



Report of: Service Director - Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	15 October 2013	B3	Bunhill

Delete as appropriate	Exempt	Non-exempt

Subject: PREMISES LICENCE NEW APPLICATION

RE: KENNEDYS, 169 WHITECROSS STREET, LONDON EC1Y 8JT

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 11:00 to 23:00 Monday.

2. Recommendations

- 2.1 To determine the application for a new premises licence under Section 19 of the Licensing Act 2003.
- 2.2 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.
- 2.3 If the Committee grants the application it should be subject to:
 - i) conditions of the current premises licence;

- ii) conditions prepared by the Licensing Officer which are consistent with the Operating Schedule
- iii) conditions recommended by responsible Authorities
- iv) any conditions deemed necessary by the Committee to promote the four licensing objectives.

3. Background

3.1 The premises has never been licensed

3.2 Papers are attached as follows:-

Appendix 1: application form;

Appendix 2: representation from the Police, Health & Safety and five local residents;

Appendix 3: suggested conditions and map of premise location.

4. Planning Implications

4.1 The use of this site as a restaurant is lawful. However, there are a number of outstanding enforcement investigations in relation to various unauthorised alterations at the site including unauthorised signage, an awning, alterations to the shop front and two extraction flues. A retrospective planning application for these alterations (Ref: P2013/1127/FUL) is currently subject to an appeal against non-determination, and the Council is awaiting a decision from the Inspectorate.

5. Conclusion and reasons for recommendations

5.1 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 necessary 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

Date 3/10/13

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Team

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Fax: 0207-527-3057

E-mail: licensing@islington.gov.uk

WK/201317513

OK TO PROCEED
TL

[Insert name and address of relevant licensing authority and its reference number (optional)]

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.

We DEN INVESTMENTS LTD apply for a premises licence under section 17 of
(Insert name(s) of applicant)
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 <u>KENNEDY'S FISH + CHIP RESTAURANT</u> <u>169 WHITECROSS STREET</u> <u>LONDON</u>	
Post town <u>LONDON</u>	Post code <u>SW1Y 8JT</u>

Telephone number at premises (if any)

020 7253 1796

Non-domestic rateable value of premises

£ 18,250

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick ✓ yes

- 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)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

ISLINGTON COUNCIL LICENSING			
Date	<u>5/7/13</u>	Fee Paid	<u>£190</u>
Cash/Checkue Number (please state)	<u>100101</u>		
Receipt Number	<u>0665283</u>		
	<u>21070</u>		

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

Surname First names

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname First names

I am 18 years old or over Please tick
 ✓ yes

Current postal address if different from premises address

Post Town 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	DEW INVESTMENTS LIMITED
Address	UNIT 1 ENTERPRISE INDUSTRIAL ESTATE BOLINA ROAD BERMONDSEY LONDON SE16 3LF
Registered number (where applicable)	05652498
Description of applicant (for example partnership, company, unincorporated association etc)	PRIVATE LIMITED COMPANY
Telephone number (if any)	020 7231 7795
E-mail address (optional)	RKHARD@SULTS@HOTMAIL.CO.UK

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
01	07	2013

AJAP

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

Day	Month	Year

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

Please give a general description of the premises (please read guidance note 1)

FISH AND CHIP SHOP, RESTAURANT + TAKE AWAY
TRADING AS "KENNEDYS"

PREMISES CONSIST OF A DOWNSTAIRS
RESTAURANT WITH 80 COVERS APPROX + EXTERNAL
SEATING, CUSTOMER TOILETS (INCLUDING DISABLED)
KITCHEN + TAKE AWAY COUNTER.

UPSTAIRS HAS A FURTHER 160 COVERS, A
FIRE EXIT AT THE REAR OVER A FLAT
ROOF AND EXTERNAL TERRACE.

THERE IS NO BAR. THE PREMISES ARE AN
EXISTING RESTAURANT + TAKE AWAY

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick ✓ yes

- 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 entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
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 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 [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
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)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both -- please tick [Y]</u> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		<u>Please give further details here</u> (please read guidance note 3)
Tue					
Wed					<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)
Thur					
Fri					<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 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 [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur						
Fri						
Sat				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)		
Sun						

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	11am	23-00 11pm	Please give further details here (please read guidance note 3) BACKGROUND MUSIC ONLY INSIDE RESTAURANT	Both	
Tue	11-00	23-00			
Wed	11-00	23-00	State any seasonal variations for playing recorded music (please read guidance note 4) n/a		
Thur	11-00	23-00			
Fri	11-00	23-00			
Sat	11-00	23-00	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	12-00	23-00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed					
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
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 [Y] (please read guidance note 2)	Indoor	
Mon				Outdoor	
Tue			Please give further details here (please read guidance note 3)	Both	
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			<p>Non standard timings. Where you intend to use the premises for the entertainment of 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)</p>
Sun			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (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)		
Tue					
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish			
			Please give a description of the facilities for dancing you will be providing		

Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)
Thur			
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor
				Outdoor
Mon				Both
Tue			Please give further details here (please read guidance note 3)	
Wed				
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4)	
Fri				
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

L

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 [Y] (please read guidance note 2)	Indoors				
				Outdoors				
				Both				
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises				
				Both				
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	11-00	23-00						
Tue	11-00	23-00						
Wed	11-00	23-00						
Thur	11-00	23-00				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)		
Fri	11-00	23-00						
Sat	11-00	23-00						

Sun	11-00	23-00	
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State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name..... RICHARD JOHN PICKERING

Address.....

.....

Postcode.....

Personal Licence number (if known)

Issuing licensing authority (if known)..... SEVENOAKS

N

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

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	11-00	23-00	Non standard timings. Where you intend to use 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)
Tue	11-00	23-00	
Wed	11-00	23-00	
Thur	11-00	23-00	
Fri	11-00	23-00	
Sat	11-00	23-00	
Sun	11-00	23-00	

P

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

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

WE ALREADY OPERATE A LICENCED RESTAURANT IN OSWELL ROAD, ISLINGTON AND WILL ADOPT THE SAME HIGH STANDARDS IN THE NEW PREMISES.

WE EMPLOY EXPERIENCED MANAGEMENT AND STAFF, THE PREMISES ARE COVERED BY CCTV AND WE HAVE A ZERO TOLERANCE TO DRUGS AND ALCOHOL ABUSE

b) The prevention of crime and disorder

- DRINK IS ONLY SERVED WITH A MEAL.

- WE DO NOT ADMIT TO THE PREMISES, CUSTOMERS WHO APPEAR TO BE UNDER THE INFLUENCE OF DRINK OR DRUGS

- WE OPERATE A RESPONSIBLE DRINKS PRACTICE

c) Public safety

- THE PREMISE AND LAYOUT INCLUDE RISK AND FIRE RISK ASSESSMENT.

- STAFF ARE ~~TRAIN~~ TRAINED IN THE FIRE EVACUATION PROCEDURE

- WE HAVE SEATING SUITABLE FOR DISABLED DOWNSTAIRS.

d) The prevention of public nuisance

- MUSIC PLAYED IS QUIET BACKGROUND MUSIC ONLY INSIDE THE PREMISES.

