



# LICENSING ACT 2003 STATEMENT OF LICENSING POLICY 2021-2026

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This Statement of Licensing Policy of the Royal Borough of Kingston upon Thames, the relevant Licensing Authority, was prepared under Section 5 of the Licensing Act 2003 after having regard to all relevant government guidance. The policy and its publication were approved by the full Council on 20 July 2021

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## GLOSSARY

### ***The Council:***

The Royal Borough of Kingston upon Thames

### ***The Licensing Authority:***

The capacity in which the Council acts when performing its roles and duties set out in the Licensing Act 2003. This capacity is delegated to officers in certain situations and circumstances detailed in the Policy

### ***The Act***

The Licensing Act 2003 and all Regulations made thereunder

### ***Secretary of State's Guidance***

The Guidance issued by the Home Office under section 182 of the Licensing Act 2003

### ***Other person***

Any persons wishing to make representations on an application or to apply for or make representations on a review, who may include persons who live, work or visit the licensing authority's area.

### ***A member of the relevant licensing authority***

Any elected member of the Council.

### ***Cumulative Impact Assessment***

A special policy in which the Licensing Authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts.

### ***Relevant representation***

The Licensing Authority may only consider relevant representations (objections) in determining applications. Relevant Representations are defined in the Act as being those that:

- Are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives

- Are made by an other person or responsible authority within the prescribed time period following an application
- Are not *frivolous* or *vexatious* (in the opinion of the Licensing Authority)

### ***Frivolous representations***

Those based on matters of limited seriousness, where the issues complained about are of a very minor nature and any action required would be disproportionate.

### ***Vexatious representations***

Those that arise out of disputes between parties and generally have little or no substance.

### ***Designated Premises Supervisor (DPS)***

A person specified on the licence as the supervisor of the premises licensed for the sale of alcohol. The DPS must hold a personal licence.

### ***Personal Licence***

A licence granted by a Licensing Authority to an individual, authorising that individual to sell, or authorise the sale of, alcohol.

### ***Operating schedule***

The part of an application form in which the applicant sets out their proposed activities, the times that they wish to operate and the steps they propose to take to promote the licensing objectives.

### ***Licensable Activity***

Activities for which authorisation is required under the Act:

- the sale by retail of alcohol,
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- the provision of regulated entertainment, and
- the provision of late night refreshment.

### ***Regulated Entertainment***

The provision of regulated entertainment is defined as any of the following activities that takes place in the presence of an audience for the entertainment of that audience and are provided with a view to profit:

- **Boxing or wrestling** including mixed martial arts (this does not include Greco-Roman or Freestyle wrestling)
- **An exhibition of a film** (this does not include live feed television i.e. sporting events)
- **Adult entertainment** (for example lap-dancing)
- **Playing of recorded music**
  - Between 11pm and 8am
  - At any time when the audience numbers are over 500 people
- **Unamplified live music**
  - Between 11pm and 8am
- **Amplified live music** (including karaoke):
  - Between 11pm and 8am
  - At any time when the audience numbers are over 500 people
- **Performance of dance**
  - Between 11pm and 8am
  - At any time when the audience numbers are over 500 people
- **Performance of a play**
  - Between 11pm and 8am
  - At any time when the audience numbers are over 500 people
- **Indoor Sporting Events**
  - Between 11pm and 8am
  - At any time when the audience numbers are over 1000 people
- **Entertainment of a similar description** to that falling within the performance of live music, playing of recorded music or performance of dance

### ***De-regulated Entertainment***

The Legislative Reform (Entertainment Licensing) Order 2014 came into force on 6 April 2015 with the effect that the following forms of entertainment are no longer licensable:

- **Performances of plays** between 8am and 11pm, provided that the audience does not exceed 500.
- **Performances of dance** between 8am and 11pm, provided that the audience does not exceed 500.
- **Indoor sporting events** between 8am and 11pm, provided that those present do not exceed 1,000. Any contest, exhibition or display of Greco-Roman wrestling or freestyle wrestling between 8am and 11pm, provided that the audience does not exceed 1,000.
- **Performances of unamplified live music** between 8am and 11pm, on any premises.
- **Performances of amplified live music** between 8am and 11pm:
  - On premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
  - In a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - In a church hall, village hall, community hall, or other similar community premises that is not licensed by a Premises Licence to sell alcohol,

- provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises
- At the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - **Playing of recorded music** between 8am and 11pm:
    - On premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - In a church hall, village hall, community hall or other similar community premises, that is not licensed by a Premises Licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - At the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - **Any entertainment taking place on the premises of the local authority** between 8am and 11pm, with no limit on audience size, where the entertainment is provided by or on behalf of the local authority
  - **Any entertainment taking place on the hospital premises of the health care provider** between 8am and 11pm, with no limit on audience size, where the entertainment is provided by or on behalf of the health care provider.
  - **Any entertainment taking place on the premises of the school** between 8am and 11pm, with no limit on audience size, where the entertainment is provided by or on behalf of the school proprietor.
  - **Any entertainment** (excluding films and boxing or wrestling entertainment) **taking place at a travelling circus** between 8am and 11pm, with no limit on audience size, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) the travelling circus has not been located on the same site for more than 28 consecutive days.

### ***Responsible Authority***

Means the:

- the Chief Officer of Police
- the Fire Authority
- the Public Health Authority
- the Enforcing Authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974,
- the Local Planning Authority within the meaning given by the Town and Country Planning Act 1990
- the Local Authority by which statutory functions are exercisable in relation to minimising or preventing the risk of pollution of the environment or of harm to human health

- a body which—
  - represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
  - is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters
- the relevant licensing authority and any other licensing authority in whose area part of the premises is situated
- the Primary Care Trust or Local Health Board for any area in which the premises are situated
- the Trading Standards Authority
- any Licensing Authority (other than the relevant licensing authority) in whose area part of the premises is situated
- in relation to a vessel:
  - a Navigation Authority (within the meaning of section 221(1) of the Water Resources Act 1991) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities
  - the Environment Agency
  - the Canal and River Trust, or
  - the Secretary of State



# **ROYAL BOROUGH OF KINGSTON UPON THAMES**

## **THE LICENSING ACT 2003**

### **STATEMENT OF LICENSING POLICY 2021 - 2026**

#### **PREFACE**

Over the last 20 years, town centres have been transformed by the expansion of the evening and night time economies. Bars, restaurants, theatres, cinemas and nightclubs form an important part of local economies as well as providing key services for local residents, visitors and workers. However, some aspects of night time entertainment and socialising, especially those associated with alcohol, can have negative impacts for the wider community, economy and environment. Many people may feel excluded from town centres in the evenings and later at night, particularly at the weekend, and this can often lead to tensions between groups of people going out to enjoy different forms of entertainment at different times and residents who wish to enjoy the peace and quiet of their homes.

The Royal Borough of Kingston upon Thames, with a population of around 180,000 (source GLA 2018), plays a major role as a commercial and employment centre, serving a wider catchment of South West London and North East Surrey, in particular through Kingston town centre's role as a major shopping hub and one of the biggest evening and night time economies in London.

Kingston town centre provides a range of cultural and entertainment attractions including a 15-screen cinema in the Rotunda, ten-pin bowling, numerous health and fitness clubs, two large nightclubs plus smaller clubs, pubs, entertainment and live music venues. The centre also houses a library, museum, numerous hotels and the Rose Theatre.

The Borough of Kingston is a significant higher and further education centre, with Kingston University and Kingston College both located close to the town centre. The university employs some 1,800 academic professionals and support staff, and has around 17,000 students. The majority of full-time students reside within the local area and are increasingly working in retail and service businesses in the town centre.

Taking all this together, the town centre has a vibrant social economy with a total capacity of over 15,000, and regularly attracts an average of over 9,000 visitors a night, from a wide catchment area. Whilst this activity brings enjoyment to large numbers of people, makes the town centre more lively and interesting, creates

business opportunities and provides jobs, it also brings with it increasing concerns about noise, crime and other anti-social behaviour.

Kingston Council is proud of the development of the Borough as a whole and, in particular, the facilities that are provided in the town centre, where development has also included increased residential accommodation in new housing developments fronting the River Thames to encourage a mix of activities during the day and at night..

The Borough is experiencing a period of significant population increase, as seen across London as a whole, which requires a substantial increase in the provision of housing and employment opportunities. It is estimated that Kingston's population will increase from 180,000 to 200,000 by 2036 (London Datastore, 2015 Round Population Projections). Growth will not stop there and, with major infrastructure and investments such as Crossrail 2 planned for the future, there will be further need to identify opportunities to increase housing and employment provision. In response to this challenge, the Council is preparing a new Local Plan that will set out a vision for the future of the Borough and guide what types of development go where, including homes, schools, infrastructure and transport links. When adopted, the new Local Plan will replace the current Local Plan (called the Core Strategy, 2012). This document needs updating because of the changing environment, particularly around the National Planning Policy Framework and the Mayor's London Plan, which increased the borough's housing target in 2016, and is currently being reviewed. The Local Plan will provide a long-term vision and strategy to meet the future needs of the borough, identifying changes that may happen and the broad locations for development.

The focus of the growth agenda will be the Borough's town centres and on Kingston town centre in particular, where there is most scope to deliver sustainable growth in jobs and housing and also to deliver environmental enhancements. It is estimated that of the venues that are regularly open within Kingston town centre at some point between 8.00pm and 5.00am on Friday and/or Saturday night, the largest single category of venues are family restaurants, illustrating Kingston's continued popularity as a destination for dining out. Whilst there is evidence that the social economy has broadened in recent years from a focus on late nightclubs and drinking establishments to a much more diverse offer (e.g. The Rose Theatre and live music), the Council believes that, in certain locations, the increased concentration of these former types of late-night, alcohol-led entertainment use and longer hours of operation may have adversely affected many local residents.

Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and will help sustain their business - the Council believes that has not always been the case in the past. Going forward, the role of the Council as a Licensing Authority, through this Statement of Licensing Policy, is to

maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents, businesses, workers, shoppers and visitors.

Looking at some of the evidence base that informs, influences and underpins the Council's approach to licensing set out in this document, it is estimated that 6.1% of businesses in the Borough operate within the category of the arts, entertainment, recreation & other services, while a further 4.2% of the Borough's businesses are categorised as accommodation or food services. Whilst these figures are slightly lower than the London averages of 6.8% and 4.6%, respectively, data shows that businesses operating in these sectors within Kingston were more likely to still be trading five years after inception when compared to London and the rest of England. (Source: Office for National Statistics IDBR 2020)

Meanwhile, life expectancy for Kingston's residents is higher than both the London and England averages (Source: Office for National Statistics 2016-18) and recorded incidents of crime in Kingston are one of the lowest in London. Anti-social behaviour incidents form 35.1% of total crime in Kingston. However this crime type continues to be below the London average (Source data.police.uk June 2020 - May 2021).

