

# ANNEX 2

## Annex 2 - Licensing Policy Consultation Questions

The Council is updating its licensing policy, which sets out how we regulate and licence businesses that sell or supply alcohol, provide entertainment or late-night refreshment in the borough, and we want you to have your say.

The draft Statement of Licensing policy sets out the way the Council proposes to carry out its licensing responsibilities, such as considering licence applications from businesses.

The current policy runs from 2016 to 2021 and by law it must be updated every five years. The regular review and adoption of the Statement of Licensing Policy ensures that the licensing framework is up to date and that it promotes a safe environment for users of licensed premises, residents and the wider social economy. It will also ensure that there are methods for appropriate enforcement should operators fail to uphold the standards expected of them.

### Summary of Changes

Statement of Licensing Policy 2021-2026.

Our proposed Statement of Licensing Policy will run from July 2021 and the policy sets out how the Council will meet the four licensing objectives under the Licensing Act, which are:

- the prevention of crime and disorder
- the upholding of public safety
- the prevention of public nuisance
- the protection of children from harm

The Council will use the policy to make decisions about licence applications from businesses in the borough that wish to:

- sell or supply alcohol
- provide regulated entertainment
- sell hot food or drink between 11pm and 5am (late night refreshment)

### Proposed changes to the policy

The draft Statement of Licensing Policy sets out the expectations of the Council in relation to applicants and existing licence holders. It aligns with the emerging Kingston Local Plan as well as other relevant strategies and policies which are well embedded, such as the Safer Kingston Partnership Plan and the Kingston Health and Care Plan.

As well as reflecting current best practice and legislative updates, new guidance and information in relation to concerns related to Public Health and counter terrorism has been provided for applicants and operators' consideration.

There are three main changes proposed which are summarised below:

#### 1. Cumulative Impact Assessment

'Cumulative impact' is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The effect of adopting a special policy makes applying for a licence more rigorous but can also have the effect of discouraging new businesses.

Kingston introduced a Special Policy on Cumulative Impact in November 2011 and in the years since the Borough has changed. Two large nightclubs have permanently closed and whilst

Kingston still has a thriving late night economy provided predominantly by the remaining night clubs, bars and pubs, the offer has broadened in recent years to a much more diverse all day social offering with afternoon concerts in Canbury Gardens, comedy and performance at the Rose Theatre and outdoor festivals and events proving more of an attraction to residents and visitors.

Recorded incidents of crime in Kingston are one of the lowest in London. Whilst reports of antisocial behaviour form a large percentage of those criminal incidents, the number of reported occurrences of antisocial behaviour in Kingston are well below the London average (Source data.police.uk December 2019 - November 2020).

Given the change in the Borough's social attractions, as well as the low crime rates, it is proposed that the Special Policy on Cumulative Impact be removed from the Statement of Licensing Policy and applicants and operators instead be encouraged to consider the application that they are making in relation to the set of guideline hours drafted and considered generally acceptable to the Authority, and provided with a framework for considerations to be included in any operating schedule by way of model conditions which are explained in more detail below.

Removal of the Special Policy and replacement with guideline hours would ensure that all parts and district centres of the Borough are considered equally. Whilst there is a higher concentration of licensed premises within Grove ward (Kingston Town Centre), recent and proposed developments have and will see a significant increase in residential accommodation in Surbiton, Chessington, Tolworth and New Malden district centres. The removal of the special policy allows the Council greater scope to ensure an appropriate balance of resident and operator needs across the Borough as a whole.

There are no proposed changes to the consultation process to be followed when an application is received, and local residents and businesses within a certain vicinity will continue to receive notification of applications submitted. Any application that has attracted valid representations will continue to be determined by the Council's Licensing Sub Committee as required by the Licensing Act 2003.

## **2. Guideline Hours**

The Council is considering the introduction of guideline hours to be contained within the policy that will apply across the Borough. The policy sets out the generally acceptable hours of operation for licensable premises and activities. In attaching conditions on hours, the draft Policy states that the Authority will generally require that customers should not be allowed to remain on the premises later than half an hour after the sale or supply of alcohol or the provision of regulated entertainment has ceased, except where alcohol is served as an accompaniment to a table meal or where a suitable dispersal policy has been put in place.

By providing guideline hours the Council hopes to encourage potential applicants and licence holders to more actively consider their business plans and priorities in relation to the area in which they are seeking to trade.

## **3. Model Conditions**

When submitting an application, the applicant must complete an operating schedule. The operating schedule is an important part of the application and should include all the information necessary to allow any responsible authority or interested party to assess whether appropriate steps are being taken to promote each of the four licensing objectives.

The Policy proposes that applicants and agents have access to a suite of model conditions which they may wish to consider when drafting their application for premises licence or club premises certificate. The conditions have been developed with input from the Responsible Authorities and may assist applicants in determining what measures are proportionate and appropriate to ensure that the operation of their premises will uphold and promote the licensing objectives.

