

ANNEX 4

Licensing Act 2003 Statement of Licensing Policy 2021-2026: Consultation Responses

Summary of consultation responses

AWARE. Visited at least one of the pages in relation to consultation: **295**

INFORMED. Downloaded one or more of the consultation documents: **139**

ENGAGED. Participated in survey: **4**

ADDITIONAL. One additional response was received to the consultation via email. This response is included in the summary below

Q1. Capacity of person responding to consultation

- Resident of Kingston: **3**
- Represent a premises licence holder: **2**

Q2. Part of borough you live in / run your business from

- Kingston Town: **2**
- Surbiton: **2**
- Not answered: **1**

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

100% of respondents considered the proposed changes to have been explained adequately. There appears overall to have been two points that required clarification; the first was that the proposed 'example conditions' annex were a guide and that the conditions would not apply to all premises; the second that policy guideline hours were just that, a guide and did not stop an operator in applying for later hours. In both cases the confirmation is that each application will always be dealt with on its merits.

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?

40% of respondents believed the draft policy struck the right balance between licensed premises and local residents. Residents were concerned that the revisions could be seen as relaxing standards whilst the licensed trade were concerned that the proposed policy guideline hours could overly restrict operators.

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?

40% of respondents believed the draft policy would help to promote the licensing objectives whilst supporting a diverse range of businesses. There was concerns raised that with the current economic climate and with the pressures placed on businesses due to the pandemic that further businesses would close

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?

Responses showed concerns from residents that much of the proposals appear to be self regulated and that applicants for licenses can choose how they operate. In addition, the council is placing too much emphasis on attracting businesses and operators to the borough. Other respondents argued that with further changes to how people work, in terms of work location and hours that licensed premises would need to adapt to meet that change. As such any restrictions would hinder the future of the social economy. Further that the council needs to ensure small businesses and grass routes venues are able to open and develop a business model.

Q7. POLICY GUIDELINE HOURS - 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?

60% of respondents believed policy guideline hours would help promote the licensing objectives although 20% felt this could be improved

Q8. REMOVAL OF 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. 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?

50% of respondents believed replacing the special policy of cumulative impact would help promote the licensing objectives. There was concern raised that removing special policy would see a rise in issues and that the council are relaxing requirements. Respondents mention the lack of police presence in the town centre of an evening and how venues were not always to blame when an issue occurs on the highway.

Q9. PROMOTION OF LICENSING OBJECTIVES: CRIME AND DISORDER - 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?

40% of respondents believed the licensing objective would be promoted by the introduction of the revised policy. Comments made raised concerns that the policy did not evidence how the risk of crime and disorder would be mitigated by the policy.

Q10. PROMOTION OF LICENSING OBJECTIVES: PUBLIC SAFETY - 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?

40% of respondents felt that the public safety licensing objective was adequately addressed by the introduction of the revised policy. Some concern was raised that the applicant was not being required to meet the objective and only promote it.

Q11. PROMOTION OF LICENSING OBJECTIVES: PUBLIC NUISANCE - 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?

40% of respondents felt that the public nuisance licensing objective was adequately addressed by the introduction of the revised policy.

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?

80% of respondents felt that the protection of children from harm licensing objective was adequately addressed by the introduction of the revised policy.

Q13. CONTROL OF EXTERNAL AREAS 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?

Opinion was split over this question with no clear indication of preference.

Q14. EXAMPLE CONDITIONS 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?

50% of respondents felt that the introduction of example conditions would assist applicants in promoting the licensing objectives. Concerns were raised in the responses that conditions would become standardised across all licensed venues. This in turn would affect certain types of venue, for example 'wet' led pubs. Other respondents felt that leaving applications to decide what conditions they would offer did not adequately protect residents living near to licensed venues.