

Royal Borough of Kingston upon Thames

NOTICE OF APPLICATION FOR REVIEW OF A PREMISES LICENCE UNDER SECTION 167 OF THE LICENSING ACT 2003



Notice is given that the Royal Borough of Kingston upon Thames has received notification from South Western Magistrates Court on 19 February 2025 that a closure order under the Anti-Social Behaviour, Crime and Policing Act 2014 Section 80 has been issued in respect of

**Smokings Kitchen
234 Kingston Road
New Malden KT3 3RN**

As a result, in accordance with Section 167 of the Licensing Act 2003, the Royal Borough of Kingston upon Thames has initiated a review of the premises licence.

The grounds for review are that on 18 February 2025 South Western Magistrates Court granted the request for a closure order following receipt by the Metropolitan Police of intelligence that the premises are involved in serious criminal activity and the court being satisfied that:

(a) A person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises;

(b) The use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public; and

(c) There has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises.

Any person may make representations in respect of this application by writing to the **Licensing Team, Royal Borough of Kingston upon Thames, Guildhall 2, High Street, Kingston upon Thames, KT1 1EU**, or by email to licensing@kingston.gov.uk.

The register of applications can also be inspected at this address between the hours of 09:00 and 17:00 Monday to Friday by appointment.

Representations must be received in writing by **28 February 2025** clearly stating the grounds upon which representation is made, which must be relevant to the licensing objectives detailed in the Licensing Act 2003. It is an offence to knowingly or recklessly make a false statement in connection with an application. A person guilty of an offence under this section is liable on summary conviction of an unlimited fine.

Closure Order

Anti-Social Behaviour, Crime and Policing Act 2014 -

Part 4, Chapter 3 Section 80

Sitting at – Wimbledon Magistrates' Court, The Court House, Alexandra Road, Wimbledon, London, SW19 7JP

(Code 2577)

Date : 18/02/2025

Address: Smo Kings Kitchen, 234 Kingston Road, KT3 3RN

On application of PC Cafun of the Metropolitan Police Service:

Name of Applicant Authority: Metropolitan Police Service

Address of Applicant Authority: Wimbledon Police Station, 15-23 Queens Road, Wimbledon, London, SW19 8NN

This court is satisfied that (tick the relevant box):

- (a) A person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or
- (b) the use of the premises has resulted, or (if the order is not made is likely to result, in serious nuisance to members of the public or
- (c) there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises,

and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

Accordingly, a **Closure Order** is made, pursuant to Section 80 of the Anti-Social Behavior, Crime and Policing Act 2014, in respect of the address specified above.

A Closure Order is an order prohibiting access to the premises for a period specified in the order

This Closure Order prohibits access by all persons (except those specified or those of a specified description) at all times (unless specified) in all circumstances (unless specified), for a period of (maximum of three months)

Starting time at (time / date) 15:30 / 18/2/2025

And ending time at (time / date) 15:30 / 13/5/2025

Subject to the following exceptions:


A person who without reasonable excuse remains on or enters premises in contravention of a Closure Order commits an offence under section 86 of the Anti-social Behaviour, Crime and Policing Act 2014, liable on summary conviction to imprisonment not exceeding 51 weeks and / or an unlimited fine.

Emergency Services

Representatives from RBK council licensing

If this Closure Order relates to licensed premises in respect of which a premises licence is in force, then the Court shall notify the relevant licensing authority that a Closure Order has been issued - section 167 of the Licensing act 2003, refers. (delete if not applicable)

~~District Judge~~ / Justice of the Peace


REBECCA LUMLEY.

Time:
1530

[By order of the clerk of the court]

Date: 18/02/25



LICENSING ACT 2003 PREMISES LICENCE SUMMARY

Licensing Team
3rd Floor Guildhall 2
High Street
Kingston Upon Thames
KT1 1EU

LICENCE NUMBER PL0828

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

SMOKINGS KITCHEN
234 KINGSTON ROAD
NEW MALDEN
KT3 3RN

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Provision of regulated entertainment <ul style="list-style-type: none">Recorded music (indoor)	The sale by retail of alcohol
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THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Provision of regulated entertainment (indoor recorded music)
Monday to Sunday 12:00 hours to 22:00 hours

The sale by retail of alcohol
Monday to Sunday 12:00 hours to 21:30 hours

SEASONAL VARIATIONS / NON-STANDARD TIMINGS

Not applicable

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES:

