

**ROYAL BOROUGH OF KINGSTON UPON THAMES**

**LICENSING COMMITTEE**

**17 OCTOBER 2013**

**(7:30 pm – 9:02 pm)**

Councillor Chrissie Hitchcock (**Chair**)

Councillor Trevor Heap (**Vice Chair**)

Councillor Mick Amson

Councillor John Ayles

Councillor Stephen Brister

Councillor Andrew Day

\* Councillor David Fraser

\* Councillor Liz Green

Councillor Sharon Hartley

Councillor Adrian Holder

Councillor Shiraz Mirza

Councillor Ken Smith

Councillor Bob Steed

Councillor Frank Thompson

Councillor Gaj Wallooppillai

\*Absent

**12. APOLOGIES**

Apologies for absence were submitted by Councillor Liz Green, for whom Councillor Rebekah Moll attended as alternate Member, and from Councillor David Fraser.

Apologies for lateness were submitted on behalf of Councillor John Ayles.

**13. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**14. MINUTES**

**RESOLVED** that the minutes of the meeting held on 9 May 2013 be confirmed as a correct record subject to an amendment in Minute 9 to read:

‘**RESOLVED** that paragraphs 32 and 33 in respect of the Licensing Act 2003 procedures, and paragraph 33 in respect of the Gambling Act 2005 procedures, are revised as set out above.’

**15. RESPONSE TO CONSULTATION ON PROPOSED EXTENSION TO SPECIAL POLICY ON CUMULATIVE IMPACT - LICENSING ACT 2003**

**Appendix A**

At its meeting in May, the Committee resolved that the area in Kingston Town to which the Council’s Special Policy on Cumulative Impact applies will remain as it is, subject to some limited expansion to include the two transport hub areas at

Cromwell Road and Wheatfield Way, as shown in the map at Annex 2 to this report. Consultation on the proposed extension of the area ended on 20 September 2013 and the responses to the consultation, all of which were in support of the extension, are set out in Annex 3 to this report.

**RESOLVED** that:

1. the responses to the consultation on the proposal to extend the area to which the Special Policy on Cumulative Impact applies be noted, and the area be extended as shown in Annex 2 of the report;
2. the revised Special Policy on Cumulative Impact with the extended area be **RECOMMENDED** to full Council to approve as an amendment to the Council's Statement on Licensing Policy.

### **Reason for the decision**

To conclude the review of the Special Policy on Cumulative Impact.

[Voting- unanimous]

## **16. FURTHER REVIEW OF LICENSING POLICY**

### **Appendix B**

The Council, in its capacity as Licensing Authority, has determined that it will review its Statement of Licensing Policy annually. At its meeting in May, the Committee agreed to recommend to full Council only very minor amendments to the Licensing Policy, pro tem, because it was anticipated that changes in legislation later in the year would require a further more substantial review of the Policy to be reported to this meeting of the Committee. (The changes in May being of limited significance, it was also agreed to postpone the usual practice of consultation until the fuller review was undertaken

In the event, the changes (as shown in Annex 2 of the report) arising from the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 which came into effect in June 2013, were not as significant as expected. The resulting proposed amendments to the current Policy are set out in Annex 3 of the report. .

Representatives of existing licence holders, resident associations and other relevant groups, together with the Responsible Authorities, will be consulted by way of written notification, advising them that the Policy is under review and directing their attention to its location on the website where it will be available for the public to view. In addition, printed copies of the draft Policy, including copies in large print, would be made available to all those who request it.

At the meeting the Committee heard representations from a member of the public who was also invited formally to submit comments as part of the consultation process.

**RESOLVED** that

1. the proposed changes to the Statement of Licensing Policy set out in Annex 3 of the report are approved for consultation and in addition the following minor amendments be made to the draft Policy:
  - S 151 to read ‘..has a much lower density...’
  - the email address for the Clinical Commissioning Group in Annex 1 to be updated to [communications@kingstonccg.nhs.uk](mailto:communications@kingstonccg.nhs.uk)
2. consultation be undertaken as set out in paragraphs 14-16 of the report (and summarised above);
3. the timetable (as set out in paragraph 19 of the report) for considering the consultation responses and for recommendation of any Licensing Policy changes to the Council be agreed, and an additional Licensing Committee meeting be convened on 29 January 2014 if any objections are received during the consultation; and
4. with reference to paragraph 23 of the report, the frequency of review of the Licensing Policy be changed from annually to every two years, with interim reviews if appropriate, for example, due to legislative changes

**Reason for the decision**

To progress the annual review of the Statement of Licensing Policy under the Licensing Act 2003.

