



**LICENSING ACT 2003**

**STATEMENT OF LICENSING POLICY**

**2011 - 2014**

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## **GLOSSARY**

<i>The Council</i>	The Royal Borough of Kingston upon Thames
<i>The Licensing Authority</i>	The capacity in which the Council acts when performing its roles and duties set out in the Licensing Act 2003. This capacity is delegated to officers in certain situations and circumstances detailed in the Policy.
<i>The Act</i>	The Licensing Act 2003 and all Regulations made thereunder.
<i>Secretary of State's Guidance</i>	The Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003
<i>Interested Party</i>	Defined in the Act as a person living in the vicinity of the premises; a body representing persons who live in that vicinity; a person involved in a business in that vicinity; a body representing persons involved in such businesses; or a member of the relevant licensing authority.
<i>A member of the relevant licensing authority</i>	Any elected member of the Council.
<i>Cumulative Impact Policy</i>	A special policy in which the Licensing Authority sets out that the number of premises within a certain area or areas is such that their cumulative impact (as opposed to the impact of any particular one premise) adversely affects the promotion of the licensing objectives.
<i>Relevant representation</i>	The Licensing Authority may only consider relevant representations (objections) in determining applications. Relevant Representations are defined in the Act as being those that: <ul style="list-style-type: none"><li>▪ are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives</li><li>▪ are made by an interested party or responsible authority within the prescribed time period following an application</li><li>▪ are not <i>frivolous</i> or <i>vexatious</i> (in the opinion of the Licensing Authority)</li></ul>
<i>Frivolous representations</i>	Those based on matters of limited seriousness, where the issues complained of are about a very minor nature and any action required would be disproportionate
<i>Vexatious representations</i>	Would be those that arise out of disputes between parties and generally have little or no substance.

*Designated Premises Supervisor (DPS)* A person specified on the licence as being the individual responsible for authorising the sale of alcohol. The DPS must hold a personal licence.

*Personal Licence* A licence granted by a Licensing Authority to an individual, authorising that individual to sell, or authorise the sales of, alcohol.

*Operating schedule* The part of an application form in which the applicant sets out the steps he/she/they intend to take to promote the licensing objectives.

*Licensable activities* Activities for which authorisation is required under the Act:

- the sale by retail of alcohol,
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- the provision of regulated entertainment, and
- the provision of late night refreshment.

*Regulated entertainment* Defined in the Act as being, where taking place in the presence of an audience and provided, at least partly, to entertain that audience, the:

- performance of a play
- exhibition of a film
- indoor sporting event
- boxing or wrestling entertainment
- performance of live music not otherwise subject to exemption
- playing of recorded music
- performance of dance
- entertainment of a similar description to that falling within the performance of live music, playing of recorded music or performance of dance

*Responsible Authority* Means the:

- the Chief Officer of Police
- the Fire Authority
- the Enforcing Authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974,
- the Local Planning Authority within the meaning given by the Town and Country Planning Act 1990
- the Local Authority by which statutory functions are exercisable in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,

*cont...*

*Responsible* ▪ a body which—

*Authority cont...*

- represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
- is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters,
- the relevant licensing authority and any other licensing authority in whose area part of the premises is situated
- the Primary Care Trust or Local Health Board for any area in which the premises are situated
- any Licensing Authority (other than the relevant licensing authority) in whose area part of the premises is situated,
- in relation to a vessel—
  - a Navigation Authority (within the meaning of section 221(1) of the Water Resources Act 1991) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities,
  - the Environment Agency,
  - the British Waterways Board, or
  - the Secretary of State,

# ROYAL BOROUGH OF KINGSTON UPON THAMES

## THE LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

#### **PREFACE**

The Royal Borough of Kingston upon Thames lies to the south west of London with a population of around 160,000. The Borough plays a major role as a commercial and employment centre serving a wider catchment of South West London and North East Surrey, in particular through Kingston Town Centre's role as a major shopping hub and source of night time entertainment.

The Borough is bordered to the West by the River Thames and the County of Surrey to the South, and is neighbour to the London Boroughs of Richmond, Sutton, Merton and Wandsworth. The Borough has a long and rich history as a historic market town, benefitting from royal charters dating back to the 13<sup>th</sup> Century. The Borough's administrative boundary includes the suburban areas of Surbiton, New Malden, Old Malden, Coombe, Tolworth, Chessington and Worcester Park.

In addition to a substantial residential population, the Borough attracts an estimated quarter of a million shoppers every week. Kingston Town Centre provides a range of cultural and entertainment attractions including a 14 screen cinema in the Rotunda, ten pin bowling, numerous health and fitness clubs, 3 large nightclubs plus smaller clubs, pubs and entertainment venues. The centre also houses the Kingfisher leisure centre, library, museum, numerous hotels, the Kingston College arena and the Rose Theatre.

The Borough is a significant higher and further education centre with Kingston University and Kingston College both located close to the town centre. The University employs some 1800 academic professional and support staff and has around 17,000 students. The majority of full time students reside within the local area and are increasingly working in retail and service businesses in the town centre.

The Council is justifiably proud of the development of the Borough as a whole and, in particular, the facilities that are provided in Kingston Town Centre. The development of the Town Centre has also included increased residential accommodation so as to encourage a mix of activity during the day and at night, and seen the completion of new housing developments fronting the River Thames.

The town centre has a vibrant evening and late night economy with a total capacity of over 15,000, and regularly attracts an average of over 9,000 visitors a night, from a wide catchment area. Whilst this activity brings enjoyment to large numbers of people, makes the town centre more lively and interesting; creates business opportunities and provides jobs; it brings with it increasing concerns about noise, crime and other anti social behaviour.

In exercising its powers under the Licensing Act 2003 the Licensing Authority will be mindful of these concerns, however acknowledges that there are limitations on its powers. The Council believes that a fair balance must be struck between all the stakeholders involved; including, licensees, businesses holders, visitors and residents.

The borough is divided up into four Neighbourhoods, each covering a different part of the Borough. All Councillors from the local area are members of their Neighbourhood Committee, which is usually chaired by a Councillor from the party with most members on the Committee. The Neighbourhoods are responsible for local issues and decisions are made by local Councillors who know the area, in meetings held in local venues, with the involvement of local people.

The Neighbourhood system allows the Council to address different priorities in different part of the Borough, and makes it easier for local people to influence the decisions that affect them. In recognising this, the Licensing Authority has introduced Neighbourhood specific policies for the promotion of the Licensing Objectives.

This approach ensures that relevant and necessary measures are taken into consideration by applicants seeking to set up or extend licensed businesses within each Neighbourhood, and by the Licensing sub-committee when determining applications. The approach recognises more stringent controls may be necessary and appropriate in one area, but may not be so in another.

In 2010, Kingston town centre became one of the first areas in the country to be awarded a prestigious 'Purple Flag' in recognition of the strides it has made in becoming a safer and more pleasant place to be after dark.

The Council expects and encourages those engaged in operating licensed premises in the Town Centre and, indeed, across the whole of the Borough to carefully examine how they operate and how what they do may affect residents and businesses. In cases where Licensees do not act reasonably the Council will use its powers to exercise controls.

Through its "After Dark" and "K+20" strategies, the Council seeks to provide services and develop strategies that will provide a good balance for evening and late night visitors to the Borough.

