

Agenda

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THE ROYAL BOROUGH OF
KINGSTON
UPON THAMES

Licensing Sub-Committee

Date: Tuesday 4 May 2021

Time: 9:45 am

Place: An online meeting that can be viewed at
https://kingston.public-i.tv/core/portal/webcast_interactive/505284

Members

The Sub Committee will consist of three of the following Members: -

Councillors: Stephanie Archer, Lorraine Dunstone, Simon Edwards, Ed Fram, Hilary Gander, Dennis Goodship, Lesley Heap, Ian George, Katrina Lidbetter, Dave Ryder-Mills, Malcolm Self, John Sweeney, Margaret Thompson, Jon Tolley and Olly Wehring.

Everyone is welcome to attend the meeting

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Changes to the Application

The applicants are advised of issues raised in representations from residents and the Responsible Authorities - Police, Fire Service, Environmental Health, Noise and Health and Safety. In discussions with the various parties on these the applicant may agree to accept conditions and/or propose changes to the original application.

The law allows discussions to continue up to the time of the Licensing Sub-committee hearing, often in good time before the hearing. As a result of these discussions, changes to the original application may have been made and representations may have been withdrawn. It will not always be possible to include these emendations in the agenda. The hearing regulations require that should any party to the hearing wish to rely upon any additional evidence, this should be served upon the Licensing Authority five days before this hearing.

At the start of the hearing the Licensing Officer will explain any changes that the applicant has made, conditions agreed with Responsible Authorities, and whether any additional evidence has been served on the Licensing Authority.

Recording of the meeting

This meeting will be recorded and the recording will be available on the web site (www.kingston.gov.uk) with the agenda and minutes.

1. **Appointment of Chair**

2. **Declarations of Interest**

3. **Zonco Ltd, trading as Feals Catering - Application for Street Trading Licence - Footpath at junction of Wood Street and Skerne Road, Kingston upon Thames** **Appendix A**

4. **Urgent Items Authorised by the Chair**

5. **Exclusion of the Press and Public**

The following matters may be considered in private if the Committee agrees that, under Section 100(A)(4) of the Local Government Act 1972, the public are excluded from the meeting on the grounds that it is likely that exempt information, as defined in paragraph 1 of Part I of Schedule 12A to the Act, would be disclosed. This paragraph covers information relating to any individual.

Procedure at Licensing Sub Committees

ORGANISATION OF THE COMMITTEE

1. Licensing Sub-Committee hearings are currently being held remotely due to the Coronavirus pandemic. All parties to the hearing are invited to join a video conference where they will be given the opportunity to speak.

HEARING PROCEDURE

2. The hearing is broadcast live on the Council's YouTube channel and a recording is made available shortly after the hearing is concluded.

3. The Sub-Committee Members are assisted by

I. Committee Secretary

II. Legal Advisor

III. Licensing officer – who is not party to the Hearing

4. The above officers are there to give advice and technical guidance to the Sub-Committee and do not participate in the hearing or decisions other than to clarify legal or technical matters.

5. The Committee Secretary and the Legal Advisor are the only officers who retire with the Sub-Committee.

6. The Licensing Officer is independent and there to provide specific advice relating to the application before the Sub-Committee.

7. A hearing will take the form of a discussion led by the Chair of the Sub-Committee which will hear from people in the following order:

a) The Licensing Officer will outline the application, the representations that have been made and the outcome of any discussions;

b) The applicant(s) or their representatives;

c) Relevant Responsible Authorities that are making representations;

d) Interested parties being those persons or bodies (local residents/businesses) who are making relevant representations or their representatives;

e) The Petitioner (where a petition has been submitted) or other interested party that has signed the petition.

8. All parties to the hearing will be given equal opportunity to put their case to the Sub-Committee.

9. If a local resident or business holder who has submitted a valid representation is unable to attend the hearing, they can nominate a representative to speak on their behalf. The Licensing Authority must be informed in writing of the name of the representative 24 hours before the hearing. The representative will be able to read the original letter of objection and any statement given to them by the objector which amplifies or updates the comments made in the letter. The representative will not be able to answer questions on behalf of the objector.

10. If a local resident or business holder who has submitted a valid representation and attends the hearing wishes to nominate someone to speak on their behalf, they must advise the Committee Secretary of the name of their representative on arrival at the hearing. The representative will be able to read the original letter of objection and any statement given them by the objector which amplifies or updates the comments made in the letter. The representative will be able to answer questions on behalf of the

objector after consulting them on the answer to each question.

11. Cross-examination is generally not permitted. However, at the discretion of the Sub-Committee, questions may be permitted through the Chair only where the Sub-Committee feel it necessary for the clarification of an issue or to elicit further information in a particular case.

12. The Sub-Committee are permitted to ask questions throughout the hearing of any party or other person who appears as a witness or representative.

MAKING THE DECISION

13. Once the Sub-Committee has heard from officers and the parties to the hearing and has had answers to its questions, the Sub-Committee will usually withdraw to make its decision on the application.

14. The Sub-Committee will announce its decision by email, and a full decision notice with reasoning will be sent within 5 working days.

15. The Sub-Committee has a duty to behave impartially, not to predetermine the issue and not to discuss matters with the media or any of the parties. In making its decision the Sub-Committee must give reasons to support that decision. It must state the reasons why applications are refused or revoked.

16. The decision and reasons for the decision will be recorded in the minutes of the meeting. These will be circulated and will be available on the Council's website.

Background papers – held by Gary Marson – Democratic Services – 020 8547 5021, email gary.marson@kingston.gov.uk

These documents can also be found on www.kingston.gov.uk

- i. Statement of Licensing Policy – 12 July 2016
- ii. Licensing Hearing procedures – 23 May 2018