

LICENSING SUB-COMMITTEE

MONDAY 14 DECEMBER 2020

(9:45 - 11:15 am)

Councillor Malcolm Self
Councillor Katrina Lidbetter
Councillor Olly Wehring (Chair)

1. APPOINTMENT OF CHAIR

Moved by Councillor Lidbetter, seconded by Councillor Self and **Resolved**, that Councillor Wehring be appointed as Chair for the meeting.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

Resolved, that the minutes of the meetings held on 30 November 2020 was approved as a correct record.

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

Appendix A

The Licensing Officer introduced the matter for determination and informed the Licensing Sub-Committee that Kingston Workmen's Club and Institute had applied for a New Premises Licence on behalf of Kingston Workmen's Club and Institute in respect of the premises known as Kingston Workmen's Club and Institute at 25 OLD LONDON ROAD, KINGSTON, KT2 6ND.

The applicant sought the grant of the following:

- Sale by Retail of Alcohol (on the premises only):
 - Monday to Saturday from 11:00 hours to 00:00 Midnight, and
 - Sunday from 12:00 hours to 22:30 hours.
- Opening hours
 - Monday to Saturday from 11:00 hours to 00:30 am the day following, and
 - Sunday from 12:00 hours to 23:00 hours.

The Licensing Officer informed the Licensing Sub-Committee that the proposed hours of licensable activities and the hours of operation were set out in Annex 2.

The Licensing Officer explained that the applicant had advertised the application, as required, by way of a poster at the premises and by advertisement in a local newspaper and that the application had also been advertised on the Council's website. In addition some 472 addresses were consulted in writing and informed that an application had been received. 2 valid representations were received from Other Persons. The representations referred to matters that related to the Prevention of

Crime and Disorder, Prevention of Public Nuisance and Public Safety Licensing Objectives.

The Licensing Officer confirmed that copies of the original representations were attached at Annex 4, and that following publication of the Agenda there had been an additional submission from one of the objectors in the form of video files, and that this had been made available to the Licensing Sub-Committee as late and supplementary material.

It was confirmed that all Responsible Authorities received a copy of the application. The Metropolitan Police as the Responsible Authority for the Prevention of Crime and Disorder licensing objective, and Council's Environmental Health (Noise Pollution) Officer as the Responsible Authority for the Prevention of Public Nuisance licensing objective raised concerns regarding the application. Following further consultation the applicant had addressed the concerns by making amendments to their operating schedule and offering further conditions to address those concerns. These amendments are reflected in the conditions shown in Annex 3 of the licensing report. In light of these amendments, the representations made by the Responsible Authorities were withdrawn.

The Licensing Sub-Committee then heard the application presented by the applicant's agent, Stewart Gibson, who explained the reason for the application was to enable the club to hire out the premises for private functions to non-members, which they were unable to do with the current Club Premises Certificate they held, where it could only be used by members or their bona fide guests. The Police conditions agreed, were conditions to restrict entry to members of the public to pre-booked private functions only, with the premises keeping and maintaining a members book on site and a limit to members so they would only be able to sign in three guests. Both the club and the police were determined not to let the premises become a late night bar adding to stress in the town centre.

When a function would take place, a full risk assessment would be undertaken to take into account the number of Security Industry Authority (SIA) staff required on a function to function basis, with the risk assessment being available to the police. The club's current club premises certificate permits regulated entertainment on Fridays and Saturdays until midnight. However the Premises Licence application further reduced the hours for any music or Regulated Entertainment so that it would finish by 23:00 hours.

The applicant's agent then referred to the two objections to the application. In response to concerns about extended opening hours he stated they can currently trade until midnight if they wish, and that they are not applying for extended opening hours and in fact they are reducing the number of trading hours over a week by 7 hours due to the later opening.

In relation to the threat of crime and disorder, public safety and public nuisance, if the general public were given access to the Club, he felt that the conditions proposed would address these concerns as for the majority of the time the premises would be run as a Club, and highlighted an objector's comments that the Club controlled its members very well, and that the other two premises mentioned in the objection are the cause for complaint.

When the premises would be hired out there would be risk assessments agreed in advance with the authorities and SIA licensed staff appointed to manage entrance and exit and internal security.