## INTRODUCTION

1. This policy has been approved by the Royal Borough of Kingston upon Thames (The Council) in accordance with its responsibilities and powers as *the Licensing Authority* under the Licensing Act 2003 [hereafter referred to as "*the Act*"].
2. This Statement of Licensing Policy sets out the arrangements the Licensing Authority will normally apply and consider in carrying out its licensing functions under the Act, particularly when making decisions on relevant licence applications in respect of Premises Licences, Club Premises Certificates, Personal Licences and Temporary Event Notices.
3. In determining its policy for this five-year period, *the Council* has undertaken an extensive consultation process involving a wide range of authorities, organisations, representatives and the general public. Whilst a general consultation period was held between 28<sup>th</sup> June 2010 and 20<sup>th</sup> September 2010, the Council consulted specifically with:
  - The Metropolitan Police
  - Kingston Crime and Disorder Reduction Partnership
  - London Fire and Emergency Planning Authority
  - Resident Associations
  - Representatives of licensees
  - Representatives of local businesses, Chambers of Commerce & Trade Associations
  - The Council's Neighbourhood Committees
  - Kingston Town Centre Management Board
  - Crime and Disorder Reduction Panel
  - British Transport Police
  - Kingston NHS Trust
4. This policy will remain in force from 1<sup>st</sup> March 2011 until the 6<sup>th</sup> January 2014. However within this period, the Policy will be subject to annual reviews. The Licensing Authority will consult on its annual review with the organisations listed in paragraph 3 above, and take into consideration any comments they may have to make regarding the continued suitability of the Policy to promote the Licensing Objectives.
5. The third annual review of this Policy took place on 9 May 2013, at which changes were introduced to reflect the implementation of the Live Music Act 2013.
6. This revised policy was agreed by Council at its meeting on 16 July 2013, and comes into force on 17 July 2013, superseding all other versions of the Policy.

## PROMOTION OF THE LICENSING OBJECTIVES

7. In carrying out its functions under the Act, the Licensing Authority has a duty to promote the following licensing objectives:
  - the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
8. In accordance with the requirements of the Act, when determining applications the Licensing Authority will only consider matters that relate to the promotion (or otherwise) of one or more of these objectives.
9. Through consideration of this policy and the implementation of the principles of the Act, the Licensing Authority will seek to protect the amenity of local residents in so far as the Act permits.
10. The Licensing Authority recognises that its powers under the Act are only one means by which the licensing objectives may be promoted. As such, the Authority recognises that the Act must not be regarded as the only method for remediating problems or concerns that may arise from the use of premises for *licensable activities*.
11. In making decisions on licence applications, the Licensing Authority will take into consideration the availability of other powers and responsibilities exercised by the wider Council, the Police and other designated authorities.
12. It is recognised that the control of nuisance and anti-social behaviour by individuals once they are away from a licensed premises is beyond the direct control of licence holder. However, the Authority recognises that the control of licensing law forms part of a holistic approach to the management of the Boroughs busy evening and night-time economy.

## FAIR AND EQUITABLE TREATMENT

13. Nothing in this statement of policy will:
  - Undermine the rights of any person to have his/her application considered on its individual merits and in accordance with the rules of natural justice and the European Convention on Human Rights.
  - Negate the right of any person to make representations regarding any application, or to seek a review of any licence, and for those representations to be properly considered in accordance with the rules of natural justice and the European Convention on Human Rights.

## ADVICE

14. Officers from the Licensing Authority are available to give advice to any person on technical matters of the legislation, including, but not exclusively, whether or not a licence, certificate or other authorisation is required and the procedures for making representations or calling for review of authorisations.
15. It should however be noted that the Licensing Authority must at all times remain impartial in the advice it provides, and as such officers will be unable to give advice on matters relating to business operation, nor advise on the likely success or otherwise of any application.
16. The Licensing Authority recognises its role as a Responsible Authority, and the inherent duties and responsibilities that this role presents. In carrying out this function, the Licensing Team shall ensure that any advice given to applicants strictly relates to procedural or technical issues. Advice given by the Licensing Authority will not constitute guidance and shall be reflective of the dual role performed by the Authority.
17. Anyone requiring advice on the licensing process, as outlined above, should contact:

The Licensing Team,  
Environmental Health & Trading Standards Service  
Royal Borough of Kingston upon Thames  
Guildhall 2  
Kingston upon Thames  
KTI 1EU

Telephone: 020 8547 5079 or 020 8547 5078

Fax: 020 8547 5515

E-mail: [licensing@rbk.kingston.gov.uk](mailto:licensing@rbk.kingston.gov.uk)

Website: [www.kingston.gov.uk/licensing](http://www.kingston.gov.uk/licensing)

## PART A

### MATTERS OF GENERAL POLICY

#### THE APPLICATION OF LICENSING CONTROLS

18. The Licensing Authority considers that the Act seeks to promote licensable entertainment in a balanced way. It is recognised that the entertainment industry makes a significant contribution to the local economy, provides employment, meets a substantial public demand and is of assistance in implementing cultural strategies.
19. In determining applications, the Licensing Authority will take account of:
  - The need to balance *relevant representations* made by local residents against the benefits to the community at large.
  - The need to avoid the imposition of conditions that are unduly and unnecessarily restrictive.
  - The desirability of promoting artistic and cultural events.

#### THE APPLICATION OF CONDITIONS

20. The Licensing Authority encourages licence holders, businesses, local residents, the Police and other bodies to work in partnership to ensure that the licensing objectives are promoted.
21. It is anticipated that prior to making any application under the Act, applicants will have undertaken a full risk assessment of the impact of their activities on the licensing objectives. Applicants are expected to submit a detailed operating schedule setting out the steps they intend to take to promote the licensing objectives. In particular, applicants are encouraged to discuss their operating schedules with relevant Responsible Authorities in advance of making an application.
22. Where licences are granted the Licensing Authority will, where appropriate and where empowered to do so, attach such conditions, tailored to the individual characteristics and style of the premises, as it deems necessary to promote the licensing objectives.
23. Conditions may be selectively applied from the pool of conditions set out in the Secretary of State' Guidance, drawn from the guidance provided in Parts B and C of this policy, or as the circumstances relate, such conditions specifically drawn up to reflect the matters of concern in each application.
24. The Authority will only apply conditions to authorisations that focus upon matters within the control of the licence holder or other relevant person.
25. The Licensing Authority will not, as far as is reasonably practicable, impose any conditions which duplicate the requirements of existing regulatory regimes'.

26. Applicants may wish to consider the Authorities guidance on the promotion of the licensing objectives, and in particular the guidance at Parts B and C to this policy, together with the guidance issued by the Secretary of State before making applications. Applicants are encouraged to volunteer in their operating schedule such conditions it considers pertinent to their activities.
27. Stricter conditions with regard to noise control may be applied in areas with a denser concentration of residential accommodation, in order to ensure the promotion of the licensing objective relating to the prevention of public nuisance.
28. To ensure fair and equitable treatment, and to safeguard the rights of all parties, the Licensing Authority will not (except in the case of any *cumulative impact policy* – see paragraphs 66 to 69 below) seek to:
  - Impose a quota, or limit, on the number and or type(s) of licensed premises within any specified area.
  - Seek to impose any general specified hour of closing for licensed premises.
29. Where relevant representations are made, and not subsequently withdrawn following negotiation, a Licensing Sub-Committee hearing will be held. As part of the decision making process at a Sub-Committee hearing, the Licensing Authority may apply conditions to any granted licence as are necessary to meet the licensing objectives.
30. Where no relevant representations are made in respect of an application, the Licensing Authority will grant the licence or certificate subject to conditions consistent with the operating schedule being applied to the granted licence together with any relevant mandatory conditions specified in the Act.