- THE MANAGER AND STAFF HAVE RESPONSIBILITY AND TRAINING TO ENSURE THE HIGHEST LEVEL OF CONSIDERATION IS GIVEN TO THE IMPACT OF, NOISE, LIGHT, NOXIOUS SMELLS WASTE LITTER

e) The protection of children from harm

- AS A RESTAURANT SERVING HEALTHY FOOD, WE ACTIVELY SUPPORT & PROMOTE FAMILY DINING IN OUR RESTAURANTS.

- WE ARE AWARE OF OUR RESPONSIBILITIES IN RESPECT TO PROMOTE FAMILY FRIENDLY PREMISES AND CHILDRENS VULNERABILITIES.

- WE HAVE AN IMPECCABLE RECORD AT OUR OTHER PREMISES IN 28 ISLINGTON AND WILL ADOPT THE SAME HIGH STANDARDS AT WHITECROSS STREET.

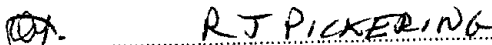
Please tick ✓ yes

- 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 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 CONVICTION TO A FINE UP TO 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  R.J. PICKERING

Date ~~18th JUNE 2012~~ 18th JUNE 2013.

Capacity DIRECTOR

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

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
RICHARD PICKERING KENNEDYS GROUP	
Post town SEVENOAKS LONDON	Post code SE7 7JL SE7 7JL
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

KENNEDY'S

Kennedys is a traditional chain of Fish and Chip shops, we are a friendly welcoming restaurant and produce the finest food at reasonable prices sourcing our fish wherever possible from sustainable sources using our own wholesale Company.

We currently have two restaurants within the London Borough of Islington at Goswell Road and in Whitecross Street as well as a couple of take away outlets and a café located outside Islington.

We work hard to ensure we provide an attractive and welcoming restaurant experience and also to ensure the protection of our staff, premises and customers from crime and disorder.

We have excellent relationships with the local Police, Fire Service as well as local Council workers many of which are also very welcome customers of our restaurants.

All our premises are fitted with up to date CCTV cameras to assist with the prevention of crime and disorder and the Directors have the capability to review the CCTV recordings offsite from our main office in Bermansey, SE London as well as on mobile devices.

License Requirements of Staff

Our staff have been trained in our existing licensed establishment at 184 Goswell Road with the requirements of operating an Alcohol license and we operate a zero tolerance to any drunken behavior both on as well as off premises.

The manager of the new site in Whitecross Street has previously worked in a Management capacity at our Goswell Road outlet and is very capable at identifying potential difficult situations. We have ensured that she is fully trained in all areas of our Whitecross Street Restaurant.

However as the premises are a traditional Fish and Chip shop and alcohol is only served with meals we have not encountered any unruly situations in the five years plus of trading at Goswell Road and remain vigilant to maintain our standards.

The personal License holder visits each licensed premises on a regular basis and undertakes regular coaching and training to ensure that waitresses and waiters are fully aware of the law and their responsibilities.

The design of the restaurant area is sympathetic to the surroundings and all areas are covered by CCTV which is clearly visible.

We only carry a limited stock of wines, spirits and beers which

Public safety

Fire Risk assessment

We have undertaken a fire risk assessment and have:

- A clear plan
- Staff are trained on the safe evacuation of the premises
- Emergency exits are clearly indicated with approved signage
- Approved and checked extinguishers are installed and located following advice from a fire safety officer and in line with the Manufacturers of the kitchen equipment recommendations
- We undertake an annual fire evacuation training session to support our safety plan.
- Emergency exits are unlocked whilst the premises are occupied
- The restaurant at Whitecross street is located both downstairs, upstairs as well as some pavement seating.
- The staircase at Whitecross street is wide and kept uncluttered. We have also strengthened the roof structure of the rear flat roof at Whitecross street so that in the unlikely event of an emergency evacuation staff and customers can safely exit the restaurant from the first floor roof which backs on to the Peabody estate Car park
- We have toilet and washroom facilities for the disabled on the ground floor. The construction of the building makes it impossible for wheelchair access to the first floor restaurant. We have double doors to the ground floor restaurant which would facilitate the safe and quick exit for any wheelchair users.

Prevention of Public Nuisance

We respect the rights of our neighbors to their peaceful enjoyment of their property, as Whitecross Street is also a very busy street market and the premises have been a Fish and Chip shop and restaurant for a considerable number of years.

We do not consider that the addition of an Alcohol license to allow visitors to enjoy a drink with their meal will add any additional noise nor will their create a nuisance to the wider public.

Protection Children from Harm

Both our restaurants are family focused and we take pride in providing a quality dining experience including provision for healthy option meals for adults as well as for children.

We aim to use fresh fish and vegetables and offer both traditional chips as well as alternatives such as rice, Mashed potato, boiled potatoes and salad to accompany meals.

It is vital for our business to offer a "family orientated" meal including licensed drinks to adults with their meals if required. Jugs of tap water are always freely available.

Our staff are trained to ensure that only those of an appropriate age can consume alcoholic drinks. In the event of any doubt and in the absence of proof of age cards and photo identification staff are trained to refuse to serve.

Tomashevski, Katie

From: Steve.A.Harrington@met.pnn.police.uk
Sent: 11 July 2013 08:54
To: Licensing; NI-Licensing@met.police.uk; islingtongroup@london-fire.gov.uk; Issues, Noise; Standards, Trading; Weaver, Geoff; Eden, Laura; Planning; Sandford, Ian; Gibbons, Janice
Cc: Lane, Terrie; Lewis, Michelle; CSPU Team; PPD Finance; Rolls, Emma; Ozyay, Isin; Tomashevski, Katie; Gallagher, Troy
Subject: RE: Premises Licence Application: 168 Whitecross Street

Hi all.

I know this premises comes within the Bunhill C I A but,

I have no objections if the following condition is added.

1. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.

Steve

Steven Harrington PC 425NI

Licensing Officer Islington Police Station

External E-mail nicemailbox-.licensing@met.pnn.police.uk

From: Nash, Rosemary [mailto:Rosemary.Nash@islington.gov.uk]
Sent: 08 July 2013 17:28
To: NI - Licensing; 'islingtongroup@london-fire.gov.uk'; Issues, Noise; Standards, Trading; Weaver, Geoff; Eden, Laura; Planning; Sandford, Ian; Gibbons, Janice
Cc: Lane, Terrie; Lewis, Michelle; CSPU Team; PPD Finance; Rolls, Emma; Ozyay, Isin; Tomashevski, Katie; Gallagher, Troy
Subject: Premises Licence Application: 168 Whitecross Street

Dear Sir/Madam,

We have received the following attached application for a Premises Licence (New)

Mr Richard Pickering
Kennedy's Group
Unit 2 Enterprise Industrial Estate
Bolina Road
London SE16 3LF

Building Control Service
Planning and Development
222 Upper Street
London
N1 1XR

T 020 7527 5986
F 020 7527 5998
E geoff.weaver@islington.gov.uk
W www.islington.gov.uk

Our ref : GW
Your ref:

Date: 26 July 2013

Dear Sir

**Licensing Act 2003
Representation from Responsible Authority for Health and Public Safety
Kennedy's Fish & Chip Restaurant 169 Whitecross Street EC1Y 8JT**

With reference to the recent application for a premises licence under the Licensing Act 2003 at the above named premises, as the health and safety consultant for the responsible authority for health and public safety I will be making a representation to this application.