The sale of alcohol is authorised for consumption **ON** the premises **ONLY**

THE OPENING HOURS OF THE PREMISES

Monday to Sunday 12:00 hours to 22:00 hours

NAME AND (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Smokings Kitchen Limited
234 Kingston Road, New Malden KT3 3RN

REGISTERED NUMBER OF HOLDER: COMPANY NUMBER OR CHARITY NUMBER

Company number: 11857019

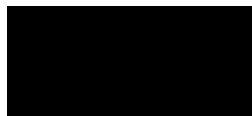
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

MR CLIVE PENNANT

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

None

SIGNED ON BEHALF OF THE LICENSING AUTHORITY



Environmental Protection Officer

Date First Granted: 03 November 2020

Issue Date: 11 November 2020

Licensing Team, 3rd Floor Guildhall 2, High Street, Kingston Upon Thames KT1 1EU

ANNEX 1 – MANDATORY CONDITIONS

Where licence authorises supply of alcohol [Licensing Act 2003 s.19]

1. No supply of alcohol may be made under the premises licence:
 - a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Drinks promotion [Licensing Act 2003 s.19A]

3. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotion in relation to the premises where the promotion is carried on for the purpose of encouraging the sale or supply of alcohol on the premises.

The definition of an irresponsible promotion can be found in The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 (SI 2014/2440)

Free drinking water [Licensing Act 2003 s.19A]

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available

Proof of age [Licensing Act 2003 s.19A]

5. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - a) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - b) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either
 - i) a holographic mark, or
 - ii) An ultraviolet feature.

Measures of alcohol [Licensing Act 2003 s.19A]

6. The responsible person must ensure that-
 - a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - i) Beer or cider ½ pint;
 - ii) Gin, rum, vodka or whisky: 25ml or 35ml; and
 - iii) Still wine in a glass 125ml; and
 - b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Cost of alcohol - permitted price [Licensing Act 2003 s.19A]

7. The relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

The definition of the permitted price can be found in The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 (SI 2014/1252)

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The prevention of crime and disorder

Closed-circuit television

8. The premises shall install and maintain a comprehensive closed-circuit television system (CCTV). All recordings shall be stored for a minimum of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- a) The digital CCTV will cover all areas (indoor and outdoor) to where public have access to consume alcohol and where licensable activities are undertaken.
 - b) CCTV will be recording at all times when premises is open, and the recordings will be of evidential quality in all lighting conditions and be of a sufficient quality to produce in court of hearing.
 - c) All images downloaded from the CCTV must be provided in a format which can be viewed on regularly available equipment without the need for specialist software.
 - d) The CCTV system shall be maintained in effective working order.
 - e) The licence holder will be able to operate the CCTV system.
 - f) Suitable signage shall be displayed at the premises in a prominent position as customers enter the premises stating that CCTV is in operation.

Restaurant conditions

9. The premises will be used primarily as a restaurant.
10. Alcohol may only be sold to those persons who are waiting for a table, are taking or have taken a table meal. Alcohol can only be served if the customer is ordering a substantial meal.

Security, incidents

11. An incident logbook shall be kept and maintained on the premises and made available on request to the Police or the Licensing Authority, which 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

The prevention of public nuisance

Dispersal

12. All staff will be trained to ask customers to leave quietly in the evening when necessary.
13. There will be appropriate signage at the premises requesting customers to leave the premises quietly and make the request verbally where appropriate.

The protection of children from harm

Age verification – challenge 25

14. 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.
15. Acceptable identification for the purpose of this condition is that issued by a government agency bearing a holographic mark with a photograph and date of birth, or the Proof of Age Standards Scheme (PASS) approved age cards.
16. Notices shall be strategically and prominently placed at points of sale advising customers that they may be asked to provide evidence of age.
17. A refusals book to record every instance that sales of alcohol are refused shall be maintained.
18. The refusals book shall document the date and time a refusal of sale is made and the member of staff refusing the sale.

19. The refusal book shall be available for inspection by the police or authorised local authority officers.

Staffing, training

20. All staff shall be trained before they are allowed to sell any alcohol to the public.

- a) Records of staff training along with any training material used must be kept by the Designated Premises Supervisor or Premises Licence Holder.
- b) All training records shall be signed by the trainer and trainee in respect of training received.
- c) The premises licence holder shall implement a training manual and all members of staff shall be suitably trained in underage sales prevention before making any sales of alcohol.
- d) Refresher training shall be carried out every six months for all staff and documented within the training records.
- e) The training records shall be available for inspection by the police or authorised local authority officers.

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None