#### MAKING APPLICATIONS

31. All applications must be made in writing, using forms prescribed by regulations. The Council also accepts applications made online using the portal provided for this purpose on the Councils website, and actively encourages the submission of certain applications through the online portal.
32. Advice is available from Licensing Officers, and the Council's website, on the process of making applications. [See paragraph 17 for contact details of the Licensing Team].
33. Applications for new or variations to, premises licences and club premises certificates must be submitted to the Responsible Authorities. The duty to submit a copy of the application to each authority rests with the applicant, except in cases where an application is made entirely online, in which case the Licensing Authority will notify the Responsible Authorities on the applicant's behalf.

34. The Act sets out in general terms the role of 'Responsible Authorities', and **Annex 1** of this policy provides contact details for the responsible authorities in respect of applications to be made to the Royal Borough Of Kingston upon Thames.

#### NOTIFICATION OF APPLICATIONS

35. Aside from the requirement of the Act for applicants to advertise their application, the Council has determined to undertake further notification of applications received in accordance with the following paragraphs [35-38].
36. Properties falling within a given radius of the boundary of an application premises will be notified in writing of any application for a new, variation or review of a Premises Licence or Club Premises Certificate. The radius within which properties are to be notified will be dependent upon the predominant business type and size of the applicant premises.
37. The authority considers it necessary to notify residents living within the following radius of properties, according to the predominant nature of the premises trading style, and the size of premises in line with the licensing fee bands (in the knowledge that the fee charged is proportional to the size of the property).

<b>Fee Band</b> >	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
▼ Predominant business type ▼					
Nightclub / Public House / Bar etc	150m	200m	250m	275m	300m
Late night refreshment [LNR] premises (takeaway)	75m	100m	125m	150m	175m
Restaurant / cafe with on-licence (but not LNR)	50m	75m	100m	125m	150m
Off-licences (including supermarkets and convenience stores)	50m	75m	100m	125m	150m
Mixed / other predominant use	100m	125m	150m	175m	200m

38. Where an applicant's premises does not front directly onto a public road or footway (i.e. accessed via a private driveway), properties within the appropriate distance – as set out in the above table – of where the entrance point of the access road meets the public highway will also be notified of the application.
39. Due to the procedural timescales involved in processing this type of application, written notification will not occur in respect of applications for Minor Variation. The process for this type of application is such that they will only be permitted if they do not impact upon the licensing objectives.
40. The Licensing Authority recognises that the comments and opinions of residents and other people are crucial to the licensing process. The Authority publishes information sheets for residents and other people on how to make a

relevant representation. Copies are available on the Councils website or from the Licensing Team, whose contact details are given at paragraph 17.

#### COMMENTING ON APPLICATIONS (MAKING REPRESENTATIONS)

41. The Licensing Authority recognises that the Act and the Secretary of State's Guidance specify what matters it may take into consideration when determining whether any representation made is relevant. This will include a consideration whether any representation made is frivolous or vexatious (as defined by guidance).
42. It is the policy of the Authority to only consider representations received in writing, be this by letter, facsimile, e-mail or via our online portal.
43. Representations must be made within the relevant time period specified in the Act for the application type being considered.
44. In borderline cases the benefit of doubt will be given to the correspondent, and the representation will be included in the report prepared for the Licensing Sub-Committee's determination. In the event that a representation is rejected, clear reasons for this decision will be provided.

#### DETERMINATION OF APPLICATIONS AND INTEGRATION OF POLICIES

45. The Council recognises the need to implement its licensing responsibilities as swiftly, efficiently and as cost effectively as possible. To this end, the Council will operate its functions under the Act through a system of a Licensing Committee and Licensing Sub-Committees, membership of which is drawn from Members of the Licensing Committee.
46. Applications will be determined by the Licensing Sub-Committees and / or officers in accordance with the Schedule of Delegations outlined at **Annex 2**.
47. Where no representations are made in respect of an application, or in the event that representations are withdrawn before a hearing can be held (and all parties agree a hearing is unnecessary), officers are delegated to grant the licence or certificate without the need to refer the application to a licensing sub-committee.
48. Where appropriate, and where resources permit, officers from the licensing team will facilitate mediation between applicants, responsible authorities and interested parties in respect of applications where representations are made. Mediation of this nature is designed to reach a mutually agreeable consensus incorporating conditions, adjusted times or other such measures so as to satisfy the concerns expressed by the interested party / parties, culminating in the withdrawal of representations and therefore negating the requirement to revert to a sub-committee for determination.
49. There is a clear distinction between the roles and responsibilities of the Council in relation to its planning and licensing functions, and any approval or

rejection under either regime does not imply or lead to a similar decision under the other.

50. However, the Authority expects that applications for licences should normally be for premises with appropriate planning consent for the activities concerned. It is recognised that there is nothing in the legislation which prevents applications made under the licensing regime from being granted in the absence of appropriate planning permission.
51. The Council will endeavour where possible to secure proper integration between its licensing policy and its strategies for crime and disorder, planning, culture, transport, tourism and economic development. Members of the Licensing Committee will, where appropriate, receive reports on these issues to facilitate decisions and any review of current policy.

#### APPLICATIONS FOR REVIEW

52. Any responsible authority or other party may make an application for review in respect of any granted licence where it becomes apparent that, because of some matter arising at the premises, one or more of the licensing objectives are not being promoted. Anyone seeking to apply for the review of a licence is advised to contact the Licensing Team for advice on the application process.
53. The Council will not consider more than one application in any 12 month period for the review of a licence on the same or similar grounds, except in exceptional and compelling circumstances such as continued disorder clearly associated with the management of the premises. Similarly, more than one application for review on the same or similar grounds will be accepted in the event of expedited reviews or a review following a closure order.
54. The Council has delegated the function of determining whether requests for Reviews should be rejected on the grounds that they are *frivolous*, *vexatious* or repetitive to designated officers, who will consult with the Chair or Vice Chair of the Licensing Committee.

#### ENFORCEMENT PROTOCOLS

55. The Licensing Authority has established protocols with the Police and the London Fire and Emergency Planning Authority to ensure effective enforcement of the Act and controls.
56. Officers of the Authority will ensure that any matters brought to their attention by way of inspection, investigation or complaint, are referred to the most appropriate authority for consideration.
57. The Licensing Authority will work closely with the Police, London Fire & Emergency Planning Authority, Trading Standards and other relevant enforcement agencies, as may be appropriate, on matters of enforcement.
58. Licensing Officers undertake inspections and visits of licensed premises, both independently and in partnership with other authorities. Inspections are

designed to assess compliance with the terms and conditions of the respective licence and as such, resources will be targeted at those premises, deemed by virtue of history, volume of complaints, or nature of business (for example) to be performing poorly.

59. The Licensing Team has implemented a risk based inspection programme, which results in routine inspections of licensed premises at a frequency determined by assessed criteria, in order to prevent complaints, promote good practice and to assess ongoing compliance with licence requirements..
60. Inspections are designed to assess compliance with the terms and conditions of the respective licence and as such, resources will be targeted at those premises, deemed by virtue of history, volume of complaints, or nature of business (for example) to be performing poorly.
61. The Licensing Authority recognises the desire to reduce the regulatory burden on businesses, and as such will work closely with other inspecting authorities in carrying out visits or inspections.