At a survey of the premises on 18 July 2013 it was found that the requirements specified in the attached schedule are in need of urgent attention to ensure the existing arrangements at the premises are adequate for health and public safety.

The premises should be maintained in good condition. Staff should be trained in the health and safety measures applicable to the premises and the action to be taken in the event of an emergency or evacuation. Enclosed for your attention are **Health and Safety Standards for Places of Assembly, Shops and Commercial Premises**.

This communication is without prejudice to the necessity of complying with any other statutory controls which may be applicable, whether administered by the council or by any other authority.

Please give notification of the commencement and completion of the works.

Should you require any advice or information please contact me at the above address.

Yours faithfully

Geoff Weaver
Senior Building Surveyor (Licensing Health and Safety)

**Islington Licensing Authority
Licensing Act 2003
Representation form from Responsible Authority for Health and Public Safety**

Name	Geoff Weaver
Job title	Senior Building Surveyor (Licensing Health and Safety)
Postal address	Islington Council, Building Control Service 222 Upper Street, London N1 1XR
email	geoff.weaver@islington.gov.uk
Contact telephone number	020 7527 5986
Name and address of the premises concerning the representation	Kennedy's Fish & Chip Restaurant 169 Whitecross Street EC1Y 8JT
Public Safety	The arrangements at the premises are insufficient for health and public safety. See attached requirements schedule.
Suggested conditions that could be added to the licence to remedy the public safety representation	The premises shall not be used under the licence until the requirements specified in the schedule dated 26 July 2013 have been completed and approved in writing by the responsible authority for health and public safety.

Signed: _____ Date: _____

Please return this form along with any additional sheets to: Applicant and Islington Council, Licensing Team, 222 Upper Street, London N1 1XR or email to licensing@islington.gov.uk This form must be returned within the statutory period. For more details please check with the Licensing Support Team on 020 7527 3031.

**Licensing Act 2003 – Requirements schedule dated 26 July 2013 for
Kennedy's Fish & Chip Restaurant 169 Whitecross Street EC1Y 8JT**

- (1) Two systems of lighting normal and emergency lighting should be provided externally over the first floor balcony doors, or alternatively, the emergency lighting luminaire over the doors should be a maintained fitting.
- (2) All non-maintained emergency lighting should be wired to the local lighting circuit in such a manner as to operate not only in the event of failure of the mains supply but also on failure of the supply to the local lighting circuit.
- (3) The fire alarm and fire detection system should be in accordance with BS 5839 – 1. The audibility of the fire alarm should be 65 dB(A) in all locations of the premises including the first floor balcony.

As discussed on site a smoke detector is required in the ground floor restaurant area. The smoke detector in the ground floor wash up area should be changed to heat detector.

- (4) Guardings to resist a horizontal force of at least 1.5kN/m should be provided to all exposed edges of the external first floor balcony at a height of not less 1100mm from the floor. Guardings should be so constructed that 100mm diameter sphere cannot pass through any opening.
- (5) Graphic symbol exit signs in compliance with the Health and Safety (Safety Signs and Signals) Regulations should be fixed over the ground floor entrance/exit door and at the top of the first floor stairs indicating the escape route to the ground floor entrance/exit door.
- (6) When the premises are occupied both leaves of the entrance/exit doors should be unlocked and free from fastenings so both leaves can be pushed open when exiting the premises.
- (7) Copies of the inspection and test certificates specified below, certified by an approved competent person, should be submitted to the responsible authority for health and public safety.

Electrical installation
Emergency lighting
Fire alarm
Fire fighting appliances
Gas boilers, gas installations and appliances

Note: Approved competent persons for certification are specified in the attached document **Health and Safety Standards for Places of Assembly, Shops and Commercial Premises**.

Objection ref WK/201317513

Dear Licensing Team,

My name is _____ window is less than a meter away from Kennedy's Fish & Chip Restaurant on 169 Whitecross st. I recently received a letter for the licensing application from Kennedy's Fish & Chip Restaurant for 'Sale of Alcohol and music on the premise'. I am strongly against this application for the following reasons:

1. Kennedy's Fish & Chip Restaurant has recently applied for building permission to have outside terrace on the back of the building, which faces directly to my bedroom 1 meter away. If their building permission is granted, I will be potentially facing drunken people physically/literally a meter away from me every night with loud music. As you can imagine, this will be highly disruptive if not a potential nightmare.
2. Even if the building permission is not granted. It still doesn't change the fact that my bedroom is only a meter away from the back of Kennedy's Fish & Chip shop. If you ever grant them the music licence from 11am to 23pm, I can't see how I could possibly fall asleep again. I have a demanding job that requires me going to sleep early and wake up before dawn. I will be very grateful you will take consideration of the neighbour residents livehood.
3. There are residences living all around Kennedy's Fish & Chip. There are neighbours residences living across the street from Kennedy's within 2meter distance, back of the Kennedy's 1meter distance (myself), and diagonally above Kennedy's 1meter away (my neighbour next door), on both Banner Street and Whiteacross street. It is a very peaceful neighbourhood. Most of the neighbour shops are convenient shop, Pizza take away, and galleries. There are outdoor pizza and Turkish restaurant down the street serving alcohol, but they are positioned gracefully few meters away from the residential spaces. Kennedy's aggressive applications for building permit of back terrace extension and licence for alcohol/music are very concerning.

Speaking for myself, Kennedy's Fish & Chip back terrace is positioned a meter away from my bedroom. They have already requested to build out a restaurant space with this terrace. It would be a nightmare of my life if you allow them to serve drunk people till 11pm at night and play loud music in such a close proximity. Please preserve our quiet neighbourhood.

Yours faithfully,

July 10 2013

Licensing services
London Borough of Islington
3rd Floor
222 Upper Street
London N1 1XR

11 July 2013

Dear Sirs,

Planning Application WK/201317513 – Kennedy’s Fish & Chip Restaurant, 169 Whitecross Street, London EC1Y 8JT

I refer to your letter which informs nearby residents that an application has been submitted by Kennedy’s Fish & Chips restaurant, located in 169 Whitecross Street, for a licence to sell alcohol (Monday to Sunday, 11:00 until 23:00) and to play recorded music (again, Monday to Sunday 11:00 until 23:00).

I am a co-owner and a resident at [redacted] As you can see from the enclosed maps and drawings and from the two photographs, our property immediately borders the back of the Fish & Chip restaurant. In particular, as you can see in the photographs, the owners of the Fish & Chip restaurant have started to build a terrace at the back of their restaurant, which is only about one metre away from our bedroom window, and some two metres away from my bed. The second photo shows the view from our bedroom window, with the new terrace being unbelievably close and easily accessible.

Although the works for the construction of such terrace are, as you can see from those photos, already at an advanced state, I understand the extension has not (yet) been approved by the planning department. I have written to Sally Fraser in Planning and Development about it, although I have not heard back from her so far. As I explained in my letter to her, the new terrace, built at arm’s length from our bedroom window, would cause extremely serious problems in terms of noise, privacy, and security. If, in addition to have people dining out immediately next to our bedroom window, we were to have people partying and drinking until late, this would be a complete disaster.