It is estimated that approximately 85% of the adult population in the Borough drink alcohol, with 27,000 people (33%) in the Borough consuming levels of alcohol above the low risk guidelines (Source: Alcohol Strategy for Kingston 2014-2016) of the Chief Medical Officer for both men and women (2016), which states that:

- To keep health risks from alcohol to a low level it is safest not to drink more than 14 units a week on a regular basis
- If you drink as much as 14 units per week, it's best to spread your drinking evenly over three or more days

Not all consumption of alcohol takes place in licensed premises as much of the consumption takes place in the home environment. Bearing this in mind, hospital admissions linked to alcohol-related conditions are lower than both the London and England average (Source: Hospital Episode Statistics, NHS Digital 2018/19). However, hospital admission episodes for alcoholic liver disease conditions for females in Kingston are in the highest amount of harm category (Source: Local Alcohol Profiles for England, Public Health England 2018/19). In addition, Kingston is in the highest amount of harm category for females and higher harm levels for males in terms of years of life lost due to alcohol-related conditions (Local Alcohol Profiles for England, Public Health England, 2018). The estimated number of dependent drinkers in Kingston is 1,435 (Public Health England, 2017-18). Further monitoring of alcohol-related harm in Kingston is needed in relation to changes to alcohol consumption during the coronavirus (COVID-19) pandemic.

As the Licensing Authority, the Council is required to approve and publish a Statement of Licensing Policy, setting out how it will promote the statutory licensing objectives as set out in the Licensing Act 2003. This statement provides the policy framework for councillors on the Licensing Sub-Committee that makes decisions on licence applications in respect of Premises Licences, Club Premises Certificates, Personal Licences and Temporary Event Notices.

The decisions taken by the Council's Licensing Sub-Committee, framed and guided by the Statement of Licensing Policy, aim to promote a key set of licensing objectives and prevent problems related to the social economy that may otherwise have a direct impact on people's lives and well-being. These same problems also put a strain on essential public services, including the police, ambulance services and accident and emergency (A&E) departments.

In exercising its powers under the Licensing Act 2003, the Licensing Authority will be mindful of the concerns set out above, but there are limits to its powers. A fair balance must be struck between all the stakeholders involved, including licensees, business holders, visitors and residents. The Council also recognises that, as well as its licensing controls and directly-related enforcement activities, planning policies, late night transport provision, street cleaning, policing and the provision of emergency health services all contribute to achieving this balance between those going out at night and others who want a good night's sleep or to walk through a clean and safe town centre.

The Council believes that, as well as licensing, national schemes such as Behave or be Banned, Pubwatch and Business Improvement Districts have shown that a thriving and growing evening and night time economy can operate when excessive drinking is tackled consistently and robustly by local businesses, the police and the Council working together.

In summary, the Council expects and encourages those engaged in operating licensed premises in the Town Centre - and, indeed, across the whole of the Borough - to carefully examine how they operate and how what they do may affect residents and businesses. In cases where Licensees do not act reasonably, the Council will exercise robust enforcement controls to ensure that Kingston is an environment that feels safe, and is safe, for everyone.

## INTRODUCTION

1. The Council has wide experience in regulating entertainment and it recognises that licensed entertainment in the Borough contributes to its appeal to both residents and visitors as a vibrant place to live and as a destination. The entertainment industry brings both cultural and financial benefits to the borough, but the Council believes that good management of this vibrant industry and the street environment within which it operates is essential to the continued success of the Borough in attracting a wide range of people who want to come here to work, to visit and to live.
2. There can be a potential conflict between the interests of different parts of the entertainment industry in terms of their 'offer' to potential customers and in the behaviour and activities of those customers. The Council's role as a Licensing Authority is the principle means by which, working in partnership with the police and other bodies, it can manage the social economy. Other legislative processes also have a bearing on the management of the social economy, most notably planning, where proposals for new leisure facilities or extended hours for existing facilities are controlled by the need for planning permission.
3. The Licensing Act requires that the Licensing Authority must review and publish a policy at least every five years but a review can be undertaken whenever it feels appropriate. The previous policy, published in 2016, contained a 'Special Policy on Cumulative Impact'. The Licensing Committee commenced a review of the general and special policies in 2020. This process was delayed for a time due to the coronavirus pandemic. This Statement of Licensing Policy is the result of that review.
4. The review was set out to determine whether the Licensing Authority promotes the licensing objectives in a fair and reasonable manner i.e. whether the balance is right, having regard to the Council's wider aspirations for the Borough. It also looked at the changes seen across the Borough in relation to licensed premises, the leisure sector in general and the changes in the offers these premises give to customers.
5. The consultation process involved a wide range of authorities, organisations, representatives and the general public during a consultation period between March and May 2021. The Council consulted specifically with:
  - Borough residents (through the councils consultation portal)
  - The Metropolitan Police
  - Kingston Crime and Disorder Reduction Partnership
  - London Fire Brigade

- Residents Associations
  - Representatives of licensees
  - Representatives of local businesses, Chambers of Commerce & Trade Associations
  - Ward Councillors
  - KingstonFirst
  - British Transport Police
  - Kingston Health and Wellbeing Board
  - Other Responsible Authorities
6. This policy will remain in force until July 2026. However, within this period, the Policy - or part of the Policy - may be subject to review. The Licensing Authority will consult on any review with the organisations listed in paragraph 5 above and take into consideration any comments they may have regarding the continued suitability of the Policy to promote the Licensing Objectives.
7. This policy was agreed by Full Council at its meeting on 20 July 2021, and supersedes all other versions of the Policy.

## **LICENSING OBJECTIVES**

8. The Royal Borough of Kingston upon Thames is the Licensing Authority under the Licensing Act 2003 (“the Act”) responsible for the processing of premises licences, club premises certificates, temporary event notices and personal licences in respect of the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.
9. In carrying out its functions under the Act, the Licensing Authority has a duty to promote the following licensing objectives:
- **The prevention of crime and disorder**
  - **Public safety**
  - **The prevention of public nuisance, and**
  - **The protection of children from harm**

Each of these licensing objectives is of equal importance.

10. The Licensing Authority must have regard to these objectives in carrying out its functions under the Act and to current guidance issued by the Secretary of State, as they are reflected in its statement of licensing policy. The Licensing Authority will always consider the circumstances and merits of each application and it may make exceptions to its policy approach where it is appropriate to do so in order to promote the licensing objectives.
11. As well as the statutory objectives, the Act and guidance support a number of other key aims and purposes linked to the licensable activities that are considered to be vitally important. They include:
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact on them
  - protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises
  - giving the police and licensing authorities the powers they need to effectively manage and police the social economy
  - recognising the important role that pubs and other licensed premises play in our communities by minimising the regulatory burden on businesses, encouraging innovation and supporting responsible premises, and
  - providing a regulatory framework that reflects the needs of local communities and empowers them to make and enforce decisions about the most responsible licensing strategies for their local area
12. The Council must set out how it will promote the statutory objectives and support the other key aims and purposes in a Statement of Policy and this must strike a reasonable balance between different and sometimes competing aims. These include widening the choice and appeal of licensed premises and the development of culture and protection of local residents.
13. The Council wishes to discourage drunkenness and the resulting anti-social behaviour and nuisance to both residents and visitors to the borough. A key feature of its approach is therefore to use its influence to encourage a change in the composition of the borough's social economy so it is more widely-based and diverse and less dominated by large, alcohol-led premises, whilst recognising there remains a market for this type of premises.

14. The Council, acting as the Licensing Authority, has discretion on whether to grant applications for licences and to impose conditions on granting and renewing licences only when representations relevant to the licensing objectives are made by “responsible authorities” or “other persons” (see Glossary). **Where no relevant representations are received, it is the duty of the Licensing Authority to grant a licence, subject to conditions consistent with the operating schedule and the mandatory conditions under the Licensing Act 2003.**
15. This Statement generally reflects the Council’s understanding of the views and concerns of the responsible authorities at the time it was revised. However, those authorities are not bound by the Statement and can make any representations if they are concerned over the effect of the grant of any application on the licensing objectives.
16. This Statement does not undermine the right of any individual to apply under the terms of the Act for a variety of permissions, and have any such application considered on its merits. Nor does it override the right of any person to make representations on an application or to seek a review of a licence or certificate, where provisions exist for them to do so.
17. The Licensing Authority recognises that its powers under the Act are only one means by which the licensing objectives may be promoted. As such, the Authority recognises that the Act must not be regarded as the only method for addressing and correcting problems or concerns that may arise from the use of premises for licensable activities.
18. In making decisions on licence applications, the Authority will take into consideration the availability of other powers and responsibilities exercised by the wider Council, the police and other responsible authorities whilst ensuring that the final decision is based upon the promotion of the licensing objectives.
19. It is recognised that the management of nuisance and anti-social behaviour by individuals once they are away from a licensed premises is beyond the direct control of licence holders. However, the Authority recognises that the control of licensing law forms part of a holistic approach to the management of the Borough’s busy evening and night-time economy.

## **LICENSING CONDITIONS - PROMOTION OF THE LICENSING OBJECTIVES**

20. The following is intended to help applicants by setting out criteria and considerations that they should have in mind when drawing up an Operating



Schedule. The information set out should alert applicants to matters that responsible authorities are likely to consider when deciding whether to make representation on an application or to call for a review. It also draws the attention of applicants to matters that are likely to be the subject of proposed conditions designed to promote the licensing objectives that may be attached to the grant of a licence.

- 21. It is expected that, prior to making any application under the Act, applicants will have undertaken a full risk assessment of the impact of their activities on the promotion of the licensing objectives. Thereafter, applicants are expected to submit a detailed operating schedule as part of the application, setting out the steps they intend to take to promote the licensing objectives.**
22. National guidance places an expectation upon applicants to give more detailed and thorough consideration to the local area when making applications. An applicant who includes a written set of conditions will assist the Authority in considering an application.
23. The Authority also considers that conditions imposed on granted licences, and likewise the content of submitted operating schedules, should relate closely to the circumstances of the locality within which the premises is situated.
24. Applicants are encouraged to discuss their operating schedules with relevant responsible authorities in advance of making an application.
25. The following examples given under each of the licensing objectives are not exhaustive. Applicants should demonstrate within their application how they will address and actively promote the licensing objective. Where relevant representations are made and their discretion is engaged, the Authority will, where appropriate, tailor proportionate conditions to address individual licensing objectives.
26. Conditions that should be considered to ensure promotion of the licensing objectives have been included in Annex 3. This document may be used by the applicant when completing an Operating Schedule or by the authority when considering granting an application. It is important that they should not be applied universally and treated as standard conditions irrespective of circumstances.