#### SPECIAL POLICY ON CUMULATIVE IMPACT

62. At its meeting on 13 October 2011, the Licensing Committee determined that it was necessary to adopt a Special Policy on Cumulative Impact for an area of the Borough located within Kingston Town Neighbourhood.
63. The adopted Special Policy on Cumulative Impact can be found at **Annex 3** to this Policy.
64. The adoption of a Cumulative Impact Policy creates a 'rebuttable presumption' those applications for new premises licences or club premises certificates (for premises within the cumulative impact area) will normally be refused during the determination process. The same presumption applies to applications made by existing licensed premises wishing to make changes to their licence that will add to existing cumulative impact.
65. It should however be noted that the 'rebuttable presumption' does not guarantee that every application received within a cumulative impact area will or should be refused, nor does it relieve residents, local businesses or responsible authorities of the need to make representations in relation to applications about which they have concerns regarding the promotion of one or more of the licensing objectives. The licensing authority must grant applications that do not attract representations (objections).
66. A Special Policy on Cumulative Impact places a greater responsibility upon applicants to demonstrate to the satisfaction of the Licensing Authority that their application will not add to the negative cumulative impact of premises in the area.
67. The Licensing Authority will consider whether there is a need for any additional special policy's on cumulative impact, where relevant representations from responsible authorities and / or other parties are

received. In doing so, the Authority will consider whether the evidence demonstrates that the cumulative effect of a number of premises in a given area is adversely affecting the licensing objectives, particularly with regard to the prevention of crime and disorder and public nuisance objectives.

68. In considering whether to adopt a cumulative impact policy in a given area, the Authority will consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises. The Authority will also consider, in areas where a problem is not currently evident, the risk that cumulative impact is imminent.
69. The Licensing Authority recognises that the absence of a Special Policy on Cumulative Impact does not prevent any Responsible Authority or Interested Party from making representations on the basis that an application would, if granted, give rise of a negative cumulative impact.
70. The matter of 'need' (whether there is a need for another premises in a given area) is not a matter for consideration of the Licensing Authority, and will therefore not form part of the decision making process.

#### HOURS OF OPERATION

71. The Licensing Authority does not propose to designate areas with a view to prescribing a general terminal hour of opening, but otherwise will consider each application on its merits, having regard to the proposed use of the premises and the nature of the locality in which it is situated.
72. The Authority will generally seek to permit shops and supermarkets to sell alcohol, for consumption off the premises, during their normal trading hours in which they are (or will be) open for shopping.
73. However in cases where individual shops become a focus for disorder, disturbance or under age sales, a limitation on permitted hours for the sale of alcohol may be imposed following representations.

#### PROMOTION OF EQUALITY

74. The Council recognises its obligation under our equality legislation covering race, disability, gender, age, sexual orientation and religion or beliefs. The functions under the Licensing Act 2003, and this policy are therefore operated accordingly.
75. The Authority considers that access to licensed premises and the full range of entertainment provided by a licence should not be denied to anyone who may be disabled. The Authority expects all proprietors of licensed premises to give due consideration to the needs and requirements of access to licensed premises by disabled or less mobile customers, and to make adequate arrangements to ensure their operations are inclusive.

76. Consideration might also need to be given to conditions that ensure adequate arrangements exist to enable the safe evacuation of disabled customers in the event of an emergency.

#### PROMOTION OF CULTURAL ACTIVITIES

77. The Council is anxious to ensure that broad cultural activity and entertainment is not deterred by licensing requirements.
78. To promote greater cultural diversity in the performing arts, the Licensing Authority encourages applications for live music, dance, theatre, street theatre and musical bands etc, and in particular from ethnic and other minority groups.

## **PART B**

### **POLICY ON THE PROMOTION OF THE LICENSING OBJECTIVES**

79. It is expected that prior to making any application under the Act, applicants will have undertaken a full risk assessment of the impact of their activities on the promotion of the licensing objectives. Thereafter, applicants are expected to submit a detailed operating schedule as part of the application, setting out the steps they intend to take to promote the licensing objectives.
80. Legislation introduced in April 2012 places a greater obligation upon applicants to give more detailed and thorough consideration to the local area when making applications. The Licensing Authority expects that applicants, in considering the content of their operating schedules, to provide contextual information to support the steps they propose to take to promote the licensing objectives, and in doing so applicants will be expected to demonstrate an awareness of the local community in which the premises will be based.
81. The Licensing Authority has developed guidance to assist applicants, responsible authorities and other parties in considering what steps may be necessary to promote the licensing objectives.
82. The Licensing Authority considers that conditions imposed on granted licences, and likewise the content of submitted operating schedules, should relate closely to the circumstances of the locality within which the premises is situated.
83. The Royal Borough of Kingston is divided up into four Neighbourhoods, each covering a different part of the Borough. All elected members from the local area are members of their Neighbourhood Committee which are responsible for local issues in their area.
84. In recognising the local knowledge held by members of Neighbourhood Committees, the Licensing Authority incorporates Neighbourhood specific policies within its Policy, for the promotion of the Licensing Objectives.
85. This approach is intended to ensure that relevant and necessary measures are taken into consideration by applicants seeking to set up or extend licensed businesses within each Neighbourhood. The approach recognises more stringent controls may be necessary and appropriate in one area, but may not be so in another.
86. Applicants are encouraged to discuss their operating schedules with relevant responsible Authorities in advance of making an application.
87. In respect of the promotion of the licensing objectives, the **Licensing Authority's General Policy** is outlined below.

## PREVENTION OF CRIME AND DISORDER

88. The Licensing Authority recognises that licensed premises, particularly late night venues, can be a focus of crime and disorder problems.
89. The Licensing Authority will carry out its licensing functions so as to promote the prevention of crime and disorder, by ensuring that Licence Holders take measures to regulate the behaviour of persons on the premises and patrons who are in the vicinity.
90. The Authority acknowledges that it holds a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with proper regard to the likely effect of the exercise of those functions on crime and disorder in the Borough. The Authority recognises that it must do all it reasonably can to prevent crime and disorder.

## PROOF OF AGE

91. In October 2010 a Mandatory Condition came into force requiring premises with Licences authorising the sale or supply of alcohol to implement an age verification policy in relation to the sale or supply of alcohol. The condition requires that the policy must incorporate measures to ensure that individuals who appear to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
92. The Licensing Authority recognises and support the challenge 25 campaign, whereby anyone appearing to be under the age of 25 is asked to provide identification to demonstrate they are over 18, before being sold alcohol. The authority expects all holders of licenses permitting the sale of alcohol to implement and actively publicise “No ID – No Sale” schemes, and encourages applicants to adopt current best practice on age verification policies – “Challenge 25”.
93. Licence Holders are expected to include within their age verification policy:
  - documented training procedures to ensure staff are fully trained in age verification procedures, including induction and regular refresher training with signed records kept of that training
  - use of till prompts in shops together with appropriate warning notices being displayed at alcohol fixtures
  - the use of refused sale records, which are regularly checked and signed off by the *Designated Premises Supervisor*.
94. The Licensing Authority supports and recommends that premises accept identity cards bearing the logo of the PASS accreditation scheme, which aims to approve and accredit various proof of age schemes that are in existence and thereby ensures that such schemes maintain high standards, particularly in the area of integrity and security. Details of the PASS scheme are available from the Trading Standards Responsible Authority.