The applicant's agent referred to the cumulative impact, stating none of the authorities had raised concerns over cumulative impact but he felt it was important to note, as the club was not adding to the amount of licences in the area, and there would not be an increase in the number of people visiting the area, other than when there would be a function which would be risk assessed. The legal advisor commented that it would be for the committee to consider if the application applied for would see an increase in cumulative impact, and that the suggestion that one less Club Premises Certificate would not necessarily reduce cumulative impact.

The Licensing Sub-Committee sought clarification about noise, in terms of a function taking place that resulted in a noise nuisance. The sanction available would be that the club would not hire the premises to them again. The applicant confirmed that the premises would be hired with the applicant's staff and manager on site running the premises. A policy and contract would be in place to deal with those kinds of situations. The applicant's agent confirmed people who hired the premises would be made aware of the risk assessment and the Premises Licence conditions, and if they did not comply they would not be allowed to hire the premises again.

The legal advisor sought further clarification in regard to noise complaints, and whether those hiring the premises would be shown the conditions to ensure they were able to comply with the conditions if they were to hire the premises. The applicant's agent confirmed that the conditions would be made very clear to those hiring the venue, and that the staff of the club would still be in charge of running the club with a head steward in place at the time of any event.

The Licensing Sub-Committee sought clarification on the disposal of bottles and cans and tidying of the premises. The applicant's agent acknowledged that bottles and cans could make a noise when tipped into bins, and suggested no bottles or cans would be emptied into bins after 23:00 hours. External areas were also swept and cleaned every evening on conclusion of events. The applicant stated bins were emptied once a week on a Wednesday usually between 07:30 hours and 08:00 hours, but that any left over bottles / cans would be emptied into the bins half an hour at most before the club opening time which is currently about 11:00 hours.

The applicant confirmed the club had an outdoor smoking area at the side of the car park, admittedly near to the adjacent hotel's bedrooms. However, the smoking area was quite small.

The Licensing Sub-Committee then heard from an objector to the application who acknowledged the processes the club had stated in relation to noise and not re-hiring to people who broke the rules. However any issues would still have already happened and she wouldn't want to have to then keep calling the Club to complain after the event.

The objector referred to the discussion on cumulative impact and stated she had not mentioned this in her representation as she felt the Council ignores issues of cumulative impact generally, and on the issue of refuse collection felt that collection times could potentially change in the future and that the refuse collectors have go past her on the one way system. She felt that one more vehicle going past at an early hour

to do more collections if there were events taking place at the club would disturb her. The objector stated she understood the club needed to make money and increase their offer but felt no evidence had been provided to show the club would look after the public outside the gates of the premises, where people leaving could do whatever they wanted 100 yards down the road.

The Licensing Sub-Committee sought to clarify whether the club expected to see an increase in refuse collections. The applicant's agent confirmed they did not expect to see any increase as events would be infrequent and would not produce enough waste to warrant an increase in collections. The applicant clarified they had two very large bins with normal usage requiring only one bin. If an event took place, the second bin would be used for any extra waste, and the collection would still be once a week. The Licensing Sub-Committee referred to the other objector's video showing clientele leaving the premises and asked what measures were in place to ensure customers are aware they should leave the premises quietly. The applicant's agent stated the club would have SIA staff in place and suggested the club put in place a dispersal policy for the business to remind and encourage people to move on. The legal advisor suggested the dispersal policy could be dealt with within the noise management plan at condition 15 if the committee decided to grant the application. The objector stated she felt dispersal policies were a weak document and had concerns as to how it would be enforced, citing examples where Pryzm nightclub had this in place.

Reasoning

In making their decision, the Licensing Sub-Committee considered the merits of the application and had regard to the Council's Statement of Licensing Policy and guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. The Sub-Committee considered the steps which were appropriate and proportionate to promote the licensing objectives, and after taking account of all relevant issues that had been raised in the application and within the written and verbal representations, decided to **grant** the application for a new Premises Licence subject to the conditions as set out below, and with an additional condition on waste or recyclable materials being moved late at night as set out below.

The Licensing Sub-Committee noted that following negotiation with the Metropolitan Police and Environmental Health (Noise Pollution), the operating schedule had been amended and that the representations concerns had been addressed.

The Licensing Sub-Committee had regard to the relevant written and oral representations raising concerns relating to the Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety licensing objectives. However, they felt that the concerns raised had been sufficiently addressed by the applicant through the agreed conditions laid out in Annex 3 and the imposed condition.

