

Agenda

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THE ROYAL BOROUGH OF
KINGSTON
UPON THAMES

Licensing Sub-Committee

Date: Tuesday 13 July 2021

Time: 9:45 am

Place: An online meeting the can be viewed at:
https://kingston.public-i.tv/core/portal/webcast_interactive/577206

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 view the meeting

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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a result of these discussions, changes to the original application may have been made and representations may have been withdrawn.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.

Audio 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. **Minutes**

To confirm that the minutes of the meeting held on 6 July 2021 are a correct record.

4. **Grocemania, 1 Kings Passage, Kingston upon Thames, KT1 1AQ** **Appendix A**

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

6. **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

43. The 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
44. 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.
45. A hearing shall take the form of a discussion led by the Committee who will expect to 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.
46. 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.
47. In normal circumstances, the Chair will allow those that have submitted written representations to have up to five minutes for each party to make his/her submission but, in certain circumstances (e.g. where the issues are more complex or detailed, with considerable number of objections or points), the Chair will allow greater time for a person who is addressing the Committee on his/her representation. The applicant will be allowed five minutes multiplied by the total number of persons addressing the Committee or their representatives e.g. where there are four such persons, the applicant will be allowed at least 4 x 5 minutes, namely 20 minutes to address the Committee. 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.
48. During the hearing, members of the Committee are permitted to ask questions of any party or other person who appears as a witness or representative.
49. Cross-examination is generally not permitted. The Chair will only permit cross-examination by the parties in those instances where it is considered necessary for the clarification of an

issue or to elicit further information or if considered appropriate in a case following a request from any party.

Failure to Attend

51. 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.
52. 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.

Making the Decision

54. After having heard the representations and prior to retiring to make its decision, the Committee may, if it wishes, seek the guidance of the case licensing officer regarding possible suitable conditions in respect of any particular application.
55. The Committee must disregard any information given or evidence produced by a party or witness which is not relevant to: the application; representations or notice; or the promotion of the licensing objectives.
56. The Committee has a duty to conduct its business impartially, not to predetermine the issue and not to discuss matters with press or residents. In making its decision the Committee must give reasons to support the decision. It must state, in respect of premises licenses, why refusal or attachment of conditions is appropriate in order to promote a particular licensing objective, and, in respect of all other applications, the reasons why applications are refused or revoked.

Notification of the Decision

57. The decision and reasons for the decision will be recorded in the minutes of the meeting. These will be circulated and made available on the website. Generally applicants will be sent a decision letter within five working days of the day of the meeting, outlining the decision and any conditions that are attached to the application. In addition, a letter will be sent to all those who made relevant written representations in connection with the application.
58. This will confirm the decision made; any conditions attached to an approval or the reasons for refusal. Details of the respective appeal rights will also be sent with this decision notice. In certain cases (e.g. temporary event notices and reviews of the premises licence including emergency steps review and any appeal of such a review), the Committee will give the decision orally on the day and the decision notice will be sent in writing as soon as possible thereafter.

59. The Committee must give its decision in accordance with the regulations.

Right to Appeal

60. Applicants and the other parties to the hearing have specified appeal rights. The appeal must be made to the Magistrates' Court within 21 days of the date of receipt of notification of the decision by a party. 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

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

- i. Statement of Licensing Policy – 12 July 2016
- ii. Licensing Hearing procedures – 1 July 2021