

LICENSING SUB-COMMITTEE

14 DECEMBER 2020

LATE MATERIAL

The following material has been received since the publication of the agenda for this meeting:

Kingston Workmen's Club and Institute – Summary of Premises Licence Applicant's Submissions

BEFORE A LICENSING SUB-COMMITTEE OF
THE ROYAL BOROUGH OF KINGSTON AND THAMES

KINGSTON WORKMEN'S CLUB AND INSTITUTE
25 OLD LONDON ROAD, KINGSTON UPON THAMES, KT2 6ND

SUMMARY OF PREMISES LICENCE APPLICANT'S SUBMISSIONS

v.07.12.20

1. This is an application for a new premises licence, to enable the applicant to offer the premises as a venue for the occasional wedding reception and functions.
2. The premises already has a licence to sell alcohol via a Club Premises Certificate, (see appendix 1), but this does not offer the opportunity to hire the venue out as described.

Any live or recorded music that takes place at the premises will cease by 23:00 hours, meaning the need for Regulated entertainment is not required. It is not anticipated that the premises will trade to the terminal hour every night of the week, but the applicant is seeking this permission to allow the flexibility to be able to book an event on any night of the week as demand dictates.

3. The intention would be to surrender the CPC should the premises licence be granted as applied for.
4. The application has been made in the name of Kingston Workmen's Club and Institute, and seeks to reduce the extent of the licensable activities already granted under the CPC.
5. The application, in terms of conditions offered has been amended from the original application, and a full list of the additional agreed conditions can be found on pages 2-5 of this report.
6. The applicant for the new licence is Kingston Workmen's Club and Institute, with 25 Old London Road, Kingston upon Thames listed as the registered address of the Club, and Michael Flood listed as the DPS of the premises should the licence be granted.
7. Extensive engagement with the responsible authorities, namely the Police and the Environmental Health Officer has taken place during the application process. The positive results of those discussions are as follows:
8. The application has been amended to request the following conditions be added to the operating schedule, which have been agreed with both responsible authorities.
9. These are:
 - I. Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers, including within the

Designated Smoking Area.

- II. A Noise Management Plan shall be formulated to include specific steps to effectively manage noise arising from customers smoking outside the premises. The Plan shall be available at the premises for inspection by enforcement officers of the Council or Police within one month or at any time thereafter of this licence being granted. The Plan shall be reviewed yearly.
- III. During any functions all staff / security shall endeavour to move customers on and discourage them from congregating within the external area and the immediate vicinity of the premises.
- IV. The external area of the premises, in particular the designated smoking area, shall be regularly patrolled by staff / security during any function to ensure that customers are conducting themselves in an orderly manner and to prevent unreasonable levels of noise from raised voices, etc.
- V. The Prevention of Crime and Disorder
Entry to members of the public shall be restricted to pre-booked private functions.
To keep and maintain a members book which will be held on site.
Members will be allowed to sign in a maximum of three guests.
- VI. The premises will carry out and record a suitable risk assessment when an event or function is scheduled to take place at the premises. This assessment will include the need /requirement for additional staffing including Security Industry Authority (SIA) registered door supervisors. If there is a requirement for SIA registered door supervisors, then there will always be a minimum of two (2) employed. The risk

assessment will be made immediately available to a Police Officer or Authorised Officer of the Council on request.

- VII. The licence holder will promote the effective and quiet dispersal of patrons from the Premises by requesting them both verbally and by conspicuous signage to leave and disperse in an orderly and quiet manner.
- VIII. Clear legible notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- IX. 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.

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.

- X. Notices shall be strategically and prominently placed at points of sale advising customers that they may be asked to provide evidence of age.

A refusals book to record every instance that sales of alcohol are refused shall be maintained.

The refusals book shall document the date and time a refusal of sale is made and the member of staff refusing the sale.

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

- XI. These conditions are in addition to the conditions offered in the operating schedule of

the application, and may replace certain conditions offered in the operating schedule due to a change in the wording of the condition.

10. As a result of the above agreed conditions, there are no responsible authority representations to this application.

11. We are therefore left with outstanding representations from the following:

Two resident representations, (redacted), one of whom claims to represent Clarence Street Limited, and the London House Property Management Company, although there is no evidence to support this claim.

The representations focus on the following concerns:

- a. Extended Hours causing Public Nuisance.
- b. Crime and Disorder objective breached.
- c. Public Safety threat.

12. In relation to the reasons for representation, the applicant would say this:

- a) **Extended Hours Causing Public Nuisance:** The hours that have been applied for in this application have been set out on page A23 ANNEX 2 of the officers report. For clarity these are:

Supply of Alcohol for consumption on the premises:

Monday to Saturday: 11:00 to 24:00

Sunday: 12:00 to 22:30

Opening Hours:

Monday to Saturday: 11:00 to 00:30

Sunday: 12:00 to 23:00

No other licensable activity has been applied for.

In comparison, please see the existing Club Premises Certificate which is provided under Appendix 1 of this report.

The direct comparisons are as follows:

Supply of alcohol by retail for consumption on and off the premises:

Monday to Saturday: 10:00 to 24:00

Sunday: 11:00 to 22:30

Opening hours of the premises:

Monday to Saturday: 10:00 to 00:30

Sunday: 11:00 to 23:00

There are also permissions granted under the current CPC for the following:

Exhibition of Films (indoors)

Indoor Sporting Events

Performance of live music (indoors)

Playing of recorded music (indoors)

Performance of dance (indoors)

Provision of facilities for dancing (indoors).