In particular, and with reference to the categories of concern you mention in the letter inviting representations:

Crime and Disorder

As you can see from the attached pictures, the terrace under construction is not only at arm's length from our bedroom (and, from the terrace, it would be very easy to look inside!), but it would be extremely easy for anyone using the terrace to enter my property through the window. It goes without saying that alcohol and entertainment until late would make the terrace more popular, customers less restrained/inhibited, and increase the safety risk further.

Public nuisance

The terrace under construction is – literally – one metre away from our bedroom. Music and drinking customers until late would cause gigantic problems. And, although I believe our property to be the more damaged from the proposed licensing among the neighbours, in fact the terrace is surrounded by residential flats (as you can see from the third of the attached photos), which would all be negatively affected by having, all of a sudden, an outside bar operating out of their windows.

Whitecross Street is a very lively area during the day, which is very enjoyable and great in all respects. However, it is a quiet residential area in the evening, with nice restaurants but very little noise. It would be great if we could maintain things as they are, with outdoor sitting only allowed on Whitecross Street itself (rather than in the back spaces facing residential buildings) and no loud music.

Therefore, following upon such considerations, I would have no problem with the alcohol licensing application if the planning application for the construction of the terrace at the back were to be rejected and the owners ordered to take down what they have built so far. But, while their planning application is still under review and the mostly-built terrace is worryingly looming outside our bedroom, I kindly ask you to reject the application for sale of alcohol too.

As regards the application to play recorded music, similarly to what said just above, I please kindly ask you to reject the application in the most categorical way while the terrace is there. In addition, though, I believe music will cause nuisance to the neighbours even in no terrace were to exist in the future: because, contrary to the other restaurants on Whitecross Street, Kennedy's Fish & Chip also faces the residential buildings in the back. In fact, as you can see from the attached photographs, the large glass door/wall on the back is only a few metres away from my bedroom window and not far from many other residents' windows. Were they to start using the first floor room (the one which is open to the back) as a bar and music area, this would certainly cause nuisance to all the residents of the surrounding buildings. Therefore, I believe the application for recorded music should be denied in any case.

Additional considerations

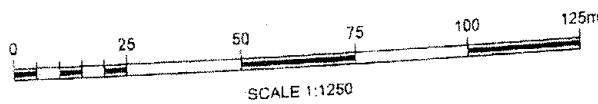
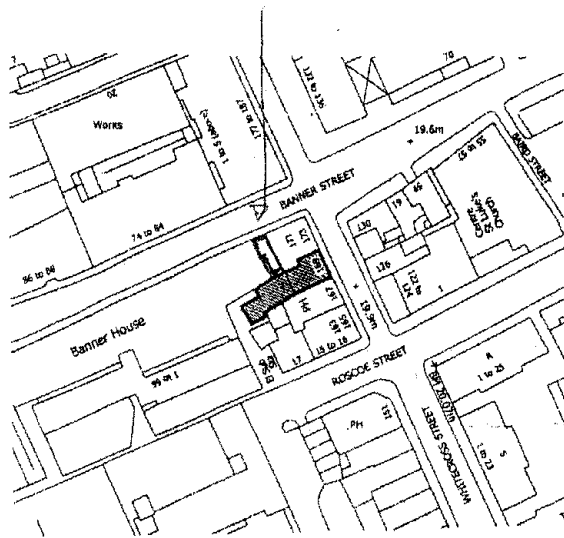
As a final note, I also ask you to consider, in evaluating the Fish & Chips application, the previous behaviour and lack of respect shown by the Fish & Chips owner towards both the Council and their neighbours. Not only have they built a very problematic terrace in the middle of our flats and houses without having received planning permission, but also, while we were not occupying our property, they have quickly built a new (unauthorised, of course) flue which pumps smelly Fish & Chips air straight into our living room, with the extreme distress you can easily imagine (this is shown in the last attached picture).

If you wished to better understand the implication of the considered application, I would be very, very happy to show you around our property; so that you could get an idea of how the proposed transformation of a Fish & Chip restaurant into a music bar (and potentially even an outdoor music bar operating immediately next to our windows!) would affect us (and our neighbours).

And, of course, we remain at your complete disposal for any additional information you might require.

Yours Faithfully

65 BANNER STREET (OUR PROSPECT)

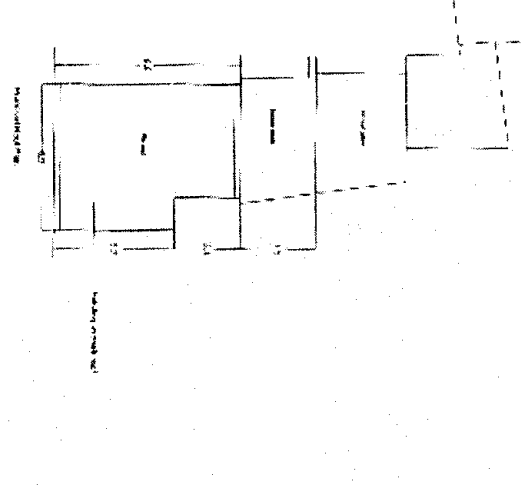
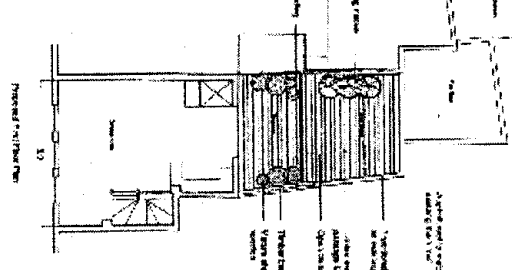
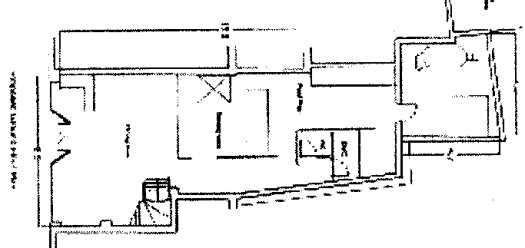
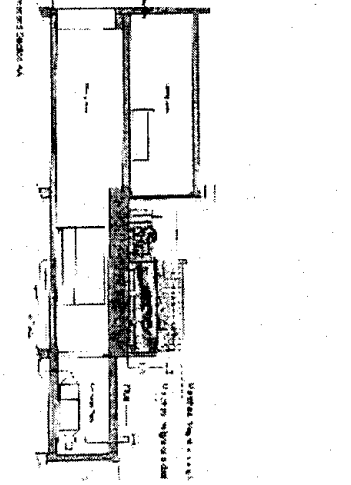
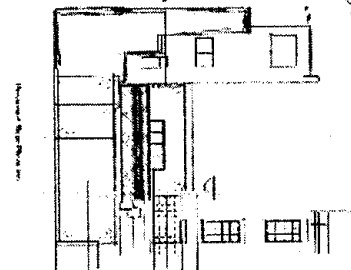
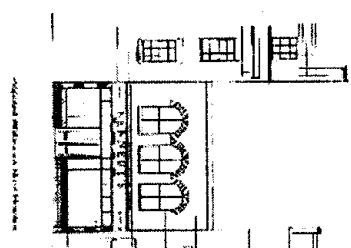