## THE PREVENTION OF CRIME AND DISORDER

27. The Authority recognises that licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a significant source of crime and disorder. Therefore, whether the premises make, or will make, a significant contribution to levels of crime and disorder, and whether the Operating Schedule adequately addresses the likelihood of crime and disorder occurring as a result of the granting of the application are key criteria.
28. The Authority acknowledges that it holds a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on crime and disorder in the Borough. This includes the need to do all that it reasonably can to prevent crime and disorder (including anti-social and other behaviour adversely affecting the local environment); the misuse of drugs, alcohol and other substances and re-offending in the Borough.
29. The Authority will carry out its licensing functions to promote the prevention of crime and disorder, by ensuring that Licence Holders take measures to regulate the behaviour of persons on the premises and patrons who are in the vicinity.
30. The Authority will expect premises to address in their operating schedule how the operation of the premises will adequately address crime and disorder issues, ranging from the design of the premises through to the daily operation of the business. These conditions may, for example, include items relating to:
- **Age verification measures** - to prevent underage drinking, for example the use of 'challenge 25' and the use of photographic identity cards, documented training procedures to ensure staff are fully trained in age verification and the use of refusal sales records.
  - **Closed Circuit Television (CCTV)** - its installation, location of cameras, the length of time images are retained, whether images will be provided on reasonable request.
  - **Management** - including security guards and door supervisors, training, crime prevention notices and signage, control measures for the licensed venue, including external areas (including those used by patrons to smoke).
  - **Pubwatch** - the Authority supports local pubwatch schemes. Licence holders are encouraged to participate in local groups.
-

- **Drug misuse** - measures proposed to prevent the supply or consumption of illegal drugs, including search procedures, design of premises, monitoring of toilets and surrender and seizure procedures.
- **Binge drinking and drunkenness** - the measures proposed to discourage excessive consumption of alcohol and drunkenness and to promote sensible drinking. On-sales; whether the venue is laid out primarily for seating. Off-sales; where alcohol is displayed, the strength of low-cost alcohol.
- **Violence/Crime** - the levels of crime and disorder in and around the venues, the measures proposed to prevent violence on the premises including the safety of staff and use of polycarbonate drinking vessels.
- **Planned significant events** - Licensees are advised to consult the local Metropolitan Police Licensing Unit to clarify whether a proposed event, for example an event outside of the normal operational characteristic of the venue, or an event involving a high profile or niche-market artiste / DJ, is classed by them as 'significant'.
- **Participation in Radio Schemes** - Kingston First's 'Business Watch' radio link scheme can be used to connect licence holders, designated premises supervisors, and/or managers with the local police and the Council's CCTV control room. Conditions requiring the participation in the radio link scheme, or similar arrangements, are considered to be necessary for all premises forming part of the social economy.

## **PUBLIC SAFETY**

31. The Authority expects all licence holders to implement measures to ensure the safety of people visiting and working in their premises. This includes the physical state of the premises, including the curtilage and means of access and egress, but also safety in respect of activities taking place within them, the use of pyrotechnics and other special effects.
32. Whilst existing health and safety legislation will generally be sufficient to control risks to the safety of the public in most premises, the Authority recognises that, in some situations, statutory requirements may not be adequate, or be in place, to ensure public safety. Where its right is invoked, the Authority may impose conditions requiring the licence holder to take steps over and above minimum legal requirements as may be necessary to ensure safety.

33. It should be noted that conditions relating to public safety should be those that are appropriate in the particular circumstances of any individual premises, and should not duplicate other requirements of existing Health and Safety legislation. Equally, the attachment of conditions to a licence does not in any way relieve employers of their statutory duty to comply with the requirements of primary Health and Safety or Fire Safety legislation. These conditions may, for example, include items relating to:

- **Safe capacity** - assessed safe capacity having regard to means of escape in case of emergency, toilet provision, and overcrowding in compliance with the Regulatory Reform (Fire Safety) Order 2005
- **Indoor sporting events** - construction of ring, seating arrangements, medical facilities and, where required, staff adequately trained in rescue and life safety procedures
- **Temporary installations** - installed and inspected/certified by a competent person
- **Event Management Documentation** - specific documents outlining the proposed management structure, responsibilities and contact details, together with details of the control, monitoring and review mechanisms
- **Theatres, cinemas, concert halls** - including sufficient number of attendants, design of the auditorium, profile of audience, as well as standing and sitting in gangways, exits and staircases and landings
- **Special effects & mechanical installations** - arrangements to minimise risk to the safety of audience, performers and staff. In certain circumstances it may be necessary to require that certain special effects are only used with prior notification and approval of the appropriate authority

34. In addition to the points made in this section, applicants and responsible authorities may wish to consider advice and guidance provided in a number of separate publications, which may be of particular use to specific types of operation. The following documents are considered particularly beneficial:

- Technical Standards for Places of Entertainment
- The Purple Guide to Health Safety and Welfare at Music and Other Events – published by the Events Industry Forum, accessible (for a fee) via the website <https://www.thepurpleguide.co.uk>
- Managing Crowds Safely, second edition (HSE 2014) ISBN 978 0 7176 1834 7

- The Guide to the Safety at Sports Grounds 6th Edition
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances
- The Health & Safety Executive guidance on event safety <http://hse.gov.uk/event-safety/>

35. For large-scale and one-off events open to members of the public that may, or may not require a licence, you will need to notify the council and its partners through the Safety Advisory Group. Further guidance can be found here: <https://www.kingston.gov.uk/homepage/115/host-an-event-in-kingston>

## **COUNTER TERRORISM**

36., Although not common, terror attacks have occurred within London, with some attacks targeting public spaces, bars, pubs and nightclubs. The Council works in close partnership with the Metropolitan Police to tackle crime and disorder and ensure public safety. This includes in matters relating to terrorism.

37. Public spaces and venues can be attractive targets for terrorist attacks and applicants should consider what steps are appropriate to take, in order to reduce the risk to the people who use the licensed premises and spaces that form our social economy. Applicants and licensees are expected to give due consideration to any specific advice provided by the Metropolitan Police or other relevant agencies with a view to ensuring that they have suitable measures in place to deal with any threats that may arise.

38. Any procedures, measures and investments put in place must be appropriate and proportionate for that specific situation. Every location and venue will be different, so the security requirements will change accordingly, based on capacity, layout, location, locally-identified threats and vulnerabilities. Before taking any decisions, a risk assessment should be undertaken to understand the various threats and vulnerabilities and their potential impacts to help identify the most appropriate security and counter terrorism measures.

39. In December 2019, the Metropolitan Police Service released an advice guide that includes helpful information and tips for licensees on how to protect businesses from terrorism. It includes information on dealing with crowds, security measures, searching, suspicious items, firearms advice and advice that business owners can use to train their members of staff.

40. The National Counter Terrorism Security Office (NaCTSO) is a specific police unit that supports the 'protect and prepare' strands of the Government's national counter terrorism strategy. They provide advice and support via their website [www.nactso.gov.uk](http://www.nactso.gov.uk).

## **PUBLIC NUISANCE**

41. Licensed premises, especially those operating late at night and in the early hours of the morning, may cause a range of public nuisances that impact people living and working in the locality of the premises. Public nuisances can include noise caused by customers arriving at and/or leaving a premises, noise created whilst they are within a premises, general anti-social behaviour and issues such as smoke, odour, litter, light, fly-posting and obstruction of the highway.
42. The Borough has a substantial residential population and the Authority has a responsibility to protect it from nuisances. In certain locations, the increased concentration of entertainment uses and longer hours of operation have adversely affected local residents. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and helps sustain their business. The role of the Authority is to maintain an appropriate balance between the legitimate aspirations of the hospitality/entertainment industry and the needs of residents, businesses, workers, shoppers and visitors.
43. The potential for nuisances associated with the style, characteristics and activities of the business to be carried out at the premises and the potential steps that could be taken to reduce the risk of nuisances occurring are therefore the key criteria relevant to this objective. This will particularly apply where there is residential accommodation in the proximity of the premises.
44. Eating and drinking outdoors is increasingly popular and the banning of smoking inside premises has increased the number of people smoking or accompanying smokers outside premises. The noise of people outside can cause a public nuisance. In addition, the blocking of footways and, more occasionally, roadways, by people standing around drinking and smoking is a public nuisance whether or not it amounts to an offence of obstruction or becomes an issue of public safety. The Authority will therefore encourage the management of people standing outside premises to minimise the adverse effects on the licensing objectives.
45. Applicants should carefully consider the hours that they wish to carry out each licensable activity as well as the hours that they wish to remain open. The

Authority will similarly consider hours for licensable activities and closing times as well as appropriate conditions. Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers leave (“winding down” period). In noise-sensitive areas, operators should consider the type and tempo of music while other licensable activities continue.

46. Applicants are encouraged not to apply for later hours than they will in fact operate, particularly seeking 24-hour licences where there is no intention of operating on this basis. Responsible authorities will generally be more likely to make objections the later the hour that licensable activities are proposed to take place.

47. The Authority will expect applicants to set out in their Operating Schedules the steps taken, or proposed to be taken, to deal with the potential for public nuisance arising from the operation of the premises or open-air site under the licence. These include:

- **Design of premises** - acoustic lobbies to all entrances and exits
- **Noise and vibration** - installing noise limiters on amplification equipment, installing speakers on acoustic mounts
- **Customers arriving** - management of queuing systems
- **Customers leaving** - a dispersal policy to manage patrons congregating (this includes premises licensed for off-sales), signage, dedicated staff to manage the immediate exterior of the premises and taxi service
- **Management of premises** - keeping windows and doors closed, signage, suitable and sufficient toilet provision, how refuse and rubbish associated with the premises is managed and when it is collected. This includes food wrappings and drink containers
- **External areas** - management of gardens, smoking areas and other external spaces and the times these are operated
- **External lighting** - ensuring that particularly bright lights do not disturb neighbours, including security lighting
- **Odour** - steps to prevent its generation, for example from the preparation of food or from the smell of cigarette smoke
- **Large-scale events** - including travel arrangements for patrons to arrive and leave the event, the use of public transport and noise from the event itself

48. Changes brought about by the deregulation of regulated entertainment mean that certain activities are no longer considered a licensable activity and consequently cannot be subject to conditions. Whilst existing conditions relating directly or indirectly to such entertainment between 08:00 and 23:00 no longer have effect during those times, licence holders are strongly recommended to continue to provide the control measures those conditions require, to demonstrate due diligence.

## **THE PROTECTION OF CHILDREN FROM HARM**

49. The Authority welcomes family-friendly hospitality and entertainment premises. Whether there are appropriate measures in place to protect children from harm (including moral, psychological and physical harm) is the key criterion relevant to this objective. Applicants are expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and implemented to protect children from harm, having regard to the style and characteristics of the premises, as well as the activities provided.

50. It is an offence to sell alcohol to children (under 18). There is a further specific offence of persistently selling alcohol to children if sales are made on 2 or more occasions within 3 months. Unaccompanied children under 16 should not be on “premises being used exclusively or primarily for the supply of alcohol” e.g. pubs, bars and nightclubs. In addition, unaccompanied children under the age of 16 should not be allowed on licensed premises between the hours of midnight and 5.00 am. Operating Schedules should consider whether there will be circumstances when children under 16 should not be on the premises. Whether they were there for a specific purpose such as partaking of a meal or being entertained by live performances. They should also consider whether there were any specific aspects of licensable or other activities taking place where children should be excluded e.g. drinks promotions or particular types of performances or competitions.

51. Other than specific instances where the Act prohibits unaccompanied children on licensed premises, it does not in itself prohibit the access by children to any type of licensed premises. The Authority considers, therefore, that conditions prohibiting access to a premises, or parts of premises, may be necessary in some circumstances. In particular, the authority will consider:

- **Convictions** for serving alcohol to minors or where there is a reputation or evidence of underage drinking
- **Entertainment** of an adult nature being provided (language, sexual imagery etc)



- **Gambling** where there is a strong element of gambling on the premises
- **Alcohol consumption** where, be it after a certain time or otherwise, the predominant use of the premises is for the consumption of alcohol on the premises

52. At premises and performances that are likely to attract a substantial number of children, the Authority may attach conditions requiring the presence of a sufficient number of adult staff on the premises to ensure the well-being of the children during an emergency.