## PUB WATCH

95. The Licensing Authority fully supports the aims of local pub watch groups and encourages all licence holders to:
- Participate in and attend Pub Watch and 'Behave or Be Banned' meetings.
  - Subscribe to any Pub Watch or Shop Watch radio links.
  - Formulate policies to counter anti social behaviour, drug dealing, violence and disorder.
  - Participate in the Best Bar None scheme.

## PERSONAL LICENCE APPLICANTS

96. Applicants for Personal Licences who have unspent criminal convictions, as defined in the Licensing Act 2003, are encouraged to discuss, in confidence, their proposed application for a personal licence with the police before making such an application.

## 'SIGNIFICANT' EVENTS IN LICENSED PREMISES

97. Licensees are advised to consult the local Metropolitan Police Licensing Unit to clarify whether a proposed event, for example an event outside of the normal operational characteristic of the venue, or an event involving a high profile or niche market artiste / DJ, is classed by them as 'significant'.
98. Where a 'significant' event is proposed to take place at any licensed premises, the licence holder will be expected to undertake a risk assessment using the Metropolitan Police Service Promotion / Event Risk Assessment Form [Form 696], or any equivalent or subsequent form, and submit a copy of the form to the Police no later than 14 days before the event is due to take place.

## **PUBLIC SAFETY**

99. The Licensing Authority considers it essential that premises be operated to a high standard of public and fire safety. As such, it is expected that applicants will satisfactorily address these issues in their operating schedules and plans / drawings submitted as part of the application process.
100. The Authority is not in a position to impose conditions on licences that relate to fire safety legislation, for whom the enforcing authority is the London Fire and Emergency Planning Authority [LFEPA]. However, given that applications must be submitted to LFEPA, who may make representations on applications which are not considered to be demonstrating the promotion of public safety, applicants are advised to make contact with their local fire safety officer for advice regarding measures to ensure adequate fire protection and means of escape prior to the submission of application's.
101. Whilst existing health and safety legislation will generally be sufficient to control risks to the safety of the public in most premises, the Licensing Authority recognises that, in some situations, statutory requirements may not

be adequate, or be in place, to ensure public safety. Where its right is invoked, the Authority may impose conditions requiring the licence holder to take steps over and above minimum legal requirements as may be necessary to ensure safety.

102. It should be noted that conditions relating to public safety should be those that are necessary in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of existing Health and Safety Legislation. Equally, the attachment of conditions to a premises licence or club premises certificate does not in any way relieve employers of their statutory duty to comply with the requirements of primary Health and Safety or Fire Safety legislation.
103. In addition to the points made in this section, applicants and responsible authorities may wish to consider advice and guidance provided in a number of separate publications and relevant British Standards, which may be of particular use in relation to specific types of operation. Whilst a full list of helpful documents is given in the Secretary of State's Guidance, the following documents are considered to be particularly beneficial:
- HSG195 - The Event Safety Guide - A guide to health, safety and welfare at music and similar events (HSE 1999) ("The Purple Book") ISBN 9 7807 1762 4539
  - The London District Surveyors Association's "Technical Standards for Places of Public Entertainment" ISBN 0 9531229 2 1
  - British Standards:
    - BS 5588 Part 6 (regarding places of assembly)
    - BS 5588 Part 9 (regarding ventilation and air conditioning systems)
    - BS 5588 Part 9 (regarding means of escape for disabled people)
    - BS 5266 (emergency lighting systems)
104. Applicants, in particular, should note that a substantial volume of guidance and advice is also available free of charge from the Health and Safety Executive via their website at [www.hse.gov.uk](http://www.hse.gov.uk)

### SPECIAL EFFECTS

105. The use of special effects in support of regulated entertainment is becoming increasingly common. Special effects can present significant risks, and conditions may be necessary to ensure appropriate storage, maintenance and use of such effects in order to minimise any risk to the safety of the audience, performers and / or staff.
106. Special effects which should be considered for such conditions include:
- dry ice machines and cryogenic fog;
  - smoke machines and fog generators;
  - pyrotechnics, including fireworks;
  - real flames;
  - firearms;
  - motor vehicles;

- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In some circumstances, conditions may be necessary to require that special effects are only used with the prior notification of the licensing authority or following inspection by an appropriate authority.

### INDOOR SPORTING ENTERTAINMENT

107. In premises where the provision of indoor sporting entertainment is to be provided, it may be necessary for conditions to control or restrict seating arrangements, the provision of stewards and appropriate medical facilities.
108. At water based events (swimming competitions for example) it may also be appropriate to include conditions requiring staff adequately trained in rescue and life safety procedures to be present.

### **PUBLIC NUISANCE**

109. The Licensing Authority recognises that licensed premises, particularly those operating late at night, have the potential to cause nuisance and disturbance to those living in the vicinity.
110. Whilst the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise and other statutory nuisances arising from licensed premises, it is often necessary to apply conditions that promote good management practice or otherwise promote the prevention of public nuisance so as to protect the amenities of local residents.
111. The Licensing Authority also recognises that public nuisance amounts to more than just noise disturbance. Applicants and licence holders should consider the effect of their businesses on other public nuisances, including for example odour, light and litter.
112. The Licensing Authority recognises the impact upon licensed premises of the requirement to comply with the Health Act 2006, which banned smoking in enclosed public spaces, and the need for alternative arrangements to be provided.
113. However, the Authority also recognises that as a result of changes made in business operations, patrons smoking in external areas surrounding premises have been known to cause noise disturbance in some circumstances.
114. The authority recommends that applicants should consider the inclusion within their operating schedules of an intention to prevent drinks from being taken outside after a certain time, i.e. 23:00pm, in order to limit the amount of time persons wishing to smoke are tempted to remain outside, and thereby are less likely to cause noise disturbance.

115. Applicants should ensure that their operating schedules properly address issues of public nuisance in so far as it is within their capability and remit to do so.

## **THE PROTECTION OF CHILDREN FROM HARM**

116. The Licensing Authority supports the formation of family friendly entertainment environments.
117. The Council will expect applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and implemented to protect children from harm, having regard to the style, characteristics and activities of the premises and the activities provided.
118. Whilst the Act creates offences, in certain situations, of allowing or permitting an unaccompanied person under the age of 16 to be present in licensed premises, it does not in itself prohibit the access by children to any type of licensed premises.
119. The Licensing Authority considers, therefore, that conditions prohibiting access to a premises, or parts of a premises, may be necessary in some circumstances, particularly in premises where:
- There have been convictions for serving alcohol to minors or where there is evidence of underage drinking.
  - Entertainment of an adult (language, sexual imagery etc) nature is provided.
  - There is a strong element of Gambling (note: the Gambling Act 2005 also provides for the protection of children from harm).
  - There is a known association with drug taking or dealing.
  - Where, be it after a certain time or otherwise, the predominant use of the premises is for the consumption of alcohol on the premises.
120. These circumstances are not considered to be the only occasions when such conditions may be appropriate, and as such, on receipt of representations from responsible authorities or interested parties, the Authority may consider it necessary to impose such conditions in other situations.
121. No condition will be attached to any licence that requires the licence holder to admit people under a specified age, unless such a condition is volunteered by an applicant.
122. The Licensing Authority recognises the Directorate of “Learning and Children’s Services” as being the proper authority to advise on matters relating to the welfare of children.