Decision

The Sub-Committee decided to grant the application for a new Premises Licence, subject to conditions, as follows

(1) Hours

- (1) The Sale by Retail of Alcohol (on the premises only);
 - Monday to Saturday from 11:00 hours to 00:00 Midnight, and

- Sunday from 12:00 hours to 22:30 hours.
- (2) Opening hours
- Monday to Saturday from 11:00 hours to 00:30am the day following, and
 - Sunday from 12:00 hours to 23:00 hours.

(3) Conditions arising from applicants Operating Schedule

The Prevention of Crime & Disorder

Conditions of Entry

1. Entry to members of the public shall be restricted to pre-booked private functions.
2. To keep and maintain a members book which will be held on site.
3. Members will be allowed to sign in a maximum of three guests.

Closed-circuit television

4. The premises shall install and maintain a comprehensive closed-circuit television system (CCTV).
 - a) All entry and exit points must be covered enabling frontal identification of every person entering in a light condition.
 - b) The CCTV shall cover the designated smoking area at the front of the premises.
 - c) The CCTV system shall continually record whilst the premises are open. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of the Council.
 - d) A staff member from the premises who is conversant with the operation of the CCTV system shall be in the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested and within a maximum of 24 hours of the initial request.
 - e) Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk/USB Stick for the Police or authorised officers of the Local Authority or UK Border Agency without difficulty, delay or charge.
 - f) Any CCTV breakdown or system failure will be notified to the Police and Local Authority immediately & remedied as soon as practicable. Repair records / invoices shall be kept on site for at least 12 months and be readily available to be viewed by all authorised persons upon request.
 - g) Notices shall be prominently displayed within the premises stating that CCTV is in operation.

Door supervisors

5. 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.

Staff training

6. All staff will be fully trained on induction in their responsibilities with regard to the sale of alcohol, and will be offered refresh training every six months, with recorded training records kept for inspection.

Incident log

7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- a) all crimes reported to the venue;
- b) all ejections of patrons;
- c) any complaints received concerning crime and disorder;
- d) any incidents of disorder;
- e) all seizures of drugs or offensive weapons;
- f) any faults in the CCTV system, searching equipment or scanning equipment;
- g) any refusal of the sale of alcohol including date, time and name of staff member;
- h) any visit by a relevant authority or emergency service.

Refusals register

8. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.

Staffing, staff records

9. All staff members will be checked to ensure they have the right to work in the UK. These checks will be made available upon requests to all responsible authorities. All associated 'entitlement to work' documents:

- a) must be logged and kept on the premises for the duration of the employment; and
- b) must be retained for a minimum of 12 months after employment has ceased.

Conduct of premises

10. Customers will not be permitted to bring any alcoholic drinks into the premises.

11. No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.

Security, admission

12. Admission shall be refused to any person who appears to be under the influence of alcohol or drugs.

The Prevention of Public Nuisance

Open containers

13. 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.

Noise Management

14. Patrons attending the premises will be reminded of their responsibilities to leave the premises quietly.

15. 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.

16. 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.

17. 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.

Dispersal

18. The licence holder will promote the effective and quiet dispersal of patrons from the premise by requesting them both verbally and by conspicuous signage to leave and disperse in an orderly and quiet manner.

Smoking area

19. 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.

The Protection of Children from Harm

Age verification – challenge 25

20. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be available for inspection by the police or authorised local authority officers.

21. 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.

22. Acceptable identification for the purpose of this condition:

- i. Current passport or an equivalent form of identification such as a national identity card with a photograph and date of birth;
- ii. Current photographic driving licence or provisional licence with date of birth;
- iii. Military identification Card with a photograph and date of birth; and
- iv. A Proof of Age Standards Scheme (PASS) approved age card.

23. Notices shall be strategically and prominently placed at all entrances to the premises and at points of sale advising customers that they may be asked to provide evidence of age.

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

25. The refusals book shall document the date and time a refusal of sale is made, a description of the person who was refused the sale and the member of staff refusing the sale.

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

27. Refusal records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor.

c) Conditions imposed by the Licensing Sub Committee

Prevention of public nuisance

Waste

28. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.30) hours on the following day.

5. URGENT ITEMS AUTHORISED BY THE CHAIR

There were no urgent items.

6. EXCLUSION OF THE PRESS AND PUBLIC

The motion to exclude the press and public was not required.

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