53. In April 2017, the Kingston and Richmond Local Safeguarding Children's Board (LSCB) published its protocol for safeguarding children affected by parents, carers or other adults' substance misuse. Not all families affected by alcohol use will experience difficulties. However, research indicates that parental drug and/or alcohol misuse can have significant, damaging and long-lasting consequences for children. Serious Case Reviews (SCRs) repeatedly show that parental substance misuse, mental health issues and domestic abuse are the three most common features. When these combine, as they often do, the impact on children is deemed to be so damaging it has been called the "Toxic Trio."

54. This protocol follows the development of a specific 'Safeguarding Children Policy for Licensed Premises', which was developed and published by the Richmond and Kingston Local Safeguarding Children Boards in association with the London Local Safeguarding Children Board. It is intended to provide advice and guidance for all staff (paid or unpaid) involved in premises that have been licensed under The Licensing Act 2003. It gives some basic information about what to do if you are concerned about a child and how your local Children's Social Care and Metropolitan Police Team will respond to and deal with reports about children whose welfare is causing concern, including:

- Being alert to the possibility of child abuse and neglect, i.e. the definition, prevalence, identifying features in a child or adult, legal parameters and social consequences
- Having enough knowledge to recognise an abusive or potentially abusive event or set of circumstances
- Knowing who in the organisation to raise your concerns with
- Being competent in taking the appropriate immediate or emergency action, and
- Knowing how to make a referral to Social Services and/or the Police.

55. Recommended best practice is for the owner/licence holder to nominate themselves or a senior staff member to have the following key responsibilities in relation to safeguarding children for the licensed premises – to:

- Arrange safeguarding children training for all staff
- Monitor and report on whether all staff have received the minimum (initial and refresher) safeguarding children training
- Ensure that all staff have read and know where to find this policy and the Government Guidance: ‘What To Do If You’re Worried a Child is Being Abused’
- Ensure that an up-to-date ‘Safeguarding Children Procedures’ poster is displayed for all staff at all times
- Provide advice and support to staff when they have a concern about safeguarding a child
- Record all concerns raised by staff, and
- Be the contact person for the local Children’s Social Care (In Kingston and Richmond SPA (Single Point of Access) Tel: 0208 547 5008 out of hours telephone 0208 770 5000) and the police in relation to all incidents or concerns related to the safeguarding of children on or linked to the premises (Tel 111 or 999 in an emergency)

## **FILM EXHIBITION**

56. Where an application seeks permission to exhibit films, the Authority expects applicants to detail in their operating schedule the steps they intend to take to prevent children from viewing age-restricted films, trailers or advertisements.

57. A mandatory condition set out in the Act requires that, where a licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with any recommendation made by a film classification body. Therefore, where the exhibition of films is permitted, the Licensing Authority will require that the age restrictions applied by the British Board of Film Classification (BBFC) are to be complied with.

58. Films that have not been classified by the BBFC may only be shown after they have been classified by the Council. The Council has delegated the function of classifying such films, using the BBFC classification guidelines prevailing at the time, to designated officers. The Council requires that films are presented for classification at least 28 days before the intended date of exhibition.

## **THEATRES & OTHER PERFORMANCES OF A PLAY**

59. Whilst the admission of children to theatres and other performances of plays would not normally be restricted, it may be appropriate to do so in certain circumstances in order to promote the licensing objective of the protection of children from harm.
60. The admission of children to the performance of a play would normally be left to the discretion of the licence holder; however a condition restricting the admission of children to performances involving nudity and / or adult material or language may be required.

## **PUBLIC HEALTH**

61. Health bodies were made Responsible Authorities under the Act in April 2012. Although public health is not a licensing objective, health related data can be used as monitors to track increase in access to alcohol for at risk groups, ensure that robust measures are in place to minimise risk for those groups and support those seeking help. The data can inform Licensing Authorities of any cumulative impact and identify the potential impact of premises on crime and disorder, public safety, public nuisance and the protection of children.
62. Evidence suggests that people addicted to alcohol and their families are significantly at risk of developing health and social problems that include obesity, mental illnesses, misuse of drugs, criminal activity, breakdown of families and other social relationships as well as negative financial implications. Public Health is able to make representations by its own right or through support of other representations.
63. Alcohol is a key risk factor for poor health in Kingston, particularly in areas of deprivation. Alcohol related liver disease was responsible for the majority of alcohol-related deaths in the UK in 2012, accounting for 63%. Excessive alcohol consumption in a short period of time can also have short-term fatal consequences: In 2012, accidental alcohol poisoning (intoxication) was the fourth-highest cause of alcohol-related deaths in the UK with 396 deaths.
64. People dying from liver disease often have complex end-of-life care needs and over 70% die in hospital. Many people dying from liver disease come from deprived socioeconomic backgrounds. Those dying of alcoholic liver disease may have mental health problems and/or drug dependence problems that complicate their social circumstances to an extent that they have little

family or social support. This data does not provide insight to the 'hidden harm' of alcohol consumption amongst different cultural or ethnic communities.

65. While a causal link between drinking alcohol and obesity has not been proven, heavy drinkers often have higher rates of obesity. This may be due to the calories in alcoholic drinks or high food consumption associated with drinking. Binge drinking is strongly associated with weight gain more than frequent, lower level drinking. The cumulative impact of alcohol and obesity on the liver appears to be greater than either risk factor alone. A higher level of obesity is also associated with deprivation. Therefore, deprived groups with higher levels of obesity are more likely to experience greater negative effects from alcohol.

## **OTHER RELEVANT STRATEGIES AND LEGISLATION**

66. This revised Statement of Licensing Policy recognises and has given full consideration to other relevant Council and partnership strategies and initiatives that help to promote the licensing objectives. This includes measures to tackle anti-social behaviour (having regard to the Anti-Social Behaviour, Crime and Policing Act 2014), noise and degradation of the street environment and problems often associated with late-night entertainment. Examples include:

- **Business Improvement District (BID).** 'Kingston First' has been set up in Kingston town centre to ensure that local businesses - including pubs and clubs - pay a levy that is used to fund projects to enhance the appearance of the area, as well as promoting events to increase footfall
- The emerging **Kingston Local Plan**, developed by the Council to guide future development in the borough
- **The Safer Kingston Partnership Plan** developed by the Safer Kingston Partnership. This partnership, which includes the Council, Metropolitan Police, Clinical Commissioning Group, London Fire Brigade, National Probation Service, the Community Rehabilitation company for London and voluntary and business representatives, works together with the local community to reduce alcohol misuse and associated crime and disorder in the town centre

- **Public Space Protection Order** in Kingston town centre that provides extra enforcement powers for the police and Council to resolve public space drinking issues and anti-social behaviour.
- **The Joint Strategic Needs Assessment** provides a comprehensive picture of the health, care and wellbeing needs and inequalities of Kingston residents in order to improve and protect health and wellbeing outcomes now and in the future. It reflects the wider social factors that have an impact on people's health and wellbeing, for example, education, employment, housing, and environment.
- In 2016, The Mayor of London appointed a **Night Czar** who was tasked with ensuring London thrives as a 24-hour city, championing London's nightlife both in the UK and internationally, including safeguarding for venues across the city. This vital work is conducted in partnership with the night-time industries, local authorities, the Metropolitan Police, Transport for London and the public.
- **Kingston Health and Care Plan 2019-2021**. Although the personal health impact of consuming alcohol is not a statutory licensing objective, the Council is very aware of - and influenced by - the fact that reducing harm caused by alcohol is a key national public health priority. The Council also supports the Government's Alcohol Strategy, which highlights the ambition to reduce the number of adults drinking above the NHS guidelines, lower the rates of binge drinking and reduce the number of people drinking at levels that damage their health.

67. Many other statutory requirements apply to licensed premises, such as fire safety, planning, building control, public health, food hygiene and trading standards. The Council must also have specific regard to its duties under Section 17 of the Crime and Disorder Act 1998, to prevent crime and disorder. The Council is committed to avoiding duplication with other regulatory regimes as far as possible so will only apply conditions to premises licences if they are considered appropriate to promote the licensing objectives and are not required under other legislation.

## **OTHER MECHANISMS FOR CONTROLLING THE IMPACT OF LICENSED PREMISES**

68. Once away from the licensed premises, a minority of customers may cause anti-social behaviour or behave unlawfully. Other mechanisms exist, both within and outside the licensing regime, that are available for addressing such issues. These include public space protection orders, the issuing of fixed

penalty notices and the powers of responsible authorities and other persons to seek a review of the licence.

69. The Authority believes that working in partnership with the police, local businesses and communities, other departments within the authority and national schemes, for example, Pubwatch and business improvement districts, can have a positive effect on the social economy.

## **LICENSING HOURS**

70. The Authority recognises that hours of trading are a critical factor in assessing beneficial as well as adverse impacts in the Borough and supports the principles of flexibility in its approach to licensing hours. Since the introduction of the Licensing Act 2003, many premises have taken advantage of the opportunity to apply for later licensing hours. This has led to a considerable number of premises licensed for the sale of alcohol for consumption on the premises (pubs, bars, nightclubs), off the premises (convenience stores, supermarkets) and premises licensed for late-night refreshment (restaurants, takeaways) that now operate at varying times well after midnight. This has contributed to the development of a thriving social economy.

71. Balanced against this is the evidence that extended opening hours has seen increased levels of crime and anti-social behaviour, such as noise and disturbance to local residents living near licensed premises, fast food outlets and travel hubs, that continue through the early hours.

72. The current Government Guidance makes it clear that the Licensing Act 2003 gives the licensing authority the power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and that licensing authorities are best placed to make such decisions, based on their local knowledge and in consultation with other responsible authorities. However, each application must be considered individually and predetermined licensed opening hours must not be imposed without consideration given to the merits of each individual application. Government continues to recommend that shops, stores and supermarkets should be free to provide sales of alcohol off the premises at any time when the outlet is open for trading, unless there are good reasons, based on the licensing objectives, in particular cases for restricting those hours.

73. District centres, and Kingston Town Centre, in particular, have a growing residential population density with residential property situated in close proximity to licensed premises. 39.4% of properties in the borough are flats or maisonettes (source: VOA December 2019). Noise surveys carried out across

the borough consistently indicate that ambient noise levels fall from around 23:00 hours. Residents can tolerate an element of noise disturbance in the earlier part of the night when ambient noise levels are high, but find it increasingly intolerable as ambient levels fall. Noise can come from within premises, a potentially-controllable source, or from revellers in the street.

74. Shops, stores and supermarkets selling alcohol can act as a magnet for people leaving other licensed premises to 'top up' their consumption. The client group that seeks to buy alcohol for consumption off the premises in the early hours of the morning, therefore, differs from those seeking to buy other goods. Noise from revellers in the street and from people smoking outside premises on the public highway cannot be controlled by the applicant, nor by any other means, other than by limiting the general hours in which premises can operate.