## **RESPONSIBLE RETAILING**

123. The Licensing Authority expects all applicants and licence holders to recognise the responsibility that the retail sale or supply of alcohol brings.

124. In order to promote the licensing objective relating to the protection of children from harm, the Licensing Authority expects all applicants, licence holders and premises users to follow responsible retailing practices in relation to the sale or supply of alcohol.

### THE SHOWING OF FILMS

125. Where an application seeks permission to exhibit films, the Licensing Authority expects applicants to detail in their operating the steps they intend to take to prevent children from viewing age restricted films, trailers or advertisements.
126. A mandatory condition set out in the Act requires that where a licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with any recommendation made by a film classification body.
127. Therefore, where the exhibition of films is permitted, the Licensing Authority will require that the age restrictions applied by the British Board of Film Classification (BBFC) are to be complied with.
128. Films that have not been classified by the BBFC may only be shown after they have been classified by the Council. The Council has delegated the function of classifying such films, using the BBFC classification guidelines prevailing at the time, to designated officers. The Council requires that films are presented for classification at least 28 days before the intended date of exhibition.
129. In some circumstances, it may be appropriate for additional conditions relating to the admission of children to film exhibitions be included. Matters for consideration in such respects may include:

- Conditions specify that immediately before each exhibition at the premises of a film there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the classification or as regards a trailer advertising a film, of a statement indicating the classification of the film being trailed.
- The display of notices inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer.

### THEATRES & OTHER PERFORMANCES OF PLAYS

130. Whilst the admission of children to theatres, or other performances of plays, would not normally be restricted, it may be appropriate to do so in certain circumstances in order to promote the licensing objective of the protection of children from harm.
131. The admission of children to the performance of a play would normally be left to the discretion of the licence holder; however a condition restricting the

admission of children to performances involving nudity and / or adult material or language may be required.

## **PART C**

### **NEIGHBOURHOOD SPECIFIC POLICIES ON THE PROMOTION OF THE LICENSING OBJECTIVES**

132. The Licensing Authority acknowledges that licensed premises located in some parts of the Borough may have a greater impact upon the licensing objectives than similar premises located in other areas.
133. In order to assist applicants, and also to advise and guide licensing sub-committees in making decisions on contested applications, the Licensing Authority has adopted neighbourhood specific policies outlining requirements that should be considered and incorporated in operating schedules.
134. The Licensing Authority expects applicants to have considered the matters outlined in the Neighbourhood policy relating to the area in which their premises are located. Applicants must be prepared to justify why appropriate recommended controls should not be applied in the event of applications coming before sub-committees.
135. Applicants are advised that Responsible Authorities will also expect the measures relevant to the business operation to have been considered, and it is likely that where deficiencies in the operating schedule are identified, representations are likely to be made.

#### **KINGSTON TOWN**

136. The highest concentration of Licensed Premises is located within Kingston Town Neighbourhood, and in particular within Grove Ward. This brings particular concerns in relation to the impact the number of premises have upon the Licensing Objectives and as such, the Licensing Authority considers it necessary for tighter controls to be applied to premises in this Neighbourhood.
137. In particular, the Authority considers that the following matters are considered by applicants who either operate within or seek to operate within the area incorporated within the Cumulative Impact Policy (see Annex 3) and where appropriate to the nature of the business.
138. Applicants wishing to operate elsewhere within Kingston Town Neighbourhood are advised that the following measures may also be relevant to their application in some circumstances.
139. Door Supervision
  - The use of door supervisors at licensed premises are valuable in not only controlling admission to the premises and restricting access where necessary, but also play a valuable role in controlling queues, undertaking searches for the purpose of preventing drugs or offensive

weapons being admitted and for ensuring any capacity limits are not exceeded

- Whilst all applicants should assess whether the provision of door staff is necessary for their business, the authority expects that all Pubs, Bars, Nightclubs and premises offering Late Night Refreshment to provide door supervisors. The number of door supervisors should be identified through risk assessment and with due consideration to the health and safety of door supervisors, staff and the public.
- Where its right is invoked, the Licensing Authority will generally impose a condition requiring door staff on licences for this type of premises, unless it can be demonstrated that such a condition is not necessary for the promotion of the licensing objectives.
- Applicants and licence holders are expected to ensure that a policy on searching customers is devised and implemented. Searches of persons bags, or in some cases pat down or metal detector body searches may be necessary to prevent and deter the bringing into licensed premises of drugs and / or offensive weapons. Door supervisors are trained and equipped with the necessary skills to undertake this task, and it may be necessary in certain types of establishments for conditions to be included that require the carrying out of searches

#### 140. CCTV systems

- CCTV cameras are a vital asset to both the licence holder and the regulatory authorities. Footage obtained by CCTV has proven to be a vital source of evidence in detecting crime at and immediately outside licensed premises.
- Overt cameras also help deter criminal acts, such as theft of stock, and whilst it is acknowledged that the installation of CCTV may incur considerable expenditure, the Licensing Authority expects all applicants and licence holders consider providing CCTV systems
- The Authority expects that CCTV systems will:
  - cover all entrances, exits, internal and external areas of the premises.
  - Ensure that images are stored for a minimum of 31 days
  - images can be delivered to Police or Council Officers in a recognised format upon request
  - be adequately maintained so as to operate and record at all times the premises are open (for crime prevention purposes, it is

recommended that CCTV systems are operational 24 hours a day, using motion sensors during non-opening hours).

#### 141. Capacity Limits

- In pubs, bars and nightclubs within Kingston Town Neighbourhood, the Licensing Authority considers it necessary to impose limits on the number of persons that may be present in order to ensure public safety, prevent overcrowding and enable prompt exit by persons in the case of an emergency, for example.
- The Authority expects applicants to have considered the safe capacity for their premises and to incorporate this figure into their operating schedule, together with details of their measures for ensuring that this capacity is not exceeded.

#### 142. Control of glass drinking vessels

- Over 20,000 glass bottles have been picked up off the street by the Kingston Street Pastors in the period that the scheme has been running in Kingston Town Centre.
- Glass drinking vessels can be used as weapons and when broken can inflict serious injury during incidents of disorder, not only within licensed premises, but further away if such vessels are permitted to be removed from the premises.
- It is expected that applicants will consider whether drinks should be provided in toughened glass drinking vessels, and whether, after a given time at night, drinks usually served in bottles should be decanted before service. Such conditions can be subject to appropriate exceptions, for example in the case of champagne bottles or wine sold for consumption with a table meal.
- The Authority considers that all premises serving alcohol for consumption on the premises should be subject to conditions preventing open bottles being taken away from the premises.

#### 143. Participation in Radio Schemes

- Kingston First's Business Watch radio link scheme can be used to connect licence holders, designated premises supervisors, or managers with the local police and the Council's CCTV control room
- Conditions' requiring the participation in the radio link scheme, or similar arrangements, is considered to be necessary for all premises forming part of the evening and night-time economy.

#### 144. Lighting

- In certain premises where levels of natural light may be reduced, consideration should also be given to conditions that ensure that electrical lighting in any area accessible to members of the public shall be maintained fully operational when the premises is open.
- It may also be necessary to use conditions to control the use of external lighting operated in conjunction with licensable activities. For example, floodlighting to gardens and smoking areas should only illuminate intended areas, and flashing or particularly bright lights on or outside licensed premises must not cause a nuisance to nearby properties.
- However the Authority recognises the benefits to the prevention of crime and disorder of lighting in certain areas of the premises, and any conditions must be mindful of ensuring such benefits are promoted.

