursday	10:00	to	00:00
Friday	10:00	to	00:00
Saturday	10:00	to	00:00
Sunday	10:00	to	00:00

Except on:

New Year's Eve until the time authorised on the following day.

**Gaming Machine Provision:**

Not Authorised

**The opening hours of the premises:**

Monday	10:00	to	00:30	the following day
Tuesday	10:00	to	00:30	the following day
Wednesday	10:00	to	00:30	the following day
Thursday	10:00	to	00:30	the following day
Friday	10:00	to	00:30	the following day
Saturday	10:00	to	00:30	the following day
Sunday	10:00	to	00:30	the following day

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

On and off supplies - Off sales only permitted, daily, from 10:00 until 23:00.

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

DC Bars Limited  
Suite 1  
36-37 Maiden Lane  
London  
WC2E 7LJ

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

07582932

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Matthew Arthur Quick

**State whether access to the premises by children is restricted or prohibited**

No unaccompanied children allowed in the premises at any time and no children are permitted on the premises after 18:30.

It is an offence to allow persons under the age of 16 years to be on the premises whilst it is open exclusively or primarily for the supply of alcohol for consumption on the premises unless they are accompanied by a person aged 18 or over. No unaccompanied person under the age of 16 years shall be permitted on the premises between 12 midnight and 5am if alcohol is supplied for consumption on the premises.

Islington Council  
Public Protection Division  
222 Upper Street  
London  
N1 1XR  
T: 020 7527 3031  
E: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)



**Licensing Act 2003****Licensing Authority Representation****Premises Licence Variation Application:****Dirty Martini, 74 Upper Street, London, N1 0NY.**

I am submitting a representation on behalf of the Licensing Authority with respect to the premises licence variation application. The application is seeking to extend the licensing hours for

- The sale by retail of alcohol, on and off supplies from midnight until 2am, Thursdays to Saturdays;
- The provision of regulated entertainment for the showing of films, the performance of live music and the playing of recorded music from 12.30am to until 2am, Thursdays to Saturdays;
- The provision of late night refreshment from 12.30am to until 2am, Thursdays to Saturdays; and
- The opening hours of the premises to be extended from 12.30am to until 2.30 am, Thursdays to Saturdays.

**The grounds for the representation are:**

- Public nuisance
- Crime and disorder
- Public Safety

**Licensing Policy Considerations**

*Licensing Policies 1 & 2      Location, cumulative impact and saturation*

*Licensing Policies 7 & 8      Licensing Hours*

*Licensing Policies 9          Operating Schedules*

*Licensing Policy 21          Dispersal Policies*

**Issues of Concerns**

The premises is situated within the Angel & Upper Street Cumulative Impact area, therefore the onus is on the applicant to demonstrate that the application will not add to the cumulative impact. The applicant has acknowledged that the premises is situated within the Cumulative Impact area but has added no detail as why the proposal for extended hours would not add to this.

Whilst the premises may have a good track record of trading since it opened in July 2015, LP 7 of our Licensing Policy specifically states that high standards of management are not considered to be exceptional circumstances when looking to extend licensing hours within the cumulative impact area.

The licensing hours (LP 7 and 8) proposed by this application are in excess of the guide hours for a bar as laid out within the in Council's Licensing Policy. The probability of local residents being affected by nuisance and alcohol related crime generally increases in line with later licensing hours. The application does not specify any additional measures within the operating schedule (LP 9) to mitigate against possible crime, disorder and/or public nuisance that could occur, if the later hours were to be approved.

The application is seeking to extend the premises opening hours on Thursdays to Saturdays to 02:30 with a terminal hour of 02:00 for the sale of alcohol, the LA would expect such a proposal to include a site specific dispersal policy (LP 21). There is no reference to such within the application.

### **Summary**

The Licensing Authority acknowledges that the application is seeking to restore the licensing hours and activities previously authorised at the venue when under previous management however, the fact that these hours were reduced as a result of a premises licence review, and no additional measures have been proposed, is a serious concern for the LA.

The proposed hours are also in excess of the suggested guide hours for this type of premises.

The LA therefore proposes that the proposed variation application be refused.

Janice Gibbons

Service Manager

Islington Council

[Janice.gibbons@islington.gov.uk](mailto:Janice.gibbons@islington.gov.uk)

02 7527 3212

15<sup>th</sup> March 2016

**Whitton, Daniel**

---

**From:**  
**Sent:** 19 February 2016 13:56  
**To:**  
  
**Cc:**  
  
**Subject:** RE: Special Treatment Variation: Dirty Martini

I would like to formally object to this application. This represents a significant expansion of the licensable activities during critical hours of most negative impact to this location. This has previously been a troubled venue and I do not believe that any expansion is justified. The application has not mitigated the impact and does not meet the threshold for granting this license in CIZ.