75. When dealing with new and variation applications, the Licensing Authority will give more favourable consideration to applications with the opening and closing times listed in the table below:

Premises selling alcohol by retail for consumption off the premises:	
Monday to Thursday	07:00 hours to 23:00 hours
Friday and Saturday	07:00 hours to 00:00 hours (midnight)
Sunday	07:00 hours to 23:00 hours

Premises selling or supplying alcohol by retail for consumption on, or on and off, the premises (whether or not they also provide food or regulated entertainment), for premises providing regulated entertainment only, and for qualifying clubs:	
Monday to Thursday	10:00 hours to 23:00 hours
Friday and Saturday	10:00 hours to 00:00 hours (midnight)
Sunday	10:00 hours to 23:00 hours

Premises operating as a combined shop/delicatessen and cafe providing both on and off sales of alcohol the guideline hours shall be:		
	Off sales	On sales
Monday to Thursday	07:00 hours to 23:00 hours	10:00 hours to 23:00 hours
Friday and Saturday	07:00 hours to 00:00 hours (midnight)	10:00 hours to 00:00 hours (midnight)

Sunday	07:00 hours to 23:00 hours	10:00 hours to 23:00 hours
<b>External drinking areas to close:</b>		
Monday to Sunday	22:00 hours with the area to be cleared of customers by that time	

<b>Premises offering late night refreshment (hot food and hot drink) for consumption off the premises only (take-aways):</b>		
Monday to Thursday	23:00 hours to 00:00 hours	
Friday and Saturday	23:00 hours to 02:00 hours	
Sunday	23:00 hours to 00:00 hours	

Exceptions:

- no restrictions in hours will be applied in respect of New Year's Eve/New Year's Day if applied for
- no restriction in hours will be applied on the sale of alcohol to hotel residents for consumption in their rooms or within the confines of the hotel building itself
- no restriction in hours shall apply to premises operating solely for internet sales where delivery of alcohol is from an industrial estate or direct from the producer/importer

76. In cases where relevant representations have been received, in considering whether to grant an application to depart from the guideline terminal hours (whether earlier or later, the authority will consider the following matters (although these are not exclusive):

- a. whether the licensed activity would result in an increase in noise nuisance to residents in the area
- b. whether measures have been put in place to prevent noise breakout from within the premises
- c. the proposed hours of the licensable activities and general opening hours
- d. whether the licensed activity may result in a reduction or an increase in crime, general anti-social behaviour or nuisance in the area
- e. whether the licensed activity would be likely to cause any effect on the safety and amenity of local residents or businesses, or, if there is any potential to cause adverse effect, what measures will be put in place to prevent it;
- f. whether there will be any cumulative adverse effect from the activity on residents or businesses;



- g. whether there is a high level of public transport accessibility to and from the premises for the hours requested or whether other effective methods of dispersal will be put in place that will not themselves add to adverse impact on any person; and
- h. the use by the applicant of winding down periods.

77. In attaching conditions on hours, the Authority will generally require that customers should not be allowed to remain on the premises later than half an hour after the sale or supply of alcohol or the provision of regulated entertainment has ceased, except where alcohol is served as an accompaniment to a table meal or where a suitable dispersal policy has been put in place.

78. Shorter hours may be appropriate where for example premises are in close proximity to residential accommodation and adequate sound reduction methods cannot be provided. Shorter hours may also be appropriate for the use of outside areas for licensable activities where these are close to residential accommodation. It should not be expected that the specified guideline terminal hour will be acceptable in all circumstances.

79. The Authority has no general policy of shortening hours of operation at the time of a variation application. However, if the nature of the business is likely to change enough to adversely impact on crime and disorder or give rise to public nuisance, the Authority will consider, on receipt of relevant representations, whether to adjust the hours of operation.

## **CUMULATIVE IMPACT**

80. The cumulative impact of the number, type and density of premises in particular areas, such as Kingston Town Centre, may lead to these areas becoming saturated with premises of a certain type, making them a focal point for large groups of people and leading to severe problems of public nuisance, anti social behaviour or other alcohol-related problems. The Licensing Authority may consider publishing a 'Cumulative Impact Assessment' (CIA) to help limit the number or types of licence applications granted in such areas if it is satisfied that an approach to cumulative impact is appropriate to be included in its Licensing Policy Statement. The Licensing Authority will take the decision only after it is satisfied there is evidence to support such a decision.

81. In adopting a CIA, the Licensing Authority would be setting down a strong statement of intent about its approach to considering applications for the 'grant' or 'variation' of premises licences or club premises certificates in the

area described. The Licensing Authority must have regard to the assessment when determining or revising its Licensing Policy Statement.

82. The CIA does not, however, change the fundamental way that licensing decisions are made. The Secretary of State's guidance encourages applicants to address the CIA in their Operating Schedules in order to rebut such a presumption. Any CIA will stress that the presumption does not relieve responsible authorities or other persons of the need to make a relevant representation, before the local authority may lawfully consider giving effect to its CIA. It is therefore open to the Licensing Authority to grant an application it considers to be appropriate and where the applicant can demonstrate in its Operating Schedule that they would not be adding to the cumulative impact.
83. In considering whether to adopt such a policy in a given area, the Authority will always consider whether there is good evidence that crime, disorder or nuisance are happening and are caused by the customers of licensed premises. The Authority will also consider, in areas where a problem is not currently evident, the likelihood that cumulative impact is imminent.
84. The Authority recognises that the absence of such a policy does not prevent any Responsible Authority or Interested Party from making representations on the basis that an application would, if granted, give rise to - or exacerbate - negative cumulative impact.
85. Having had regard to the guidance referenced above, consulted upon the issue, taken into account the views of respondents and considered the evidence, the Council has determined that it is not appropriate to publish a cumulative impact assessment policy at this time.
86. This Statement of Licensing Policy is open to review should evidence suggest that the introduction of such a policy is needed to meet the licensing objectives and protect the wellbeing of the local population in that area.

## **NEIGHBOURHOOD-SPECIFIC CONSIDERATIONS FOR THE PROMOTION OF THE LICENSING OBJECTIVES**

87. The Royal Borough of Kingston upon Thames is made up of four different neighbourhoods: **Kingston Town, Maldens & Coombe, South of the Borough** and **Surbiton**. The Authority acknowledges that licensed premises located in some parts of the Borough may have a greater impact upon the licensing objectives than similar premises located in other areas.
88. **Kingston Town** has the highest concentration of licensed premises in the borough, particularly within Grove ward. There is an extensive range of shops

and services, as well as bars and restaurants. Kingston University and Kingston College have their main campus buildings in the town centre. This brings particular concern about the impact the number of premises has upon the Licensing Objectives.

89. The neighbourhood is served by two railway stations and two large bus transportation hubs that offer a 24-hour service.
90. **Maldens & Coombe** is less dominated by premises offering alcohol and entertainment than other parts of the Borough, with the main district centre being New Malden. Kingston Hospital is located within the neighbourhood and Kingston University has extensive facilities at its Kingston Hill site.
91. The neighbourhood is served by three railway stations and a number of bus routes.
92. **South of the Borough** benefits from more open green space than the other three neighbourhoods. It is largely residential and consequently has a much lower density of licensed premises.
93. The neighbourhood is home to Tolworth Court Farm (the largest open space in the borough) and Chessington World of Adventures. The neighbourhood also includes shopping parades in Chessington and Hook, offering a variety of stores.
94. Main parts of Transport for London's road network run through this neighbourhood. There are also three mainline train stations and a number of 24 hour bus routes.
95. **Surbiton Neighbourhood** comprises residential areas and a busy shopping centre, providing a variety of shops and services. The neighbourhood has a mainline railway station and is served by a number of 24 hour bus routes.

## **MAKING AN APPLICATION**

### **ADVICE**

96. Officers from the Authority are available to give advice to any person on technical matters of the legislation, including, but not exclusively, whether or not a licence, certificate or other authorisation is required and the procedures for making representations or calling for a review of authorisations.
97. It should be noted, however, that the Authority must at all times remain impartial in the advice it provides and, as such, officers will be unable to give

advice on matters relating to business operation, or advise on the likely success or otherwise of any application.

98. The Authority recognises its role as a Responsible Authority, and the inherent duties and responsibilities that this role presents. In carrying out this function, officers shall ensure that any advice given to applicants strictly relates to procedural or technical issues. Advice given by the Authority will not constitute guidance and shall be reflective of the dual role performed by the Authority.
99. Anyone requiring advice on the licensing process, as outlined above, should contact the Licensing Team. Contact details are listed on page 2 of this policy.

## **EQUALITIES**

100. The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity, and to foster good relations between persons with different protected characteristics. The duty ensures all forms of equality and applies in respect of all protected characteristics, which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation.
101. In consideration of its wider responsibilities beyond licensing legislation and related guidance, the Council considers that access to licensed premises and the full range of entertainment provided by a licence should not be denied to anyone who may be disabled. The Authority therefore expects all proprietors of licensed premises to give due consideration to the needs and requirements for access to their premises by disabled or less mobile customers and to make adequate arrangements to ensure their operations are inclusive in accordance with relevant equality and access legislation.
102. Consideration also needs to be given to conditions that ensure adequate arrangements exist to enable the safe evacuation of disabled customers in the event of an emergency.

## **MATTERS OF GENERAL POLICY**

103. The Licensing Authority may only exercise discretion on whether to grant applications for new premises licences or variations to licences and to impose conditions on granting licences if representations relevant to the licensing

objectives are made by “interested parties” or by “responsible authorities” in due time. Otherwise, it must grant all applications. **Therefore, the Authority will only consider and apply its policies when such relevant representations have been made.**

104. In determining applications, the Authority will take account of the need to balance relevant representations made by local residents against the benefits to the community at large and the need to avoid the imposition of conditions that are unduly and unnecessarily restrictive. The desirability of promoting artistic and cultural events is also an important consideration.

105. The matter of ‘need’ (whether there is a need for another premises in a given area) is not a matter for consideration by the Authority, and will therefore not form part of the decision making process.

## **THE APPLICATION OF CONDITIONS**

106. The Licensing Authority acknowledges the importance of partnership working in the licensing process. It encourages licence holders, businesses, local residents, individual responsible authorities and other bodies to work in partnership to ensure that the licensing objectives are promoted.

107. It is anticipated that prior to making any application under the Act, applicants will have undertaken a full risk assessment of the impact of their activities on the licensing objectives. Applicants are expected to submit a detailed Operating Schedule setting out the steps they intend to take to promote the licensing objectives. In particular, **applicants are encouraged to discuss their Operating Schedules with relevant Responsible Authorities in advance of making an application.**

108. Where licences are granted, the Authority will, where appropriate and where empowered to do so, attach such conditions tailored to the individual characteristics and style of the premises as it deems appropriate to promote the licensing objectives.

109. Conditions will be tailored to the size, type, location, characteristics and activities taking place at the premises concerned and will be determined on a case-by-case basis. Standardised conditions will be avoided, although selection may be made from pools of conditions. An extract of the Licensing Authority’s Model Pool of Licensing Conditions is attached at **Annex 3**. This includes a selection of the most common licensing conditions that can be used by applicants when considering the four licensing objectives within their proposed Operating Schedule.