#### 145. Management Practices

- The Licensing Authority considers good management practices are essential, and would expect applicants and licence holders to demonstrate good practice, where appropriate through conditions requiring written documentation in respect of:
  - i. Dispersal of customers
  - ii. Noise management
  - iii. Drugs policy
  - iv. Queue control and Searching
  - v. Control of deliveries and the disposal of empty bottles and other refuse late at night

146. The control of noise emanating from licensing premises, or occurring as a result of the provision of licensable activities, should be considered by premises located close to areas of residential accommodation. In particular:

- In certain premises consideration should be given to conditions to ensure that noise or vibration does not emanate from the premises. This could be achieved through a requirement to keep doors and windows closed, for example, or perhaps to require use of noise limiters on amplification equipment.
- It may also be necessary to restrict the use of gardens or other external drinking areas after certain times to reduce the level of noise likely to be generated. For example, conditions may restrict the use of such

areas after by preventing the taking of drinks or food into the areas after a given time, but thereby still providing facilities for smokers.

- The disposal of refuse or recycling generated by the operation of a licensed premises can, when undertaken at the wrong time of day, cause significant noise particularly in respect of the moving and disposal of glass bottles. It may therefore be necessary to condition that undertaking of such activities will take place at times that will minimise disturbance.

147. A number of licensed premises, particularly those predominantly providing late night refreshment, have the potential to affect the quantity of litter on the streets around the neighbourhood. It is expected that any premises wishing to provide late night refreshment, as their predominant licensable activity will agree to conditions requiring the cleaning of the pavement immediately in front of their premises. The same conditions may also be necessary for businesses that generate significant quantities of printed matter, by way of flyers or promotions.

148. The Authority recognises the importance of Pubwatch and the Behave or Be Banned scheme, and considers the attendance at meetings of representatives from premises contributing to the evening and late night economy as essential.

## **MALDENS & COOMBE**

149. The Neighbourhood is less dominated by premises offering alcohol and entertainment than other parts of the Borough, with the main district centre being New Malden. The Licensing Authority recognises that licensed premises do not have a significant impact the issues incorporated within the licensing objectives, however is mindful that applicants wishing to provide licensable activities in this area will need to consider in particular:

:

- Conditions on licences may need to deal with the need for door supervisors to be present at certain times or for certain types of event
- The provision of CCTV systems
- Whether capacity limits might be appropriate for certain venues
- Areas of good management practice, including noise management policies, undertaking periodic noise assessments outside nearby residential properties, policies to respond to complaints from residents and commitments to make all staff aware of licence conditions regarding noise.
- In certain premises consideration should be given to conditions to ensure that noise or vibration does not emanate from the premises. This could be achieved through a requirement to keep doors and

windows closed, for example, or perhaps to require use of noise limiters on amplification equipment.

- It may also be necessary to restrict the use of gardens or other external drinking areas after certain times to reduce the level of noise likely to be generated. For example, conditions may restrict the use of such areas after by preventing the taking of drinks or food into the areas after a given time, but thereby still providing facilities for smokers.
- The disposal of refuse or recycling generated by the operation of a licensed premises can, when undertaken at the wrong time of day, cause significant noise particularly in respect of the moving and disposal of glass bottles. It may therefore be necessary to condition that undertaking of such activities will take place at times that will minimise disturbance.

## **SURBITON**

150. The Neighbourhood of Surbiton comprises a highly sought after residential area and a busy shopping centre, providing a real mix of individually owned shops co-existing alongside smaller chain store outlets. Bar and café culture is also a growing feature of the centre, and whilst the Licensing Authority recognises that licensed premises do not impact significantly upon the issues incorporated within the licensing objectives, applicants wishing to provide licensable activities in this area will need to consider in particular:

- Conditions on licences identifying the need to provide door supervisors on certain days of the week, or for certain types of event
- The provision of CCTV systems
- Whether capacity limits might be appropriate for certain venues
- Areas of good management practice, including noise management policies, undertaking periodic noise assessments outside nearby residential properties, policies to respond to complaints from residents and commitments to make all staff aware of licence conditions regarding noise.
- In certain premises consideration should be given to conditions to ensure that noise or vibration does not emanate from the premises. This could be achieved through a requirement to keep doors and windows closed, for example, or perhaps to require use of noise limiters on amplification equipment.
- It may also be necessary to restrict the use of gardens or other external drinking areas after certain times to reduce the level of noise likely to be generated. For example, conditions may restrict the use of such

areas after by preventing the taking of drinks or food into the areas after a given time, but thereby still providing facilities for smokers.

- The disposal of refuse or recycling generated by the operation of a licensed premises can, when undertaken at the wrong time of day, cause significant noise particularly in respect of the moving and disposal of glass bottles. It may therefore be necessary to condition that undertaking of such activities will take place at times that will minimise disturbance.
- It may be necessary to use conditions to place controls on the use of external lighting operated in conjunction with licensable activities. For example, floodlighting to gardens and smoking areas should only illuminate intended areas.
- Participation in local pubwatch / shopwatch schemes
- Whilst all applicants should assess whether the provision of door staff is necessary for their business, the Authority expects that all Pubs, Bars, Nightclubs and premises offering Late Night Refreshment to provide door supervisors. The number of door supervisors should be identified through risk assessment and with due consideration to the health and safety of door supervisors, staff and the public.

## **SOUTH OF THE BOROUGH**

151. The Neighbourhood benefits from more open green space than the other three neighbourhoods, is largely residential and consequently has a much less greater density of licensed premises.

152. The Licensing Authority considers that whilst licensed premises do not tend to impact significant upon the issues incorporated within the licensing objectives, applicants must still focus considerations on particular areas of concern, including:

- Noise management, and in particular periodic noise assessments outside nearby residential properties and policies to respond to complaints from residents.
- Conditions to ensure that noise or vibration does not emanate from the premises, which could include a requirement to keep doors and windows closed, or perhaps to require use of noise limiters on amplification equipment.
- It may also be necessary to restrict the use of gardens or other external drinking areas after certain times to reduce the level of noise likely to be generated. For example, conditions may restrict the use of such areas after by preventing the taking of drinks or food into the areas after a given time, but thereby still providing facilities for smokers.

- The disposal of refuse or recycling generated by the operation of a licensed premises can, when undertaken at the wrong time of day, cause significant noise particularly in respect of the moving and disposal of glass bottles. It may therefore be necessary to condition that undertaking of such activities will take place at times that will minimise disturbance.
- It may be necessary to use conditions to place controls on the use of external lighting operated in conjunction with licensable activities. For example, floodlighting to gardens and smoking areas should only illuminate intended areas.