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Drawing	BLOCK PLAN		
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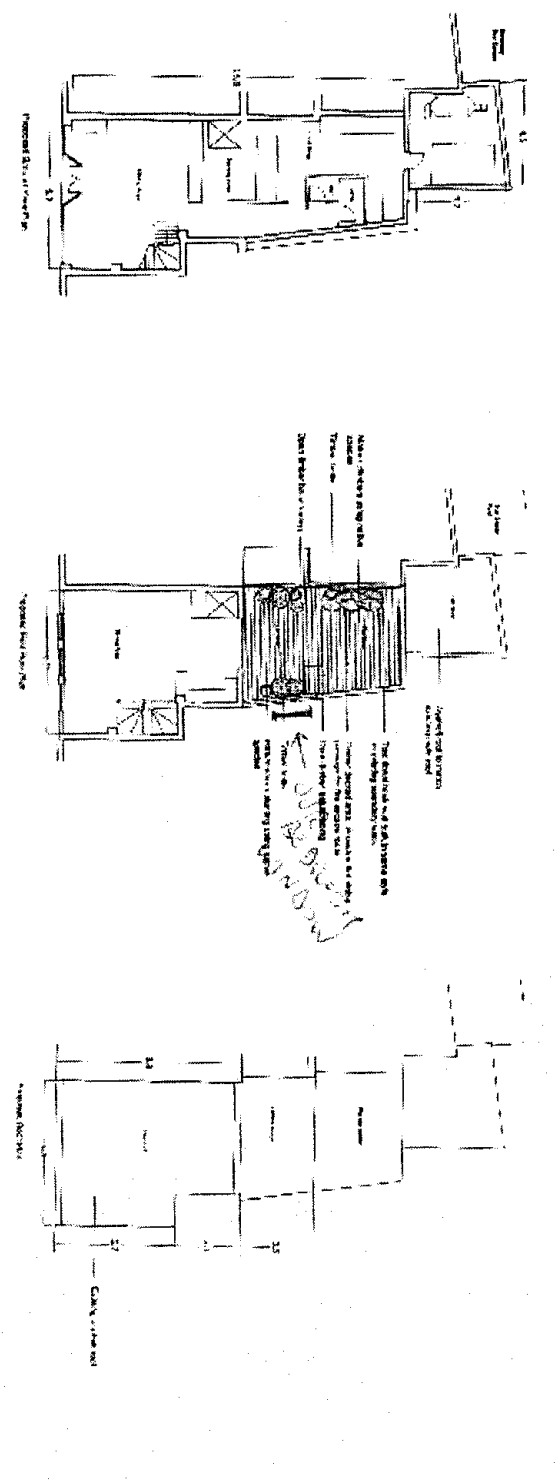
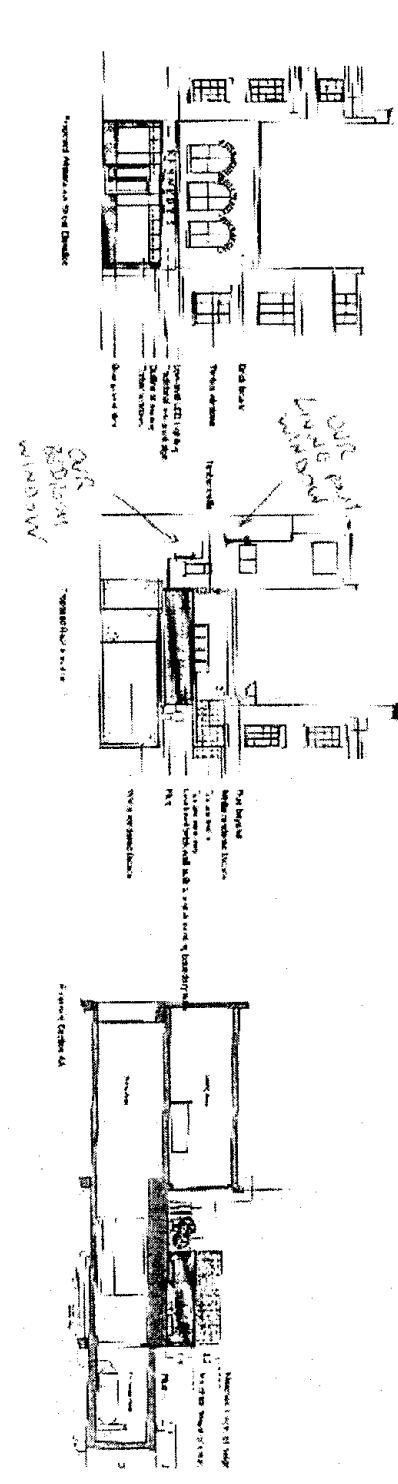
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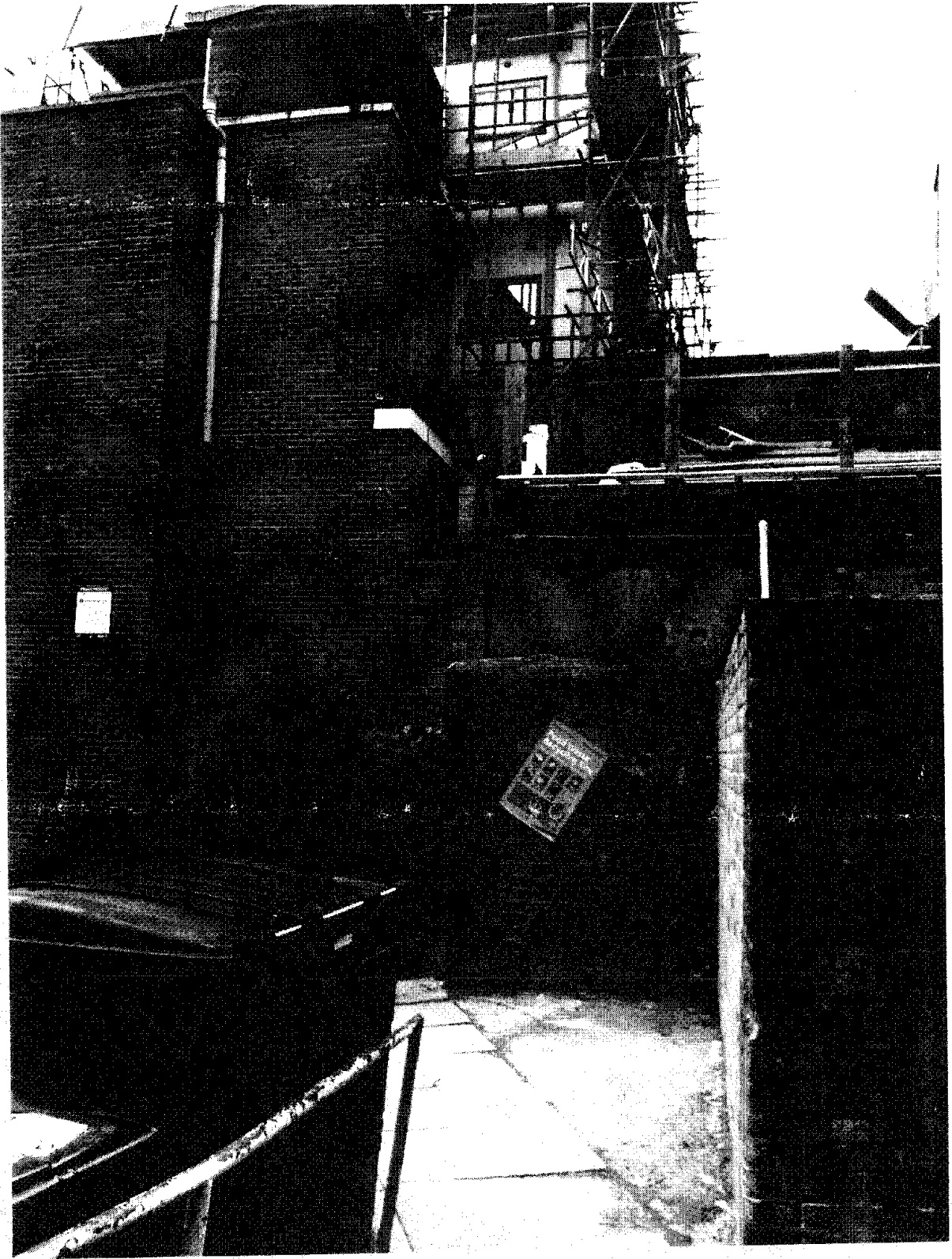
RATHFEL LANDCELLS LLP
 9 WILSON ROAD, LONDON N15 4LE.
 TEL: 07733 215 881