110. The Authority will only apply conditions that focus upon matters within the control of the licence holder or other relevant person. All conditions must be expressed in precise, clear and unambiguous terms. They must be practical, realistic, enforceable and, where possible, avoid duplication of existing statutory requirements or offences.
111. Stricter conditions related to noise control may be applied in areas with a denser concentration of residential accommodation, in order to ensure the promotion of the licensing objective relating to the prevention of public nuisance.
112. Where relevant representations are made, and not subsequently withdrawn following negotiation, a Licensing Sub-Committee hearing will be held. As part of the decision making process at a Sub-Committee hearing, the Authority may apply conditions to any granted licence as are appropriate to promote the licensing objectives.
113. Where **no** relevant representations are made in respect of an application, the Authority **must grant** the licence or certificate subject to conditions consistent with the Operating Schedule being applied to the granted licence together with any relevant mandatory conditions specified in the Act.

## **THE APPLICATION PROCESS**

114. All applications must be made in writing or electronically, using the relevant forms available on the Council's website. Advice is available from Licensing Officers and on the Council's website on the process of making applications.
115. Applications for new or variations to premises licences and club premises certificates must also be submitted to the Responsible Authorities. The duty to submit a copy of the application to each authority rests with the applicant, except in cases where an application is made entirely online, in which case the Licensing Authority will notify the Responsible Authorities on the applicant's behalf.
116. The Act sets out in general terms the role of 'Responsible Authorities', and **Annex 1** of this policy provides contact details for the Responsible Authorities in respect of applications to be made to the Licensing Authority.

## NOTIFICATION OF APPLICATIONS

117. Aside from the requirement of the Act for applicants to advertise their application by way of notice displayed at the premises and an advert placed in a locally-circulated newspaper, the Authority will undertake further notification of applications received in accordance with the following paragraphs.

118. Properties falling within a given radius of the boundary of an application premises will be notified in writing of any application for a new, variation or review of a Premises Licence or Club Premises Certificate. The radius within which properties are to be notified will be dependent upon the predominant business type and size of the applicant premises.

119. Whilst there is no statutory requirement on the Authority to notify individual neighbouring residents, it will always aim to do so for those living within the following radius of properties, according to the predominant nature of the premises trading style, and the size of premises in line with the licensing fee bands (in the knowledge that the fee charged is proportional to the size of the property).

Fee Band	A	B	C	D	E
Predominant business type					
Nightclub/public house/bars etc.	150m	200m	250m	275m	300m
Late night refreshment [LNR] premises (takeaway)	75m	100m	125m	150m	175m
Restaurant/cafe with on-licence (but not LNR)	50m	75m	100m	125m	150m
Off-licences (including supermarkets and convenience stores)	50m	75m	100m	125m	150m
Mixed/other predominant use	100m	125m	150m	175m	200m

*Please note that the Authority accepts no liability for any error or omission associated with this voluntary notification process.*

120. Due to the procedural timescales involved in processing this type of application, written notification will not occur in respect of applications for Minor Variation (but site notices will still be posted). The process for this type of application is such that they will only be permitted if they do not impact upon the licensing objectives.

121. The Authority recognises that the comments and opinions of residents and other people are crucial to the licensing process. Information for residents and other persons on how to make a relevant representation is available on the Council's website, or otherwise on request.

## **COMMENTING ON APPLICATIONS (MAKING REPRESENTATIONS)**

122. The Authority recognises that the Act and the Secretary of State's Guidance specify which matters may be taken into consideration when determining whether a representation made is relevant. This will include a consideration whether a representation made is frivolous or vexatious (as defined by guidance).
123. Though not specified by the relevant legislation or guidance, the Authority will only consider representations received in writing, either by letter or e-mail. Representations must be made within the relevant time period specified in the Act for the application type that is being considered.

## **DETERMINATION OF APPLICATIONS AND INTEGRATION OF POLICIES**

124. The Authority will carry out its licensing responsibilities as swiftly, efficiently and as cost effectively as possible, through a system of a Licensing Committee and Licensing Sub-Committees, membership of the latter being drawn from Members of the Licensing Committee.
125. Applications will be determined by the Licensing Sub-Committees or officers in accordance with the Schedule of Delegations outlined at **Annex 2**.
126. Where no representations are made in respect of an application, or in the event that representations are withdrawn before a hearing can be held (and all parties agree a hearing is unnecessary), officers are delegated to grant the licence or certificate without the need to refer the application to a Licensing Sub-Committee.
127. Where appropriate, and where resources permit, officers from the licensing team will facilitate mediation between applicants, Responsible Authorities and other parties in respect of applications where representations are made. Mediation of this nature is designed to reach a mutually agreeable consensus incorporating conditions, adjusted times or other such measures



so as to satisfy the concerns expressed by the other party/parties, culminating in the withdrawal of representations and therefore negating the requirement to refer to a Licensing Sub-Committee for determination.

128. In exceptional circumstances, when it is not possible or practical to hold a Licensing Sub-Committee hearing in person, to avoid having to defer hearings to a later date, the Authority may opt to hold hearings via remote means, for example, via video conferencing. Such meetings will also be simultaneously broadcast via the Council's website or other social media platform, as well as recorded and made available on the Council's streaming channel.

129. There is a clear distinction between the roles and responsibilities of the Council in relation to its Planning and Licensing Authority functions. Any approval or rejection under either regime does not imply or lead to the same decision under the other. However, the Authority expects that applications for licences should normally be for premises with appropriate planning consent for the activities concerned. It is recognised that there is nothing in the legislation that prevents applications made under the licensing regime from being granted in the absence of appropriate planning permission but, where this happens, the matter will be brought to the attention of the Head of the Council's Planning Enforcement Service.

130. Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, the Authority will seek advice and enter into discussion with the Council's Planning Department prior to determination, with the aim of agreeing mutually-acceptable operating hours and scheme designs.

131. When possible, the Council will endeavour to secure proper integration between its Licensing Policy and its strategies for crime and disorder, planning, culture, transport, tourism and economic development.

## **APPLICATIONS FOR REVIEW**

132. Any Responsible Authority or other party may make an application for a review in respect of any granted licence when it becomes apparent that because of some matter arising at the premises, one or more of the licensing objectives are not being promoted. Anyone seeking to apply for a review of a licence is advised to contact the Licensing Team [see page 2 for contact details] for advice on the application process.

133. Following guidance, the Authority will not consider more than one application in any 12 month period for the review of a licence on the same or

similar grounds, except in exceptional and compelling circumstances, such as continued disorder clearly associated with the management of the premises. Similarly, more than one application for review on the same or similar grounds will be accepted in the event of expedited reviews or a review following a closure order.

134. The Authority has delegated the function of determining whether requests for reviews should be rejected on the grounds that they are frivolous, vexatious or repetitive to designated officers, who will consult with the Chair or Vice Chair of the Licensing Committee.

## **ENFORCEMENT PROTOCOLS**

135. The Authority has established effective working arrangements with the police, London Fire Brigade, Trading Standards and other relevant enforcement agencies to ensure that effective enforcement of the Act - and any matters brought to its attention by way of inspection, investigation or complaint - are referred to the most appropriate authority for consideration.
136. Licensing officers undertake inspections and visits of licensed premises, both independently and in partnership with other authorities. Inspections are designed to assess compliance with the terms and conditions of the respective licence and, as such, resources will be targeted at those premises deemed by virtue of history, volume of complaints or nature of business (for example) to be performing poorly.
137. The Licensing Team has implemented a risk-based inspection programme, which results, where resources permit, in routine inspections of licensed premises at a frequency determined by assessed criteria, in order to prevent complaints, promote good practice and to assess ongoing compliance with licence requirements. At all times, the Authority aims to reduce the regulatory burden on businesses and, as such, will work closely with other inspecting authorities in carrying out visits or inspections.

## CONTACT DETAILS OF RESPONSIBLE AUTHORITIES

Authority	Address	Telephone / Email
The Local Planning Authority	Planning & Development Guildhall 2 High Street Kingston KT1 1EU	<a href="mailto:development.management@kingston.gov.uk">development.management@kingston.gov.uk</a> 020 8547 5002
Responsible Authority for Noise and Environmental Pollution	Regulatory Services Pollution Control Guildhall 2 High Street Kingston KT1 1EU	<a href="mailto:pollution_control@kingston.gov.uk">pollution_control@kingston.gov.uk</a> 020 8547 5002
Health & Safety (Local Authority enforced businesses)	Regulatory Services Commercial Team Guildhall 2 High Street Kingston KT1 1EU	<a href="mailto:ehadmin@kingston.gov.uk">ehadmin@kingston.gov.uk</a> 020 8547 5002
Health & Safety (Health & Safety Executive enforced businesses)	HM Inspector of Health & Safety FOD London Division Health & Safety Executive 151 Buckingham Palace Road London SW1W 9SZ	<a href="mailto:hse.infoline@connaught.plc.uk">hse.infoline@connaught.plc.uk</a> 0845 345 0055
Trading Standards	Regulatory Services Trading Standards Guildhall 2 High Street Kingston KT1 1EU	<a href="mailto:trading.standards@kingston.gov.uk">trading.standards@kingston.gov.uk</a> 020 8547 5536
London Fire Brigade	South Western District 169 Union Street London SE1 0LL	<a href="mailto:FSR-AdminSupport@london-fire.gov.uk">FSR-AdminSupport@london-fire.gov.uk</a> 020 8555 1200
Metropolitan Police - South West Basic Command Unit	Licensing Office Kingston Police Station 5-7 High Street Kingston KT1 1LB	<a href="mailto:SouthWestSWMailbox-LicensingKingston@met.police.uk">SouthWestSWMailbox-LicensingKingston@met.police.uk</a> 07342 081 741
Protection of Children from Harm	Achieving For Children Guildhall 2 High Street Kingston KT1 1EU	<a href="mailto:spa.referrals.richmond@achievingforchildren.org.uk">spa.referrals.richmond@achievingforchildren.org.uk</a> 020 8547 5000

Public Health	Kingston Public Health Guildhall 2 High Street Kingston KT1 1EU	<a href="mailto:phps@kingston.gov.uk">phps@kingston.gov.uk</a>  020 8547 5000
Home Office	Immigration Enforcement Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY	<a href="mailto:alcohol@homeoffice.gov.uk">alcohol@homeoffice.gov.uk</a>
The Licensing Authority	Regulatory Services Licensing Team Guildhall 2 High Street Kingston KT1 1EU	<a href="mailto:licensing@kingston.gov.uk">licensing@kingston.gov.uk</a>  020 8547 5080
<b>For those applications in respect of vessels, the following <u>additional</u> authorities</b>		
The Navigation Authority	Environment Agency boat registration team PO Box 544 Rotherham S60 1BY	<a href="mailto:boatreg@environment-agency.gov.uk">boatreg@environment-agency.gov.uk</a>  03708 506506
Environment agency	Environment Agency Thames Region Kings Meadow House Kings Meadow Road Reading RG1 8DQ	<a href="mailto:enquiries@environment-agency.gov.uk">enquiries@environment-agency.gov.uk</a>  0118 9535000
The Secretary of State	Maritime & Coastguard Agency Spring Place 105 Commercial Road Southampton Hampshire S015 1EG	<a href="mailto:southampton_mo@mcga.gov.uk">southampton_mo@mcga.gov.uk</a>  02380 329100