Voting – unanimous [excepting Councillor John Ayles who did not vote having arrived during the consideration of this item]

**17. EARLY MORNING ALCOHOL RESTRICTION ORDER****Appendix C**

Under the Licensing Act 2003, a Licensing Authority is entitled to make an Early Morning Alcohol Restriction Order (EMRO). An EMRO has the effect of prohibiting the sale of alcohol between the hours of midnight and 6am in such areas as the Authority determines appropriate, on the basis of evidence of recurring problems associated with the sale of alcohol, including high-levels of crime and disorder, public nuisance or other anti-social behaviour, that is not directly attributable to a specific premises.

At its meeting in May the Committee had agreed that a proposal for an Early Morning Alcohol Restriction Order (or Orders) should be progressed, to relate to the area covered by the Kingston Town Cumulative Impact Special Policy, for the period of time between 3am and 6am. The Committee had requested detailed evidence to be submitted to this Committee meeting in order to assist the Committee to decide whether a proposal for such an EMRO was appropriate. The evidence, provided by Kingston Police, was set out in Annex 1 of the report.

At the meeting the Committee heard representations from Kingston Police (Chief Inspector Gary Taylor), from a member of the public, and from Andrew Grimsey, a Solicitor from Poppleston Allen, attending on behalf of the Association of Multiple Licensed Retailers and, separately, the Luminar Group (which operates two large nightclubs in the town centre). The Committee noted that the statistics gave no

comparisons with previous years' figures for the Borough, nor with other Boroughs, but noted CI Taylor's statement that the latest crime statistics show there has been a significant annual reduction in crime reported for Kingston and that in this financial year Kingston had seen the biggest reduction of violent crime in the Metropolitan Police. The Committee also noted the recent award of Purple Flag status (for effective management of the night time economy) to Kingston town centre. The Committee also discussed the proposal currently under consideration for a Designated Public Places Order ("DPPO") (which would control the drinking of alcohol in public places) to be introduced for Kingston Town Centre with an area up to and including Canbury Gardens.

Having considered the evidence and representations, and after detailed discussion, the Committee decided not to progress proposals for introducing an EMRO at this time and requested Kingston Police to provide updated detailed evidence of alcohol-related crime in specific Kingston locations at specific times in the early morning in time for inclusion in the agenda for the October 2014 meeting, to include if possible comparative data from Police statistics nationally and regionally.

**RESOLVED** that the evidence provided in respect of the need for a proposal for an Early Morning Alcohol Restriction Order is noted, and no proposal for an Early Morning Alcohol Restriction Order is made at this time, the matter to be reviewed at the Licensing Committee meeting in October 2014.

#### **Reason for the decision**

To formally consider the legislative opportunity to introduce an Early Morning Alcohol Restriction Order and whether there is evidence that it is, in the current circumstances, an appropriate mechanism to promote the licensing objectives. The Committee did not consider that the evidence of the level and location of crime set out in Annex 1 to the report was sufficient evidence to demonstrate that an EMRO was appropriate for the promotion of the licensing objectives, particularly as there was no conclusive evidence that the incidents were attributable to the supply of alcohol, and CI Taylor's statement that the crime levels in Kingston had reduced over the last year. The Committee also wished to allow an opportunity for monitoring the impact of any potential DPPO (for which a proposal is currently under consideration).

[Voting: In favour: Councillors Mick Amson, John Ayles, Stephen Brister, Andrew Day, Sharon Hartley, Trevor Heap, Chrissie Hitchcock, Adrian Holder, Shiraz Mirza, Rebekah Moll, Ken Smith, Bob Steed, and Gaj Wallooppillai.

Abstaining: Councillor Frank Thompson.]

#### **18. INFORMATION SECTION**

#### **Appendix D**

**RESOLVED** that the information item on attendance at Sub-Committee meetings be noted.

Signed.....Date.....  
Chair