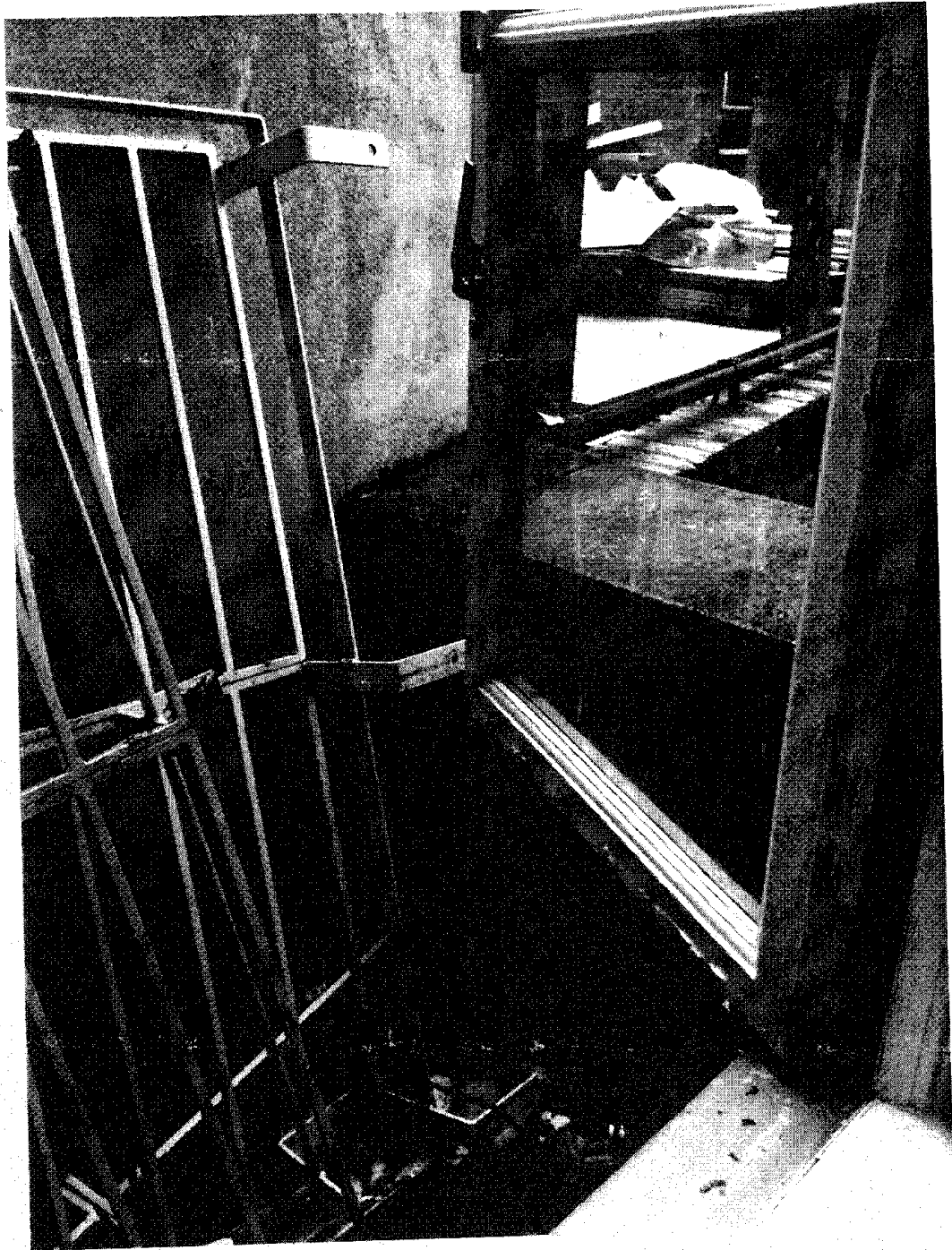
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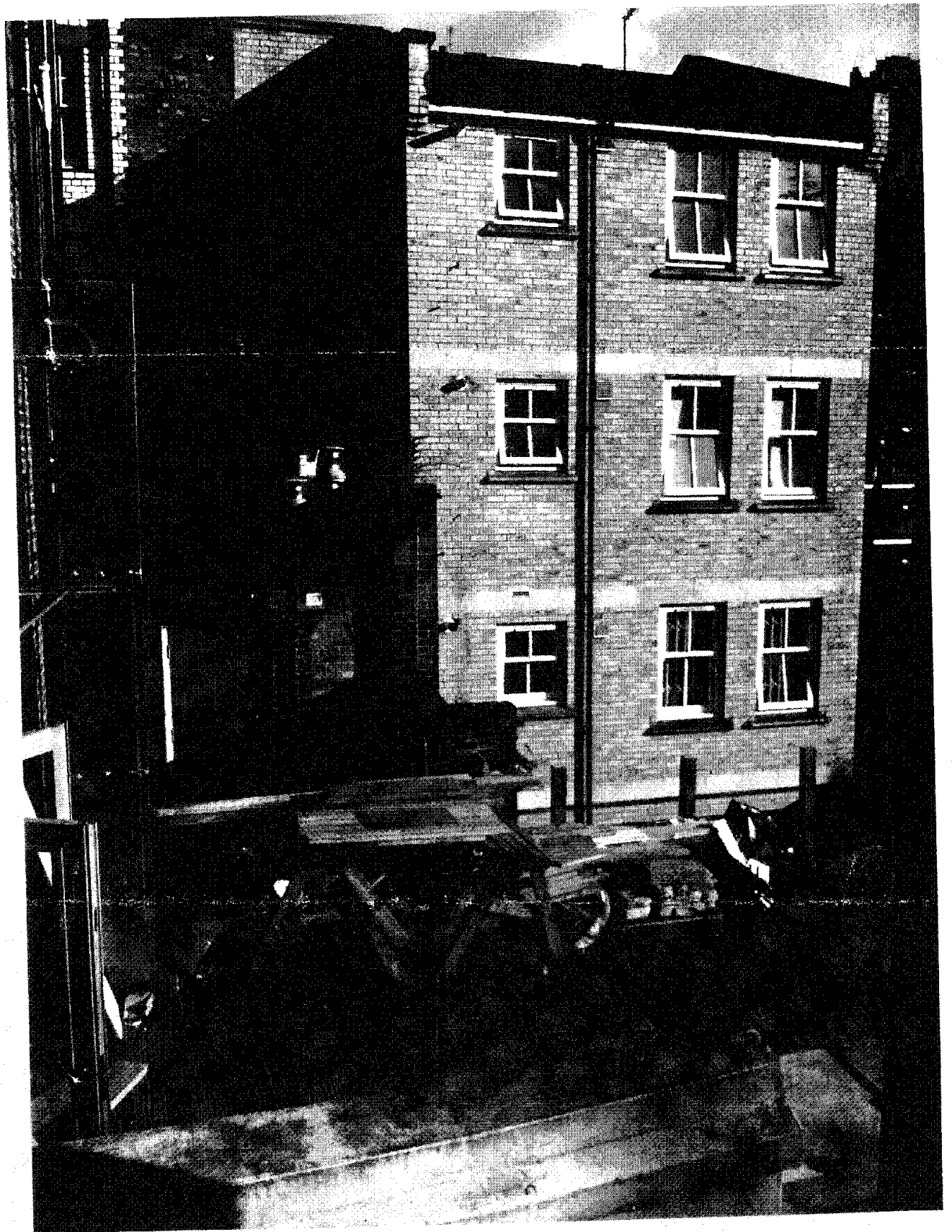