Regards  
Councillor Gary Poole

Sent with Good ([www.good.com](http://www.good.com))

**Whitton, Daniel**

---

**From:**  
**Sent:** 19 February 2016 17:34  
**To:**

**Cc:**

**Subject:** RE: Special Treatment Variation: Dirty Martini

I fully support Cllr Poole's view on this and also object to this application for the reasons laid out in his below email.

Regards,

Cllr Nurullah Turan

Councillor Nurullah Turan  
London Borough of Islington  
St Mary's

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** Poole, Gary

btinternet.com'; Whitton, Daniel; Picknell,

**Subject:** RE: Special Treatment Variation: Dirty Martini

I would like to formally object to this application. This represents a significant expansion of the licensable activities during critical hours of most negative impact to this location. This has previously been a troubled venue and I do not believe that any expansion is justified. The application has not mitigated the impact and does not meet the threshold for granting this license in CIZ.

Regards  
Councillor Gary Poole

Sent with Good ([www.good.com](http://www.good.com))

**Whitton, Daniel**

---

**From:** Williams, John on behalf of Licensing  
**Sent:** 26 February 2016 16:25  
**To:** Whitton, Daniel  
**Subject:** FW: Premises Licence Variation: Dirty Martini

---

**From:**  
**Sent:** 25 February 2016 16:31  
**To:** Licensing  
**Subject:** FW: Premises Licence Variation: Dirty Martini

I understand Yesim is away until 4<sup>th</sup> April so am sending this again.

---

**From:**  
**Sent:** 25 February 2016 16:22  
**To:** 'Senler, Yesim' <[Yesim.Senler@islington.gov.uk](mailto:Yesim.Senler@islington.gov.uk)>  
**Subject:** RE: Premises Licence Variation: Dirty Martini

I object to this application. The premises are in the cumulative impact zone and in an area in which the drinking culture has had a huge negative effect. There is crime, noise, litter, drunkenness and ASB in this particular area from the top of Essex Road, Islington Green, and Upper Street to the Angel. The extension of the hours will add to that impact. There seems nothing in the papers I have seen which demonstrate how the applicant will address this issue so that there is no cumulative impact.

The area has a large number of residential properties indeed there is one above the venue and the disturbance will impact on people who may have children and may have jobs. These people need a good night's sleep.

In addition the premises have a history of trouble and while it is accepted it is not longer XOXO the trouble was recent history so late night drinking to 2am with music should not be permitted.

---

Licensing Service  
London Borough of Islington  
3<sup>rd</sup> Floor  
222 Upper Street  
London N1 1XR

6 March 2016

Dear Sirs

**Licensing Act 2003 – Premises Licence Application (Variation)**

**Re: Dirty Martini, Basement & Ground Floor Right, 74 Upper Street, London N1 0NY**

I am a local resident at the above address. This letter responds to your notification of the application to vary the premises licence for the captioned premises, which, it should be noted, are in the Angel and Upper Street Cumulative Impact Area.

The application, which the licensee has not sought to discuss or foreshadow with neighbours or local residents, is strongly opposed.

The variation sought to the existing licence would adversely affect the quality of life of residents and anyway contravenes the Authority's applicable policies and would therefore be unlawful. Specifically, but without limitation, granting the variation sought would be likely to increase crime and disorder in the local area, increase already prevalent public nuisance, deleteriously affect public safety and put children and young people at risk.

Each of these is dealt with below. However, it is worth noting at the outset that the variation sought is, presently, solely to an extension of the hours within which alcohol may be sold on the licensed premises. The licensed premises are, however, subject to entertainment hours restrictions which currently conclude at 0030 – a condition of which the licensee is frequently in breach. Since the licensed premises are a bar, the application therefore represents the 'thin end of the wedge'; and is presumably intended to be followed, were the application granted (which, plainly, it should not be), by an application to extend the nuisance caused to local residents by late night music, to coincide with the hours during which alcohol may be sold on the licensed premises.

As already noted, the licensee has made no attempt to discuss the application with local residents. The applicant is already a 'bad neighbour', in frequently exceeding the permitted hours during which music may be played on the premises. I have, personally, on three occasions had cause to telephone Islington's ASB line since the licensee took over the premises, albeit that on each occasion the team has been too busy immediately to attend the premises. No doubt these and other calls which I am aware have been made by others are, however, logged.

### **(1) The Area, the Premises and Cumulative Impact**

The licensed premises are within the Angel and Upper Street Cumulative Impact Area. As the Committee will be aware, this area contains a high density of licensed premises. The specific area in which the licensed premises are located is no different. By way of example, at 70 Upper Street (*i.e.* 4 doors from the licensed premises), there are existing licensed premises which are licensed until the (unbelievable) hour of 4am on a Friday and Saturday; at 72 Upper Street are further licensed premises with a licence beyond midnight; the same applies to other premises also.