In summary the application before the committee seeks to operate under less hours than are currently granted. (The premises are to open an hour later). The terminal hour for the sale of alcohol remains unchanged.

It is clear that the objection under the extension of hours is not valid, and therefore does not provide a reason for this application to be refused.

- b) **An increase in Crime and Disorder/ Public Safety Threat:** This point has been raised by the objectors more on speculation than on hard facts. One of the objectors states in their representation “*we have never complained about the CIU breaching any of the licensing objectives because I anticipate they have controlled their members and much of the hassle we have had at London House had mainly come from Pryzm from day one and also from the Wetherspoons from day one.*”

The concern here seems to lie with the fact that this application seeks to permit non-members to use the premises, thus potentially adding to the alleged issues already experienced by the two venues mentioned.

As mentioned there have been extensive negotiations with the police during the consultation period, and conditions relevant to this concern have been agreed.

In point 9.V of these submissions we have agreed the following with the police:

The Prevention of Crime and Disorder

Entry to members of the public shall be restricted to pre-booked private functions.

To keep and maintain a members book which will be held on site.

Members will be allowed to sign in a maximum of three guests.

Further conditions agreed to prevent crime and disorder are:

The premises will carry out and record a suitable risk assessment when an event or function is scheduled to take place at the premises. This assessment

will include the need /requirement for additional staffing including Security Industry Authority (SIA) registered door supervisors. If there is a requirement for SIA registered door supervisors, then there will always be a minimum of two (2) employed. The risk assessment will be made immediately available to a Police Officer or Authorised Officer of the Council on request.

The key points here are that members may only sign in a maximum of three guests, and the general public will only be permitted to use the premises for pre booked private functions. These conditions make it quite clear that the premises will not be, nor can they be used as a public bar.

The applicant is keen to stress that the premises are directly in the middle of Kingston Town Centre with many people late at night cutting through their road on their way home or to another venue. So it clearly is difficult to point to any disturbance coming directly from the premises. Once clientele have left the premises and the immediate vicinity of the premises, then the licence holder cannot be held responsible for their actions;

The Section 182 Guidance, (2018), is quite clear on this point in section 1.16, which states; ***“conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and should be written in a prescriptive format”***

The conditions offered and accepted by the responsible authorities will ensure that Crime and Disorder will not escalate, nor will Public Safety be compromised should this licence be granted. The conditions on offer are more comprehensive and detailed than those the CPC currently operates under.

c) An increase in Public Nuisance: It has already been stated that the noise from the premises itself will be reduced with all entertainment terminating at 23:00 hours and not midnight as the current CPC permits. In addition to that we have agreed a series of conditions with the Environmental Health Officer to ensure that noise nuisance does not become an issue.

Point 9. I to IV provide the following:

Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers, including within the Designated Smoking Area.

A Noise Management Plan shall be formulated to include specific steps to effectively manage noise arising from customers smoking outside the premises. The Plan shall be available at the premises for inspection by enforcement officers of the Council or Police within one month or at any time thereafter of this licence being granted. The Plan shall be reviewed yearly.

During any functions all staff/ security shall endeavour to move customers on and discourage them from congregating within the external area and the immediate vicinity of the premises.

The external area of the premises, in particular the designated smoking area, shall be regularly patrolled by staff/ security during any function to ensure that customers are conducting themselves in an orderly manner and to prevent

unreasonable levels of noise from raised voices, etc.

13. The proposed licence is heavily conditioned to minimise the risk of any negative impact on the locality.
14. The proposed conditions have already satisfied the Police and the Environmental Health Officer. There were no concerns from any of the other responsible authorities.
15. It is plain to all, that the country is currently in very difficult times. Many businesses are closing down, many jobs have been, and many more will be lost in the coming months to the detriment of local communities and major cities alike. Here we have a business that, despite the economic uncertainty, is willing to invest in the local area, and not only provide a service for the local community, but also to continue to provide local jobs for local people. No one can predict with any certainty how long the country will suffer the effects of the COVID -19 pandemic. Businesses that are still willing to invest in the area in these difficult times are in need of support and encouragement.
16. The propriety of taking into account the wider economic impact of licensing decisions was explicitly recognised by the Court of Appeal in the leading case of *Hope and Glory* [2011] EWCA Civ 31, when Toulson LJ observed [at 42]:

“Licensing decisions often involve weighing a variety of competing considerations: benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on.”

17. In relation to the cumulative impact policy the applicant makes these points:

- a. The policy is not absolute. In appropriate cases the Council can, and does, grant applications as an exception to policy. We would ask that you, as a committee take note of the words of District Judge Anderson in a different case:

“It cannot be the policy of the cumulative impact policy to bring the iron curtain clanging down... I accept that the committee and the police did their best but their application of the Policy was too rigid. They seemed to take the view that Man was made for the Policy, when the Policy should be made for the Man”

18. There have been no objections under the reason of Cumulative Impact of these premises obtaining a licence. Indeed there will be no additional premises supplying alcohol, as the applicant has already stated that the intention is to surrender the CPC should this application be granted. The application comes with robust conditions that are absent in the current CPC, thus improving the operation of the business.

19. For these reasons, the sub-committee is invited to grant the Premises Licence, as amended with the Conditions agreed with the authorities.

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