### Questions

Q1. In what capacity are you primarily responding to this consultation

I'm a resident of Kingston

I represent a premises licence holder

I represent a personal license holder

I represent a non-licensed business

I'm a member of a community group or organisation

I work in Kingston

I visit Kingston regularly for shopping and recreation

I'm an elected member

Other (please specify)

Q2. Which part of the borough do you live / do you run a business from

Kingston Town

Maldens and Coombe

South of the borough

Surbiton

Other (please specify)

Q3. Do you feel the draft licensing policy explains the changes adequately?

yes

No, please give further details

Don't know

Q4. The draft licensing policy aims to strike a balance between allowing licensed premises to operate and invest in the borough whilst ensuring that the community and the four licensing objectives are protected. Do you think that this has been achieved?

Yes

No

Don't know

Could be improved (please give more details)

Q5. The draft licensing policy will guide all applicants and ensure that they take into consideration the locality and context around their premises and that applicants promote the four licensing objectives. Do you think the proposed policy can help to promote the licensing objectives whilst supporting a diverse range of businesses?

Yes

No

Don't know

Could be improved (please give more details)

Q6. Do you have any comments about the draft Statement of Licensing Policy? Do you agree with the proposed changes? Is there anything else that you think we should change or introduce in the document?

Q7. POLICY GUIDELINE HOURS (section 70-79) - We are considering the introduction of guideline hours to be contained within the policy that will apply equally across the borough. The policy sets out the generally acceptable hours of operation for licensable premises and activity throughout the borough. Do you think the proposed policy guideline hours can help promote the licensing objectives?

Yes

No

Don't know

Could be improved (please give more details)

Q8. REMOVAL OF CUMULATIVE IMPACT ASSESSMENT (section 80-86) - 'Cumulative impact' is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The effect of adopting a special policy makes applying for a licence more rigorous but can also have the effect of discouraging new businesses. Kingston introduced a Special Policy on Cumulative Impact in November 2011. Given the change in the Borough's social attractions over the last decade, as well as the low crime rates, it is proposed that the Special Policy on Cumulative Impact be removed from the Statement of Licensing Policy and replaced with guideline hours, in order to ensure that all parts of the Borough are considered equally. Do you think that the replacement of the Cumulative Impact Assessment with Borough-wide guideline hours will help promote the licensing objectives?

Yes

No

Don't know

Could be improved (please give more details)

Q9. PROMOTION OF LICENSING OBJECTIVES: CRIME AND DISORDER (section 27-30) - The Licensing Authority recognises that licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for larger numbers of people, can be a significant source of crime and disorder. Do you think the proposed policy will help promote the prevention of crime and disorder licensing objective?

Yes

No

Don't know

Could be improved (please give more details)

Q10. PROMOTION OF LICENSING OBJECTIVES: PUBLIC SAFETY (section 31-40)- The Licensing Authority expects licence holders to implement measures to ensure the safety of people visiting and working in their premises. Whilst existing health and safety legislation will generally be sufficient to control risks to the safety of the public in most premises, the Authority recognises that, in some situations, statutory requirements may not be sufficient.

Do you think the proposed policy will help promote the public safety licensing objective?

Yes

No

Don't know

Could be improved (please give more details)

Q11. PROMOTION OF LICENSING OBJECTIVES: PUBLIC NUISANCE (section 41-48)- Licensed premises, especially those operating late at night, may cause a range of public nuisance impacting on people living and working in the locality of the premises.

Do you think the proposed policy will help promote the prevention of public nuisance licensing objective?

Yes

No

Don't know

Could be improved (please give more details)

Q12. PROMOTION OF LICENSING OBJECTIVES: PROTECTION OF CHILDREN FROM HARM (section 49-60) - The Authority welcomes family-friendly hospitality and entertainment premises, especially those that have appropriate measures in place to protect children from harm. Do you think the proposed policy will help promote the protection of children from harm licensing objective?

Yes

No

Don't know

Could be improved (please give more details)

Q13. CONTROL OF EXTERNAL AREAS (section 47, 75)- The Authority expects applicants to set out in their Operating Schedules the steps taken, or proposed to be taken, to deal with the potential for public nuisance arising from the use of external areas for events and/or regular activities linked to licensed premises. Do you think the proposed policy can support outdoor events and activities whilst minimising any negative impact on local communities?

Yes

No

Don't know

Could be improved (please give more details)

Q14. EXAMPLE CONDITIONS (Annex 3)

We are proposing the introduction of 'example conditions' . We hope the 'example conditions will assist applicants to promote the licensing objectives when drafting their application. These can be found in Annex 3 of the draft policy and are suggested as guidance. Do you think the proposed example conditions can help to promote the licensing objectives?

Yes

No

Don't know

Could be improved (please give more details)

Include Equality Monitoring Questions