The cumulative impact of these late night licenses on local residents is already significant, and unacceptable. As dealt with further below, their presence gives rise to anti-social behaviour, crime and disorder which adversely affects those living within St. Mary's.

The variation sought would add to these existing problems. In accordance with the applicable policy (Licensing Policy 2), there is a presumption against the variation sought, unless the applicant can demonstrate the contrary. Far from the applicant being able to demonstrate that, the presence of a further establishment offering alcohol in the area beyond midnight will inevitably add to the already existing problems from which local residents suffer on a daily basis.

### **(2) Crime, Disorder and Public Nuisance**

From Thursday to Sunday night in particular, aggressive and anti-social behaviour, crime and disorder are rife on this section of Upper Street. In the last year, there has been at least once serious incident involving a knife wound (from an attack which originated outside 70-72 Upper Street). Nightly, drunkenness and disorder is demonstrated on the pavements (on both sides of the road) on and around Islington Green. St. Alban's Place, which runs directly adjacent to the licensed premises, is used as a urinal by males who have been drinking on Upper Street. Islington's memorial to its war dead on the Green is defiled by others crossing the railings and urinating on the Green. Rubbish and other detritus is everywhere, as are used smoking materials and, on occasion, drug paraphernalia.

The licensed premises may not be individually or exclusively liable for this behaviour. But they add to it. As paragraph 38 of the relevant policy makes clear, 'The Licensing Authority believes that the area has reached saturation and any further expansion in the night time economy should not adversely affect the quality of life for residents'. The variation sought would, inevitably, further adversely affect the quality of life of residents. Plainly, on this ground alone, it should be refused.

### **(3) Public Safety**

Paragraph 41 of the relevant policy correctly states, 'The Licensing Authority's expectation that only well managed venues should operate late at [night] has not been realised in [the Angel and Upper Street Cumulative Impact Area].' The frustration of that expectation persists. Frequently, in breach of existing licensing conditions, smokers and others attending

the licensed premises spill out onto Upper Street and St. Alban's Place. They are occasionally aggressive (and frightening to young people and the elderly in any event, merely by their presence).

The threat to public safety, particularly for residents, from large numbers of late night premises in the area serving alcohol is continuing, pervasive, unacceptable and should not be encouraged by the granting of further licenses or the extension of existing ones. The threat of serious incidents and alcohol fuelled violence should be reduced, and not increased. Again, on grounds of public safety alone, the variation sought should not be granted.

#### **(4) The Protection of Children from Harm**

In accordance with the Authority's policies (and the United Nations definition), children are those under the age of 18. I have three such children aged, respectively, 15, 13 and 11. They frequently spend time in Islington, although they do not live there. There are, however, large numbers of children and teenagers in St. Alban's Place and the adjacent residential areas.

The cumulative impact of anti-social behaviour, crime and disorder on children in the area, including mine, is significant. They are frequently woken at night by disturbances, including by drunken males running, shouting and attacking one another, and witness drunken behaviour from which children in most areas are shielded. Teenagers, in particular, are especially at risk as they begin to go out on weekend nights and have to return home through all too often raucous, rowdy and drunken individuals frequenting the late night bars of Upper Street. Unless the Authority wishes to countenance this risk to children and young people, no further licenses within the cumulative impact area should be granted, and no variations to extend late night drinking permitted. Similarly therefore, in accordance with its own policies and licensing law, the variation application should be refused on this ground also.

\*\*\*

This speculative variation application, which the licensee has not had the courtesy to discuss with anyone, no doubt in the hope that it will sail through without opposition, should therefore be refused. Permitting it would be unlawful in accordance with the Authority's own policies and would thus open the Authority to possibility of judicial review.

I look forward to an acknowledgement that these representations have been received and will be given due weight, as well as to hearing in due course that the application has been refused. This letter is also copied to the ward councillors in St. Mary's for their information.

**Whitton, Daniel**

---

**From:**  
**Sent:** 26 February 2016 16:35  
**To:** Senler, Yesim  
**Subject:** FW: Premises Licence Variation: Dirty Martini  
**Attachments:** App.form.pdf

I wish to object to this licence application to have recorded music, late night refreshment (23.00 to 2.00), and sale of alcohol from 10.00 to 02.00 a.m.

This premises has a history of anti social behaviour which led to a review application by the Metropolitan Police and the review proceedings were settled between the Council and the previous premises licence holder before a full appeal hearing at the Magistrates Court.