## DELEGATION OF LICENSING DECISIONS

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence		If a Police objection is made	If no objection made
Application for personal licence with unspent convictions		If an objection notice is received	If no objection made
Application for premises licence / club premises certificate		If relevant representation made	If no relevant representation made
Application for provisional statement		If relevant representation made	If no relevant representation made
Revocation or suspension of personal licence by local authority where it becomes aware of convictions or immigration penalties		All cases	
Application to vary premises licence / club premises certificate		If relevant representation made	If no relevant representation made
Application to vary a designated premises supervisor		If a Police objection is made	All other cases
Request to be removed as a designated premises supervisor			All cases
Application for transfer of premises licence		If a Police objection is made	All other cases
Application for interim authority		If a Police objection is made	All other cases
Application to review premises licence / club premises certificate		All cases	
Withdrawal of club premises certificate under Section 90.		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	

Determination of application to vary premises licence at community premises to include alternative licence condition		If a Police objection is made	All other cases
Decision on whether to consult other responsible authorities on minor variation application			All cases
Determination of a minor variation			All cases
To raise representation on behalf of the Licensing Authority as a Responsible Authority			All cases

**POOL OF EXAMPLE CONDITIONS****PREVENTION OF CRIME AND DISORDER****1. Closed-circuit television**

- a) The premises shall operate a closed-circuit television system (CCTV).
- b) The CCTV system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard.
- c) The cameras shall be noted on the plan attached to the premises licence in force at the premises. A copy of this plan shall be provided to the licensing authority.
- d) The CCTV shall be maintained in effective working order, and shall be in operation at all times the premises is open to the public.
- e) The CCTV shall record clear images permitting the identification of individuals.
- f) All recordings made by the CCTV system shall be retained and stored in a suitable and secure manner for a minimum of 31 days.
- g) At all times the premises is open to the public, a minimum of one member of staff on duty will be able to operate the CCTV.
- h) Viewable copies of the recordings shall be made available on request to police or authorised Local Authority officers as soon as reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).
- i) The licence holder shall notify the Licensing Authority within 24 hours when they become aware that the closed-circuit television (CCTV) system provided by [*insert details*] is not in operation.

**2. Door supervisors**

- a) A minimum of (*insert number*) Security Industry Authority (SIA) registered Door Supervisors from an Approved Contractor Scheme registered company shall be employed on the premises from (*insert time*) on (*insert days*) until the premises are closed and all members of the public have left the premises.
- b) The door supervisors shall solely be employed for that purpose.
- c) At least (*insert number*) door supervisor(s) shall be female.
- d) A log shall be kept of the door staff working on any night to include their full name, date of birth, Security Industry Authority licence number, company and booking on-off times.
- e) An incident logbook shall be kept at the premises. It shall be used to record the details of the door supervisors on duty and to record every instance of crime and disorder. It shall be made available on request from the Licensing Authority or Responsible Authorities.
- f) All door supervisors and other persons engaged at the premises, for the purposes of supervising or controlling queues or customers, must wear [high visibility jackets or vests or armbands].

### **3. Latest admission**

- a) There shall be no admission or readmission to the premises after (*insert times*).
- b) A latest admission time of 00:00 hours shall apply on Friday and Saturday nights with an appropriate sign to that effect placed on the entrance to the premises.
- c) No customer will be permitted to enter or re-enter the premises after 12 midnight when the premises is open to the general public and trading beyond this time except for persons who have temporarily left the premises (for example to smoke).

### **4. Entry to premises**

- a) Between [*specified times*] no customer will be permitted to enter or leave the premises by means of [*specified entrances*].
- b) All customers entering or re-entering the premises must be searched by an Security Industry Authority registered door supervisor [and all searches must be monitored by the premises Closed-circuit television system].
- c) Any queue [in a designated queuing area] to enter the premises must be supervised at all times by a Security Industry Authority door supervisor.
- d) Door supervisors will actively monitor the queue to remove any person who appears drunk, disorderly or underage.
- e) Any [designated] queuing area must be within suitable barriers.
- f) Entry to the premises shall be restricted to members and their guests.
- g) Customers shall not be allowed to bring alcohol onto the premises.

### **5. Restaurant Conditions**

- a) The premises must only operate as a restaurant:
    - i) in which customers are seated at a table;
    - ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery;
    - iii) which do not provide any take away service of food or drink for immediate consumption;
    - iv) where alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals;
    - v) where suitable beverages other than alcohol including drinking water - shall be equally available for consumption with or otherwise as an ancillary to the meal;
    - vi) The supply of alcohol to customers must be by waiter or waitress service only.
  - b) Alcohol shall be sold or supplied in the restaurant area (marked on the plan attached in Annex 4) only to persons with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal.
  - c) The principle function area of the premises shall be predominantly laid out with tables for food service. The restaurant area set out on the premises plan shall always be laid out with tables for food service.
-



## **6. Security, incidents**

- a) An incident logbook shall be kept and maintained on the premises. The log shall be used to record incidents that occur on the premises and carry a significant risk of leading to crime and disorder, prejudice to public safety, public nuisance or harm to children. The log will include the date and time, the name of the member of staff making the record, along with the details of the incident and any action taken.
- b) The incident logbook shall be available for inspection by the police or authorised Local Authority officers.
- c) An incident logbook shall be kept and maintained on the premises and made available on request to the Police or the Licensing Authority that will record the following:
  - i) All crime reported to the venue
  - ii) All ejections of patrons
  - iii) Any complaints received
  - iv) Any incidents of disorder
  - v) All seizures of drugs or weapons
- d) Any person found to be dealing drugs will be detained and the police informed immediately. Drugs seized will be handed over to the police.

## **7. Staffing, general**

- a) A minimum of two members of staff to be present on the premises at all times the premises are open beyond 23.00 hours.
- b) Staff shall regularly supervise customer areas and activities.

## **8. Staffing, training**

- a) All staff shall be trained before they are allowed to sell alcohol to the public.
- b) Records of staff training, along with any training material used, must be kept by the Designated Premises Supervisor or Premises Licence Holder.
- c) All training records shall be signed by the trainer and trainee in respect of training received.
- d) The Premises Licence Holder shall implement a training manual and all members of staff shall be suitably trained in underage sales prevention before they are allowed to make any sales of alcohol.
- e) Refresher training shall be carried out every six months for all staff and documented within the training records.
- f) The training records shall be available for inspection by the police or authorised Local Authority officers.

## **9. Notices – police/crime prevention**

- a) Notices shall be strategically and prominently placed throughout the premises stating the police will be informed in the event of any individual being found in possession of controlled substances or offensive weapons.
- b) Notices shall be strategically and prominently placed throughout the premises informing customers about the need to be aware of pickpockets or bag snatchers, and to guard their property or unattended bags.
- c) Notices shall be strategically and prominently placed throughout the premises displaying the name of a contact for customers if they wish to report concerns.
- d) Notices shall be strategically and prominently displayed on the exterior wall at the entrance to the premises detailing the admission policy

- e) Notices shall be strategically and prominently placed throughout the premises advising CCTV has been installed and is in use on the premises.

#### **10. Bottle bans**

- a) No glass bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar.
- b) No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.
- c) Customers who are seated in [*insert area*] may be sold bottles containing wine for consumption with a table meal.
- d) No bottles or glass receptacles are permitted to be taken into the external licensed area after 19:00.

#### **11. Open containers**

- a) Customers will not be permitted to bring bottles or glass receptacles (containing alcoholic drinks or otherwise) into the premises.
- b) Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in [*open or/and sealed*] containers.
- c) Alcohol shall not be sold in an open container or be consumed in the licensed premises.

#### **12. Plastic containers & toughened glass**

- a) All drinks must be served in open (polycarbonate/plastic containers/toughened glass) containers from [*insert time*] when [*insert event/activity*] is taking place.
- b) Any drinks sold for consumption in the [*insert area*] must be served in plastic containers.
- c) Patrons holding glass containers shall not be allowed on the dance floor at any time.

#### **13. Display/Storage of alcohol**

- a) It is the responsibility of all members of staff to ensure that alcoholic drinks are securely kept in the liquor store. Alcoholic drinks must be kept out of reach of customers until such time as they are handed over or dispatched for delivery.
- b) All spirits shall be stored behind the counter area [*as shown on the attached plan*]
- c) At all times the premises is open to the public outside the hours for which they are licensed, the alcohol displayed within the shop shall be kept behind lockable shutters or stored in a lockable fridge.
- d) If the premises are to trade between 23:00 hours and 07:00 hours the following day, then all alcoholic drinks on display in areas to which the public have access shall be kept behind lockable shutters.

#### **14. Security, general**

- a) The premises shall operate a 'clear window' policy to deter underage, proxy sales and persons loitering outside.
- b) A secure 'drug box' is to be installed at the premises;

- i) Any confiscated items, which are - or are believed to be - drugs are to be placed into this box;
- ii) Any such seizures are to be entered into a drug seizure log, which is to remain in close proximity to the drug box;
- iii) This log will record the following details;
  - (1) The time/date and location of the seizure
  - (2) The member of staff seizing the item
  - (3) The name or description of the customer from whom the item was taken
  - (4) Any action taken at the time to contact police regarding the item seized (i.e. CAD number, details of officers in attendance)
- c) The drug box shall be in a durable format that protects the integrity of its contents. The management of the premises will contact the police at least once every calendar month for an officer to attend the premises, empty the drug box, and sign the drug log accordingly.

### **15. Text/radio communications**

- a) An adequate text/radio two way communication link connecting the premises to the local police shall be provided at the premises when it is open to the public.
- b) The text/radio link must be made available to and monitored by the Designated Premises Supervisor or a responsible member of staff at all times that the premises are open to the public.
- c) Any police instructions/directions given over the text/radio link must be complied with whenever given.
- d) All instances of crime or disorder are reported via the text/radio link by the Designated Premises Supervisor or a responsible member of staff to an agreed police contact point

## **PUBLIC SAFETY**

### **16. Accommodation limit**

- a) The maximum number of persons to be accommodated on the premises at any one time shall not exceed *[insert number]*
- b) The maximum number of persons to be accommodated in the *[specify area]* at any one time shall not exceed *[insert number]*
- c) A suitable system shall be put in place to monitor the number of customers within the premises to ensure the capacity is not exceeded.
- d) A suitable system shall be put in place to monitor the number of persons within the *[specify area]* to ensure the capacity is not exceeded.
- e) The maximum number of persons to be accommodated in the *[specify area]* at any one time shall not exceed *[insert number]*

### **17. Responsibility of licence holder**

- a) For each event held under the licence, an Event Safety Management Document (specific to the event) shall be completed outlining the proposed management structure, responsibilities and contact details for each event, together with details of the organisation, control, monitoring and review mechanisms as identified by the event specific risk assessment.

- b) In all cases, this shall be submitted to the Licensing Authority, the Police and the Emergency Planning Authority one calendar month in advance of the event. When the proposed maximum occupancy shall exceed 2,500, two calendar months' notice shall be required.
- c) The Public Safety Officer and the Police shall have an absolute power of veto where they are not satisfied with the measures proposed.

## **PREVENTION OF PUBLIC NUISANCE**

### **18. Deliveries**

- a) No deliveries or collections relating to licensable activities at the premises will take place between the hours of [*insert hours*].
- b) All deliveries shall be made to the [*insert details*] entrance only.

