

Agenda

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THE ROYAL BOROUGH OF
KINGSTON
UPON THAMES

Licensing Sub-Committee

Date: Tuesday 6 July 2021

Time: 9:45 am

Place: An online meeting that can be viewed at:
https://kingston.public-i.tv/core/portal/webcast_interactive/577205

Members

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

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

Everyone is welcome to view the meeting

Agenda

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a result of these discussions, changes to the original application may have been made and representations may have been withdrawn.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 shortly after (<https://kingston.public-i.tv/core/portal/home>).

1. **Appointment of Chair**

2. **Declarations of Interest**

3. **Minutes**

To confirm that the minutes of the meeting held on 14 June 2021 are a correct record.

4. **Taksim Lounge Turkish Restaurant, 78 Burlington Road, New Malden, KT3 4NU** **Appendix A**

5. **Sufi's, 179 London Road, Kingston Upon Thames, KT2 6PA** **Appendix B**

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

7. **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

HEARING PROCEDURE

40. The hearing will be broadcast live online for the duration of proceedings. A video recording of the meeting will be published online shortly afterwards.
41. The Sub-Committee Members will be assisted, where necessary, by:
 1. Legal Advisor
 2. Committee Secretary
 3. and where appropriate, a Licensing representative – who is not party to the hearing
42. The above officers are there to give advice and technical guidance to the Licensing Sub-Committee and do not participate in the hearing or decisions other than to clarify legal or technical matters. The Committee Secretary and Legal Advisor are the only officers who retire with the Sub-Committee.
43. The Licensing Officer is independent and there to provide specific advice relating to the application before the Sub-Committee.
44. A hearing will take the form of a discussion led by the Sub-Committee which will hear from people in the following order:
 - 1) The Licensing Officer will outline the application, the representations that have been made and the outcome of any discussions.
 - 2) The applicants or their representatives or witnesses.
 - 3) Relevant Responsible Authorities that are making representations.
 - 4) Other Persons being those persons or bodies (local residents/businesses) who are making relevant representations or their representatives.
 - 5) The Petitioner (where a petition has been submitted) or one another interested party that has signed the petition.
 - 6) The applicant makes the closing statement, if they wish.
45. Where notice has been given to a party seeking clarification of an issue, further information supporting this application, representation, or notice may be given at the hearing.
46. In normal circumstances the Sub-Committee will allow up to 5 minutes for each party to make his/her submission, but in certain circumstances, for example, where the issues are more complex or where the applicant needs to respond to a considerable number of objections or points, the Sub-Committee will allow greater time. The applicant will be given at least equal time to all the objectors combined in order to make his/her case and clarify issues. (For example, where there are two objectors this means that the applicant will be entitled to 2 x 5 minutes = 10 minutes speaking time.) Applicants are also permitted witnesses to speak in support of their application, where notice has been given to the Licensing Authority 5 working days prior to the hearing, or at the hearing with the permission of all parties. Applicants' witnesses must share the applicant's allocated speaking time.
47. 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. The 5 minute speaking time allowance will apply.

48. 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 prior to 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 be able to answer questions on behalf of the objector after consulting them on the answer to each question. The 5 minute speaking time allowance will apply.
49. 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.
50. 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

51. 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.
52. On the day of the hearing, an email will be sent out to the applicants and other parties to the hearing informing them of the decision. A full decision notice will be sent out to the applicants and other parties to the hearing within 5 working days of the meeting, in accordance with the statutory provisions.
53. 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 in respect of premises licenses why refusal or attachment of conditions is necessary in order to promote a particular licensing objective, and in respect of all other applications the reasons why applications are refused or revoked.
54. The decision and reasons for the decision will be recorded in the minutes of the meeting. These will be circulated and will be made available on the Council's website.
55. Applicants and other parties who have made relevant representations to the hearing can appeal to the Magistrates' Court within twenty-one days of notification of the decision. Details of how to appeal and the grounds on which an appeal may be made will be sent out with the notification letter.

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