As a premises licence stays with the premises, the licensee can change many times and this sort of anti social behaviour can re-occur. The current licensee can say they will regulate their customers but this is not effective once they leave the premises. These late night hours to 2.00 a.m. are unacceptable as this encourages more drinking hours leading to more anti social behaviour. Noise and disturbance are likely when the customers leave and disperse to the residential areas. Then clearing up would be to 3-4.00.am. and can cause noise and disturbance especially with bins/bottles.

Residents should not have to put up with disturbance with their sleep in the early hours .

I trust that my views will be taken into account when determining this licence application .

Regards,

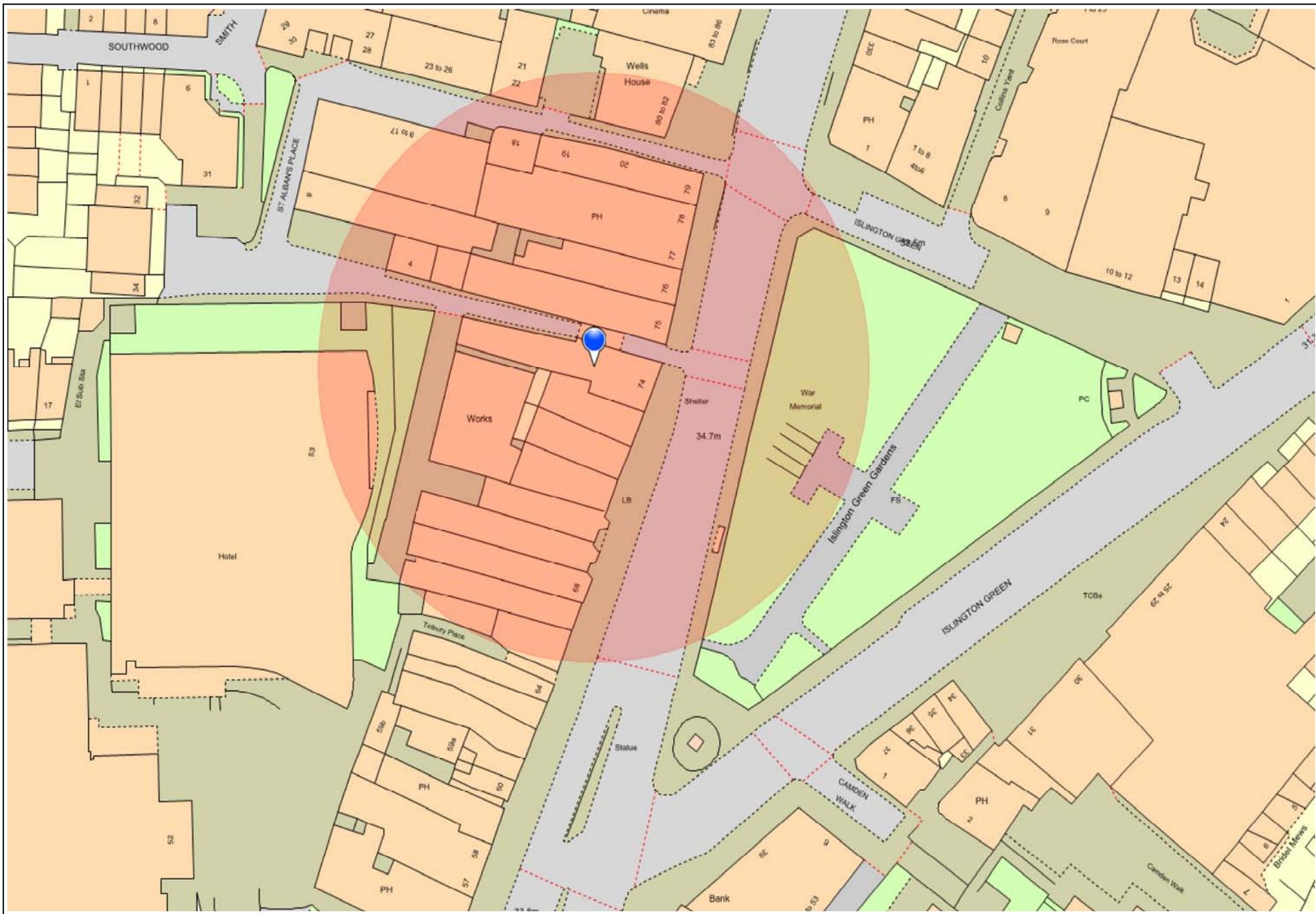
---

**Suggested conditions of approval consistent with the operating schedule**

1. No additional measures proposed.

Title: UpperSt-74-SOM

P dvwhuP ds#  
Fraxu  
Lvdqj wrq#  
Erurxjk#  
Erxqgdu|



Printed By:  
UR #UR

Printed At:  
6403605349