### **19. Refuse**

- a) The placing of refuse outside the premises on the public highway for collection can only take place between [*insert times*].
- b) Refuse left on the public highway may only be immediately adjacent to the premises' street entrance.
- c) Rubbish bins and sacks must show the name of either the business or the waste collector and a contact telephone number.
- d) The placing of refuse – such as bottles – into receptacles outside the premises shall not take place between [*insert times*].

### **20. Dispersal policy**

- a) There shall be a dispersal policy commencing 30 minutes prior to closing, consisting of:
  - i) Lowering tempo and volume of music;
  - ii) Gradually increasing lighting;
  - iii) Announcing availability of soft drinks and giving details of in-house taxis; and,
  - iv) House lights to be switched on ten minutes prior to ceasing service.
- b) The dispersal of customers from the premises must be managed in accordance with the following:
  - i) Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
  - ii) Public announcements requesting customers to leave quietly to minimise disturbance to nearby residents.
  - iii) A [*specify minutes*] period where [*music volume is reduced/lighting increased / alcohol sales cease*]
- c) The Premises Licence Holder shall take all reasonable steps to ensure that any persons loitering outside the premises disperse quickly and do not congregate.
- d) For a period of 45 minutes after the premises ceases trading alcohol on days the premises trade after midnight the licence holder will ensure that security personnel patrol the riverbank pathway and the taxi rank to ensure the safe and quiet dispersal of customers.

## **21. Gardens/external drinking areas**

- a) The *[insert details of area]* shall not be used after *[insert time]* hours on *[insert days of week]* and shall be cleared of customers by that time when the premises is open to the public.
- b) The supply of alcohol in the external drinking area to cease at *[insert time]* hours on *[insert days of week]*. A 20-minute period to be allowed from the end of supply of alcohol in the external drinking area on *[insert days of the week]* for drinking up/dispersal.
- c) The external areas of the premises shall not be used for regulated entertainment.
- d) Staff shall ensure, as far as reasonably practicable, that patrons in external areas behave in an orderly and neighbourly fashion.
- e) The Licence Holder shall display clear and legible notices in the *[insert details of area]* reminding patrons to behave in a neighbourly fashion.
- f) External chairs and tables shall be brought into the premises or otherwise removed from outside by *[insert time]* hours on *[insert days of week]*.
- g) Notices shall be placed in the area reminding customers to respect neighbours and to use the area quietly.
- h) Staff and security shall monitor the *[insert details of area]* and encourage customers to return swiftly back into the venue.
- i) No music shall be audible in the *[insert details of area]*
- j) The external area of the premises shall not be used for the playing of music of any kind and at any level at any time.
- k) The external area of the premises shall not be used for the showing of screened broadcasting at any time.
- l) No music or speech shall be relayed via external speakers.
- m) No more than *[insert number]* customers shall be permitted to enter or remain in *[define outdoor area(s)]* of the premises at any one time, between the hours of *[insert time]*.
- n) The external bar shall be in use at *[insert hours]* on *[insert days]* only and shall be closed at all other times.
- o) The external area shall be cleared of customers by 23.00 hours and that persons shall only be permitted to use the area for the purpose of smoking after that time.

## **22. Litter**

- a) At *[specify hours]*, *[specify areas]* outside the premises must be swept and/or washed and litter and sweepings collected and stored *[specify storage and collection instructions]*.
- b) Where the premises provides late night refreshments for consumption off the premises, sufficient waste bins must be provided at or near the exits
- c) The Premises Licence Holder shall ensure that all staff shall be vigilant in relation to litter issues, routinely checking the premises during opening hours to ensure they are clean and tidy and to ensure the frontage of the premises is swept at least *[insert frequency]*

## **23. Noise, general**

- a) All loudspeakers must be kept within the premises and shall not be positioned near to or facing openings such as doors and windows.
  - b) All speakers shall be placed on anti-vibration mounts.
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- c) External checks shall take place to ensure that when [*insert activity*] is in progress, any noise from the premises is not clearly audible at the boundary of the nearest residential premises.
- d) Appropriate steps to reduce the noise shall be taken if this is not the case.
- e) The checks should take place at least 30 minutes prior to the commencement of [*insert activity*]
- f) Written records of these assessments and any remedial action should be kept and be available at the premises for inspection by the police or authorised Local Authority officers.
- g) By 'not clearly audible', amplified noise must appear as distant and in the background and not readily discernible over other environmental noise sources in that area.
- h) A suitable noise complaints procedure must be established and in operation at the premises. All staff must be familiar with the procedure and any complaint made in respect of the premises must be investigated and remedied so far as is reasonably practicable to prevent public nuisance.
- i) A suitable noise complaint log will be kept and include:
  - i) Date and time of complaint;
  - ii) The nature of the complaint;
  - iii) Member of staff who handled complaint; and
  - iv) Any action taken in response.

#### **24. Noise, management**

- a) The Licence Holder shall assess the potential sources of public nuisance that may originate from the operation of the premises within a Noise Management Plan (NMP).
- b) The NMP shall be completed by [*insert date*] and implemented by [*insert date*]
- c) The NMP shall be reviewed annually or following any changes to the operation of the premises, whichever is sooner
- d) The NMP shall identify the person responsible for ensuring the plan is implemented, monitored and reviewed.
- e) The NMP shall incorporate the assessment together with actions to control identified sources of disturbance.
- f) The NMP shall include specific steps to effectively manage noise arising from customers smoking outside, in the vicinity of the premises.
- g) The NMP shall encompass current best practice.
- h) The NMP shall be available for inspection by an authorised officer of the council.

#### **25. Noise, sound limiting device**

- a) The Licence Holder shall provide a system or device that shall control the maximum audible levels of music played at the premises at a set level and be subject to the following provisions:-
  - i) The system or device shall be of a specification approved by an authorised officer of the Licensing Authority;
  - ii) The system or device shall be installed at the premises and set, within three months of the date of the grant of the licence at a level approved by an authorised officer of the Licensing Authority and this level shall be adjusted thereafter at the officer's direction where they consider it is necessary for the prevention of public nuisance;

- iii) All music played at the premises shall be played through this system or device;
- iv) The system or device shall not be adjusted or altered without the prior written approval of an authorised officer of the Licensing Authority;
- v) The system or device used shall not be changed or replaced without the prior written approval of an authorised officer of the Licensing Authority;
- vi) The system or device shall be maintained in a secure state as approved by an authorised officer of the Licensing Authority, so that it is not able to be tampered with easily; and
- vii) The system or device shall be monitored and maintained in effective working order so that the maximum levels of music played at the premises do not exceed the level that has been set.

OR

- b) A noise limiter shall be fitted to the musical amplification system at the premises, set at a level determined by - and to the satisfaction of - an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses.
  - i) The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Licence Holder.
  - ii) The limiter shall not be altered without prior agreement with the Environmental Health Service.
  - iii) No alteration or modification to any existing sound system(s) should be effected without prior written approval of an authorised Officer of the Environmental Health Service.
  - iv) No additional sound generating equipment shall be used on the premises without being routed through the noise limiter
  - v) The system or device shall be monitored and be maintained in effective working order so that the maximum level of music played at the premises does not exceed the level that has been set.

## **26. Smoking area**

- a) Customers permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as [*specify location/mark on plan*]. No more than [*insert number*] of customers shall be permitted to remain in the designated smoking area at any one time.
- b) Clear legible notices shall be prominently displayed at any area used for smoking, requesting patrons to respect local residents and use the area quietly.
- c) If no temporary shelter/enclosed secure area is in use for the purpose of smoking and an area that can be constantly overseen by Security Industry Authority registered Door Supervisors close to the premises is unavailable, then all customers re-entering the premises shall be the subject of a further search.

## **27. Windows and doors**

- a) All external windows and doors must be kept shut at all times that regulated entertainment is being provided/after [*insert hours*]. Doors may be opened for

normal entrance and egress of people but must be shut immediately thereafter.

- b) The *[insert details on doors/windows and their positions on the premises]* shall remain closed, except during access and egress, when the premises are used for regulated entertainment.
- c) Doors to the *[insert area]* to be kept closed when the *[insert area]* is in use.
- d) Under normal operating circumstances, customers shall only gain entrance and egress through an acoustically-insulated lobby with doors that shall neither be:
  - i) Fixed in an open position, nor
  - ii) Opened simultaneouslywhen *[insert details of regulated entertainment]* is in operation.
- e) The premises shall be served by suitable and sufficient acoustically-treated ventilation air conditioning, thereby allowing windows and doors to be kept closed.

## **28. Lobbies**

- a) An inner door and lobby must be provided to the external doors to the premises.
- b) Under normal operating circumstances, customers shall only gain entrance and egress through an acoustically insulated lobby with doors which shall neither be:
  - i) Fixed in an open position; nor
  - ii) Opened simultaneously when *[detail regulated entertainment]* is in operation.

## **29. Light pollution**

- a) A risk assessment for light pollution from the building shall be conducted and implemented in conjunction with the Environmental Services Division no later than *[insert agreed time frame]*.

## **PROTECTION OF CHILDREN FROM HARM**

### **30. Age verification – ‘Challenge 25’**

- a) Evidence of age in the form of photographic identification (ID) shall be requested from any person appearing to those selling or supplying alcohol to be under the age of **25** and who is attempting to buy alcohol.
- b) Acceptable identification for the purpose of this condition includes:
  - Current passport or an equivalent form of identification such as a national identity card with a photograph and date of birth;
  - Current photographic driving licence or provisional licence with date of birth;
  - Military identification card with a photograph and date of birth; and
  - A Proof of Age Standards Scheme (PASS) approved age card.
- c) Notices shall be strategically and prominently placed at points of sale advising customers that they may be asked to provide evidence of age.
- d) A refusals book, to record every instance that sales of alcohol are refused, shall be maintained



- e) The refusals book shall document the date and time a refusal of sale is made and the member of staff refusing the sale
- f) The refusal book shall be available for inspection by the police or authorised Local Authority officers

### **31. Age verification – Challenge 25 website**

- a) Challenge 25 policy will be promoted on the company website. All customers purchasing alcohol will be asked to confirm they are over 18 years old when placing an order.
- b) Evidence of age in the form of photographic identification (ID) shall be requested from any person receiving the delivered alcohol.
- c) Acceptable identification for the purpose of this condition:
  - Current passport or an equivalent form of identification such as a national identity card with a photograph and date of birth;
  - Current photographic driving licence or provisional licence with date of birth;
  - Military identification Card with a photograph and date of birth; and
  - A Proof of Age Standards Scheme (PASS) approved age card.

### **32. Refusals book/register**

- a) A refusals book to record every instance that sales of alcohol and any other age-restricted goods are refused shall be maintained.
  - i) The refusals book shall document the date and time a refusal of sale is made and the member of staff refusing the sale.
  - ii) The refusal book shall be available for inspection by the police or authorised Local Authority officers
- b) A point of sale till prompts system shall be in place to ensure staff undertake age checks on age restricted products
- c) All cashiers shall be trained to record refusals of sales of alcohol in the refusals register. The register will contain:
  - i) Details of the time and date the refusal was made;
  - ii) The identity of the staff member refusing the sale;
  - iii) Details of the alcohol the person attempted to purchase.
- d) This register will be available for inspection by a police officer or other authorised officer on request.