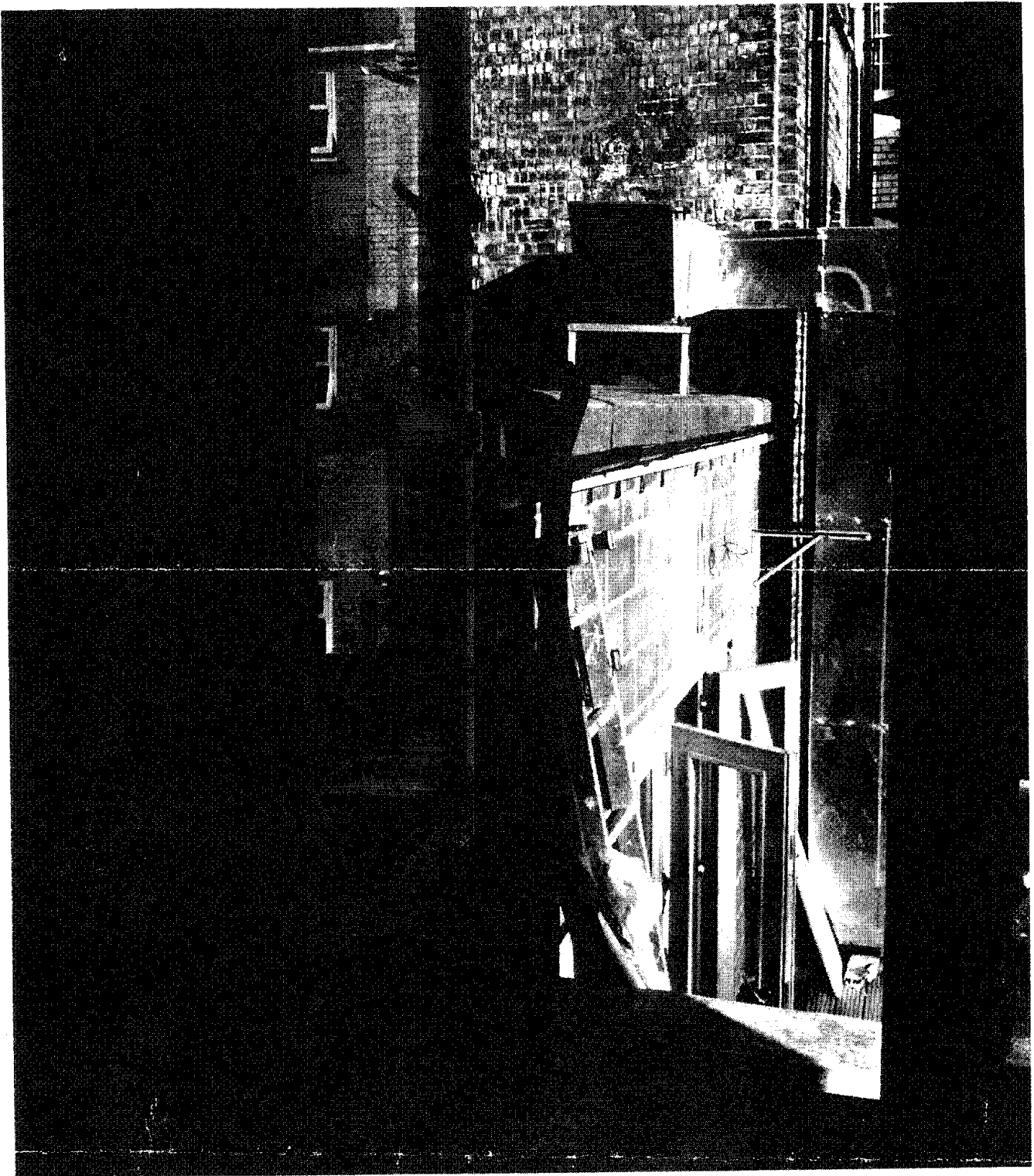
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Tomashevski, Katie

From: Fitzsimons, Aiden
Sent: 25 July 2013 14:33
To: Tomashevski, Katie
Cc: Williams, John
Subject: FW: Wk/201317513 Licensing Act Representation Re: Kennedy's

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

From:
Sent: 25 July 2013 14:28
To: Licensing
Subject: Ref: Wk/201317513 Licensing Act Representation Re: Kennedy's

Ref: 201317513 Date: 25.07.2013

Premises name and address:
Kennedy's Fish and Chip Restaurant
169 Whitecross Street
London EC1Y 8JT

Our names:

Interest: neighbour
Address:

Dear Sir/Madam,

We are deeply concerned that if Kennedy's Fish and Chip Shop are granted a licence for the sale of alcohol and the playing of recorded music then it will create a public nuisance that will affect us and all our neighbours. The noise nuisance that will be caused to us in our flat as well as our neighbours will be directly caused by two characteristics of the premises:

- the location of the premises and character of the area (Islington Licensing Policy 1, 2013-17) We are particularly concerned that the licence will include part of the premises which is a first floor outdoor seating balcony that extends not onto the high street but instead out the back of the restaurant, onto the courtyard of our quiet residential estate. The balcony is _____ from our living room windows on the floor. It is less than 10m from our neighbour's on the corner. Although this part of the restaurant is not yet completed, when it is, the consumption of alcohol outside on the restaurant balcony, we believe, will significantly increase the noise nuisance coming from patrons of the restaurant, and will be so near as to make us feel like they are in our living room with us.

_____ the physical suitability of the building proposed for licensable activities, i.e. in terms of safety, access, noise control etc. (Islington Licensing Policy 1, 2013-17)

The outdoor seating balcony which is being constructed, if included in the license would be unable to offer local residents, including ourselves adequate protection from noise coming either from patrons drinking alcohol or music coming from the opening of balcony doors required for the service of these patrons. Even if sound barriers were erected around the balcony, this would still not be able to prevent the noise from rising directly up to our flat on the floor above in the adjacent property of Banner House. Inadequate noise control would leave us with an adversely affected quality of life

As we understand the situation, our flat is currently situated inside the Bunhill Cumulative Impact Area and the proposed licence application if granted, we submit, will have disproportionately negative benefits for local residents.

Tomashevski, Katie

From:
Sent: 29 July 2013 20:53
To: Licensing
Subject: Licensing Application by Kennedy's Fish & Chip Shop

Premises Name and Address: Kennedy's Fish & Chip Shop, 169 Whitecross St, London EC1Y 8JT

Name:

Interest: Tenant in nearby

Address:

Public Nuisance: providing yet another venue on Whitecross St with the ability to sell alcohol will create more noise, disturbance and generally unacceptable behaviour for a residential street. Additionally, having music played until 11pm every night creates noise pollution for locals trying to sleep.

Crime & Disorder: As per above, with public drunkenness, there is a greater chance for disorder and damage to property.

Tomashevski, Katie

From:
Sent: 04 August 2013 22:07
To: Licensing
Subject: KENNEDY'S FISH AND CHIP SHOP

Dear Sir/Madam

I am the freeholder of 130 Whitecross St London EC1Y 8PU.

I am writing to you to strongly object to the plans for the above business.

It will bring to a nice and quite residential area, noise pollution, violence, damage to property and anti social behaviour.

We have seen in the recent years how alcohol consumption brings disturbance to areas.

I do oppose to it in the strongest terms.

The opening hour should remain as is.

I do hope that the council sits and listen to these strong objections Looking forward to hearing from you

Yours faithfully

Suggested conditions of approval consistent with the operating schedule

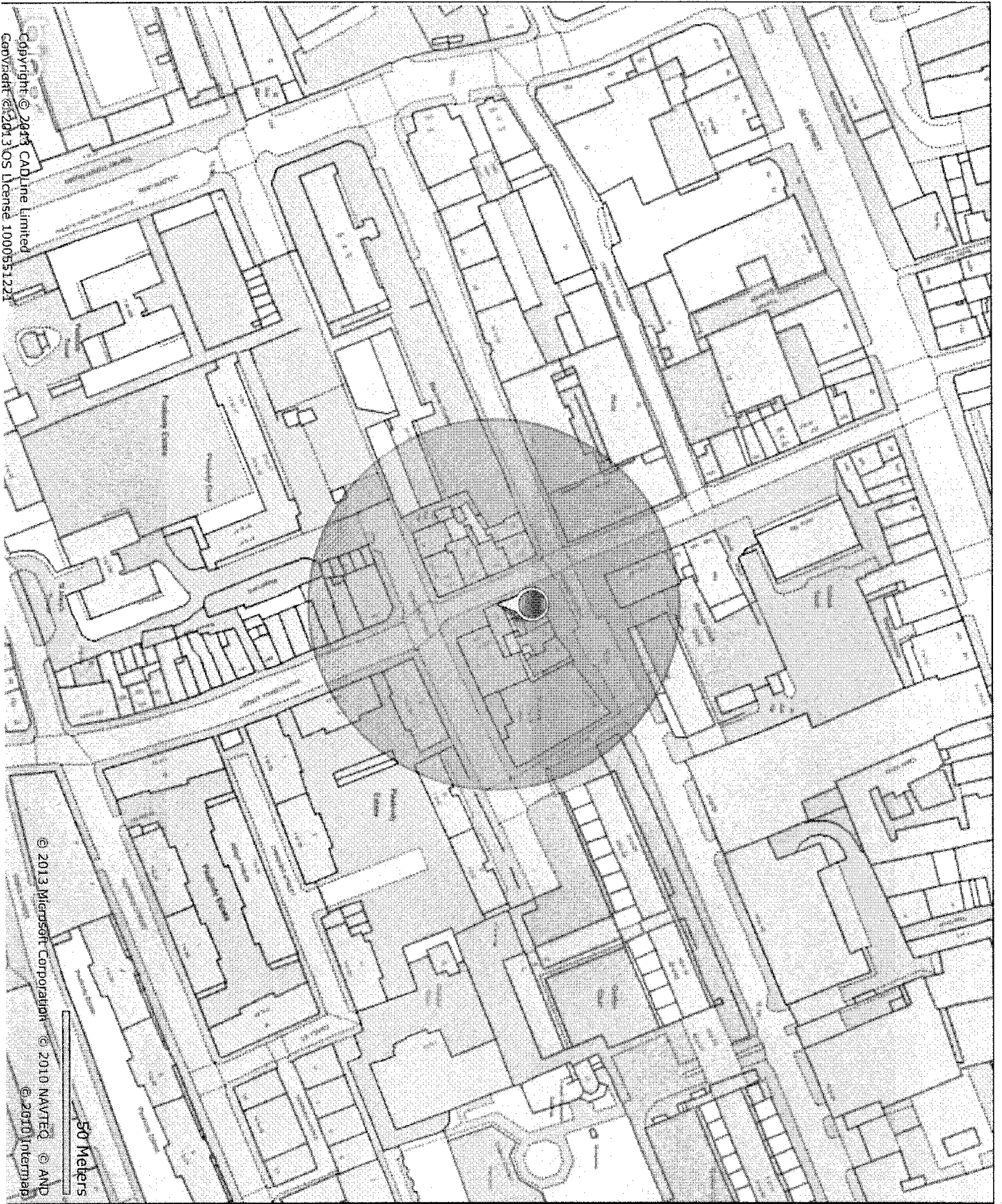
1. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time with a date and time stamp and operate whilst the premises are open for licensable activities. The 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.
2. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.
3. The licensee shall not allow drunkenness or drug taking/supplying in the premises and shall not allow admittance to the premises to people who appear to be under the influence of drugs or alcohol.
4. The licensee shall implement a responsible drinking policy.
5. The licensee shall undertake risk and fire risk assessments of the premises.
6. All staff shall be trained in: Licensing Act 2003, health and safety, fire safety, fire evacuation, the prevention of noise, light, smell, waste & litter as well as the prevention of underage sales.
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. The licensee shall adopt the Challenge 25 and the BII National Standards Proof of Age Scheme.
9. The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards bearing the PASS hologram e.g. Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
10. Music shall only be played at background levels.

Suggested conditions of approval from the Noise Team (accepted)

11. No rubbish will be moved, removed or placed in bins outside the premises on Sundays or Bank Holidays nor between the hours of 23:00 and 07:00 hours on any other days of the week.
12. The Premises Licence Holder or nominated person shall control levels of noise on the Roof Terrace and advise customers of the need to respect local residents where appropriate. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.
13. The Roof Terrace shall only be open to patrons from 11:00 until 21:00.
14. Notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.
15. The premises frontage tables and chairs must be rendered unusable and cleared of patrons by 23:00 hours.
16. Adequate notices shall be displayed to inform patrons of this requirement.
17. The Premises Licence Holder or nominated person shall erect and maintain, in a prominent position at every exit a clear, conspicuous and legible notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents.
18. Noise or vibration must not emanate from the premises fixed plant so as to cause a nuisance to nearby properties.

Suggested conditions of approval from Health & Safety (accepted)

19. No use of the terrace may be made or access allowed to it until item (1) and (4) in the requirements schedule dated 26 July 2013 have been completed and the terrace has been inspected and approved in writing by the responsible authority for health and public safety.



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50 Meters

**Title : 169 Whitecross
Street**

Islington Borough
Boundary

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03-10-2013