## CONTACT DETAILS OF RESPONSIBLE AUTHORITIES

Authority	Address	Telephone	Email address
The Local Planning Authority	Development Control Team Environmental Services Guildhall 2 Kingston upon Thames KT1 1EU	020 8547 5002	<a href="mailto:bc.des@rbk.kingston.gov.uk">bc.des@rbk.kingston.gov.uk</a>
Responsible Authority for Noise and Environmental Pollution	Pollution Team Environmental Health Service Guildhall 2 Kingston upon Thames KT1 1EU	020 8547 5002	<a href="mailto:environmental.health@rbk.kingston.gov.uk">environmental.health@rbk.kingston.gov.uk</a>
Health & Safety (Local Authority enforced businesses)	Food & Safety Team Environmental Health Service Guildhall 2 Kingston upon Thames KT1 1EU	020 8547 5002	<a href="mailto:environmental.health@rbk.kingston.gov.uk">environmental.health@rbk.kingston.gov.uk</a>
Health & Safety (HSE enforced businesses)	HM Inspector of Health & Safety FOD London Division Health & Safety Executive Rose Court 2 Southwark Bridge London SE1 4LW	0845 345 0055	<a href="mailto:hse.infoline@connaught.plc.uk">hse.infoline@connaught.plc.uk</a>
Trading Standards	Trading Standards Service Guildhall 2 Kingston upon Thames KT1 1EU	020 8547 5002	<a href="mailto:trading.standards@rbk.kingston.gov.uk">trading.standards@rbk.kingston.gov.uk</a>
London Fire & Emergency Planning Authority	Kingston Borough Team 169 Union Street London SE1 0LL	020 8555 1200 x 37639	<a href="mailto:firesafetyregulationSW@london-fire.gov.uk">firesafetyregulationSW@london-fire.gov.uk</a>



Authority	Address	Telephone	Email address
Metropolitan Police (Kingston Division)	Licensing Office Kingston Police Station 5/7 High St Kingston upon Thames KT1 1LB	020 8247 5139	<a href="mailto:vklicensingoffice@met.police.uk">vklicensingoffice@met.police.uk</a>
Protection of Children from Harm	Directorate of Children & Learning Guildhall 2 Kingston upon Thames KT1 1EU	020 8547 5004	<a href="mailto:learningandchildren@rbk.kingston.gov.uk">learningandchildren@rbk.kingston.gov.uk</a>
Clinical Commissioning Group ( <i>formally Kingston Primary Care Trust</i> )	Clinical Commissioning Guildhall High Street Kingston upon Thames KT1 1EU	020 8339 8000	<a href="mailto:communications@kpct.nhs.uk">communications@kpct.nhs.uk</a>
The Licensing Authority	Licensing Team Environmental Health Service Guildhall 2 Kingston upon Thames KT1 1EU	020 8547 5080	<a href="mailto:licensing@rbk.kingston.gov.uk">licensing@rbk.kingston.gov.uk</a>
<b>FOR APPLICATIONS IN RESPECT OF VESSELS, THE FOLLOWING ADDITIONAL AUTHORITIES</b>			
<i>The Navigation Authority</i>	<i>The Environment Agency Recreation &amp; Navigation, Thames Region, Kings Meadow House, Kings Meadow Road, Reading RG1 8DQ</i>	0118 953 5650	<a href="mailto:boatreg@environment-agency.gov.uk">boatreg@environment-agency.gov.uk</a>
<i>Environment Agency</i>	<i>Environment Agency Thames Region South East Area Swift House Frimley Business Park Camberley Surrey GU16 7SQ</i>	08708 506 506	<a href="mailto:enquiries@environment-agency.gov.uk">enquiries@environment-agency.gov.uk</a>
<i>British Waterways Board</i>	<i>British Waterways London, 1 Sheldon Square Paddington Central, London W2 6TT</i>	Not available	<a href="mailto:enquiries.london@britishwaterways.co.uk">enquiries.london@britishwaterways.co.uk</a>
<i>The Secretary of State</i>	<i>The Surveyor General, Maritime &amp; Coastguard Agency, Orpington Marine Office, Central Court, 1 Knoll Rise Orpington, Kent BR6 0JA</i>	Not available	Not available

## DELEGATION OF LICENSING DECISIONS

Matter to be dealt with	Full Committee	Sub-Committee	Officers
APPLICATION FOR A PERSONAL LICENCE		If a Police objection is made	If no objection
APPLICATION FOR PERSONAL LICENCE WITH UNSPENT CONVICTIONS		All cases	
APPLICATION FOR PREMISES LICENCE/CLUB PREMISES CERTIFICATE		If a relevant representation made	If no relevant representation made
APPLICATION FOR A PROVISIONAL STATEMENT		If a relevant representation made	If no relevant representation made
APPLICATION TO VARY PREMISES LICENCE/CLUB CERTIFICATE		If a relevant representation made	If no relevant representation made
APPLICATION TO VARY A DESIGNATED PERSONAL LICENCE HOLDER		If a Police objection is made	All other cases
REQUEST TO BE REMOVED AS A DESIGNATED PERSONAL LICENCE HOLDER			All cases
APPLICATION FOR TRANSFER OF PREMISES LICENCE		If a Police objection is made	All other cases
APPLICATIONS FOR INTERIM AUTHORITIES		If a Police objection is made	All other cases
APPLICATION TO REVIEW PREMISES LICENCE/CLUB PREMISES CERTIFICATE		All cases	
DECISION ON WHETHER A REPRESENTATION IS IRRELEVANT, FRIVOLOUS, VEXATIOUS ETC			All cases

Matter to be dealt with	Full Committee	Sub-Committee	Officers
DETERMINATION OF A POLICE OR ENVIRONMENTAL HEALTH OBJECTION TO A TEMPORARY EVENT NOTICE		All cases	
APPLICATION FOR A MINOR VARIATION			All Cases (decision made by the officer appointed in the Council's Scheme of Delegations*)
APPLICATION BY A COMMUNITY PREMISES TO DISAPPLY MANDATORY CONDITIONS		If a Police Representation Received	Where no relevant representation is received (decision made by the officer appointed in the Council's Scheme of Delegations*)

## 1.0 SPECIAL POLICY ON CUMULATIVE IMPACT

- 1.1. At a meeting of the Council on 31 October 2011, it was determined that a Special Policy on Cumulative Impact be adopted in respect of an area of the Borough as detailed in the map shown at *figure 1*.
- 1.2. This decision follows the submission of evidence by the Metropolitan Police and local residents, and a period of public consultation, the Licensing Authority is satisfied that the significant number of licensed premises within the area identified on the map below is having a detrimental impact on the promotion of the licensing objectives relating to the prevention of crime and disorder and prevention of public nuisance.
- 1.3. The Special Policy on Cumulative Impact takes effect on 1 November 2011.
- 1.4. The Special Policy on Cumulative Impact and the reasons for its implementation will be reviewed 6 months after its initial implementation, and thereafter annually each May.

### EFFECT OF THE SPECIAL POLICY

- 1.5. The adoption of a Special Policy on Cumulative Impact creates a 'rebuttable presumption' that applications for new premises licences or club premises certificates (or for variations to existing licences) made in respect of premises within the defined area will normally be refused unless the applicant can demonstrate to the satisfaction of the Licensing Authority that there will be no negative cumulative impact on the licensing objectives.

#### Applicants

- 1.6. The Special Policy places greater responsibility on applicants to show that what they are applying for will not add to the cumulative impact on the licensing objectives. It is therefore strongly recommended that applicants show in their application how it would not add to the cumulative impact and include suitable steps in their operating schedule.

#### Responsible Authorities and Interested Parties

- 1.7. The Special Policy on Cumulative Impact does not relieve Responsible Authorities or Interested Parties of the need to make representations in relation to applications in respect of premises within the cumulative impact area.
- 1.8. The licensing authority must grant any application that does not attract any representations from Other Parties or Responsible Authorities.

## 2.0 CUMULATIVE IMPACT AREA

- 2.1. The Special Policy on Cumulative Impact applies to all premises located within, or partly within, the area shown on the map at *figure 1*.

Figure 1:

