

# Agenda

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## Licensing Sub-Committee

Date: Tuesday 20 May 2025

Time: 9:45 am – Wendy's  
11:15am – All Saints Church Lawn

Place: Virtual meeting, watch at the links below

9:45am <https://www.youtube.com/live/msCfiFheFds?si=pgG2DSVpWhtTOc3a>  
11:15am <https://www.youtube.com/live/KC4iSvwORKY?si=cah8PwwwG9LpGwyY>

### Members

The Sub Committee will consist of three of the Members of the Licensing Committee.

### Everyone is welcome to view the meeting

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# Agenda

## Changes to the Application

The applicants are advised of issues raised in representations from residents and the Responsible Authorities - Police, Fire Service, Environmental Health, Noise and Health and Safety. In discussions with the various parties on these the applicant may agree to accept conditions and/or propose changes to the original application.

The law allows discussions to continue up to the time of the Licensing Sub-committee hearing, often in good time before the hearing. As a result of these discussions, changes to the original application may have been made and representations may have been withdrawn. It will not always be possible to include these emendations in the agenda. The hearing regulations require that should any party to the hearing wish to rely upon any additional evidence, this should be served upon the Licensing Authority five days before this hearing.

At the start of the hearing the Licensing Officer will explain any changes that the applicant has made, conditions agreed with Responsible Authorities, and whether any additional evidence has been served on the Licensing Authority.

## Recording of the meeting

This meeting will be recorded and the recording will be available on the web site (<https://www.youtube.com/@kingstoncouncil/streams>).

### 1. **Appointment of Chair**

### 2. **Declarations of Interest**

Members are asked to declare any disclosable pecuniary interests or any other registrable or non-registrable interests relevant to items on this agenda.

Should members require any advice on declarations of interest, please contact the relevant Democratic Services Officer in advance of the meeting.

### 3. **Minutes**

To confirm that the minutes of the meeting held on 22 April 2025 are a correct record.

### 4. **Licensing Application: Wendy's, Gough House, 57 Eden Street, Kingston upon Thames, KT1 1DA (Variation)      Appendix A**

### 5. **Licensing Application: All Saints Church Lawns, Market Place, Kingston, KT1 1JP (New)      Appendix B**

## **Procedure at Licensing Sub Committees**

### **Hearing Procedure**

43. The Committee Members will be assisted, where necessary, by
  - (1) Legal Advisor
  - (2) Committee Secretary
44. The two officers are there to give advice and procedural guidance to the Committee and do not participate in the hearing or deliberations other than to clarify legal or procedural matters. They are the only officers who retire with the Committee.
45. A hearing shall take the form of a discussion led by the Committee who will expect to hear from people in the following order:
  1. The case-licensing officer will outline the circumstances of the application, what representations have been made, and the outcome of any discussion.
  2. The Applicants.
  3. Responsible Authorities that are making representations.
  4. Other persons who are making relevant representations. If there are a large number of persons where appropriate they may be invited to select a spokesperson to act on their behalf.
46. Where notice has been given to a party seeking clarification of an issue, further information supporting this application, representation, or notice may be given at the hearing.
47. In normal circumstances, the Chair will allow those that have submitted written representations to have up to five minutes for each party to make his/her submission but, in certain circumstances (e.g. where the issues are more complex or detailed, with considerable number of objections or points), the Chair will allow greater time for a person who is addressing the Committee on his/her representation. The applicant will be allowed five minutes multiplied by the total number of persons addressing the Committee or their representatives e.g. where there are four such persons, the applicant will be allowed at least 4 x 5 minutes, namely 20 minutes to address the Committee.
48. During the hearing, members of the Committee are permitted to ask questions of any party or other person who appears.
49. The Chair will only permit cross-examination by the parties in those instances where it is considered necessary for the clarification of an issue or to elicit further information or if considered appropriate in a case following a request from any party.
50. At the end of the hearing each party will sum up their representation with the applicant speaking last.

### **Failure to Attend**

51. If a party has informed the Council that they do not intend to attend or be represented at the hearing, the hearing can proceed in their absence. If a party

who has not so indicated fails to attend or be represented at a hearing the Committee may:

- Adjourn the hearing to specified date, where it considers this to be necessary in the public interest; or
- Hear the case in the party's absence.

52. Where an adjournment is made, the Council must notify the parties of the date, time and place to which the hearing has been adjourned.
53. Where a hearing takes place in the absence of the party, the Committee must consider at the hearing the application, representations or notice made by that party.

### **Making the Decision**

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

### **Notification of the Decision**

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

### **Right to Appeal**

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



of notification of the decision by a party. Details of how to appeal and the grounds on which an appeal may be made will be sent out with the notification letter.

Background papers – None

These documents can also be found on [www.kingston.gov.uk](http://www.kingston.gov.uk)

- i. Statement of Licensing Policy – 21 July 2021  
<https://www.kingston.gov.uk/downloads/download/130/statement-of-licensing-policy>
- ii. Licensing Hearing procedures – 1 July 2021



<b>Report to:</b>	Licensing Sub-Committee	<b>Date:</b>	20.05.2025
<b>Report title:</b>	Application for a Variation of Premises Licence under the Licensing Act 2003		
<b>Report from:</b>	Fiona Meads, Group Manager - Regulatory Services		
<b>Premises Name and Address</b>	Wendy's, Gough House, 57 Eden Street, Kingston upon Thames, KT1 1DA		
<b>Ward/Areas affected:</b>	Kingston Town		
<b>Chair of Committee/ Lead Member:</b>	Councillor Andrew Wooldridge		
<b>Author(s)/Contact Number(s):</b>	Binayak Dey, Environmental Protection Officer - Licensing 020 8547 5080  Nick Cloke, Licensing Lead Officer 020 8770 5622		
<b>Open/Exempt:</b>	Open		
<b>Purpose:</b>	To determine the application, by Public Hearing, following receipt by the Licensing Authority of relevant representations to the application.		
<b>Decision to be made/ Options available:</b>	1. Grant the application as it currently stands. 2. Grant the application subject to such conditions as the authority considers appropriate for the promotion of the licensing objectives. 3. Exclude from the scope of the licence any of the licensable activities to which the application relates. 4. Reject the application.		

## INTRODUCTION

1. This application relating to Wendy's, Gough House, 57 Eden Street, Kingston upon Thames, KT1 1DA was made on 20 March 2025 by Wendy's Restaurants Of U.K. Limited.
2. The application seeks a variation to their existing premises licence to extend the provision of late night refreshment as follows:  
 Sundays to Wednesdays from 23:00 hours until 00:00 hours  
 Thursdays to Saturdays from 23:00 hours until 02:00 hours the following morning
3. Relevant pages of the application form are attached at **Annex 1**.

4. The premises currently benefits from a licence that authorises the provision of late night refreshment, Fridays and Saturdays from 23:00 hours until 00:00 hours. The existing licence is attached as **Annex 2**.
5. The current and proposed hours of operation are laid out in **Annex 3**.

## **CONSULTATION**

6. I confirm that the applicant has advertised the application by way of public notice displayed at the premises, and in a local newspaper. The application has also been made available on the Council's website.
7. I confirm that all Responsible Authorities received a copy of the application. Representation was received from the Metropolitan Police in relation to the Prevention of Crime and Disorder, and the Prevention of Public Nuisance Licensing Objectives. The representation is attached at **Annex 5**.
8. In accordance with the Council's Licensing Policy, 476 addresses were consulted in writing and informed that an application had been received. No representations were received from Other Persons.
9. A copy of the representation received from the Metropolitan Police has been forwarded to the applicant and has been made available to the Licensing Sub-Committee.

## **LOCATION**

10. A map showing the approximate location of the premises is attached as **Annex 6**, with photographs attached as **Annex 7**.

## **LICENSING OBJECTIVES**

11. In considering this report the Sub-Committee is required to take into account the Secretary of State's Guidance issued under section 182 of the Licensing Act 2003, the Council's Statement of Licensing Policy (relevant paragraphs of both documents are produced at **Annex 8**) and the licensing objectives:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm

## **LICENSING HOURS**

12. The Licensing Authority recognises that hours of trading are a critical factor in assessing applications. The Council's Statement of Licensing Policy includes guidelines on trading hours and these guideline hours are shown in the tables contained within **Annex 8**.

13. When dealing with variation applications, the Licensing Authority will give more favourable consideration to applications with the opening and closing times in line with those detailed in the Statement of Licensing Policy. However, each application must be considered individually and predetermined licensed opening hours must not be imposed without consideration given to the merits of each individual application.

## DETERMINATION

14. In making their decision in respect of the application, the Sub-Committee must have regard to Statutory Guidance and the Councils' own Statement of Licensing Policy as well as to the representations made and the evidence heard. However, the Sub-Committee must disregard any representations that do not relate to the promotion of the licensing objectives.
15. The Sub-Committee is asked to determine the application, having regard to the representations received and any evidence heard at the hearing, in accordance with the following options:
- Grant the application as requested.
  - Grant the application subject to such conditions as the authority considers appropriate for the promotion of the licensing objectives.
  - Exclude from the scope of the licence any of the licensable activities to which the application relates.
  - Reject the application.

## CONDITIONS

16. **Mandatory Conditions.** If granted, the licence would be subject to the mandatory conditions laid down in the Licensing Act 2003 (this information will be available to the Sub-Committee meeting).
17. **Conditions arising from applicant's Operating Schedule.** In applying for a licence, the applicant is required to complete an operating schedule. This describes the steps the applicant proposes to take in order to promote the licensing objectives if the application is granted. These steps which are appropriate for the promotion of the licensing objectives will become conditions if the application is granted and are shown in **Annex 4**. These conditions are in addition to those already on the existing licence. However, the Licensing Sub-Committee must, having regard to the representations made, modify these conditions, if it considers that such a step is appropriate for the promotion of the licensing objectives.
18. The applicant is not seeking to remove any of the existing conditions of the licence. A copy of the current licence is included in **Annex 2**.

## CONTENT OF ANNEXES TO THIS REPORT

Annex 1	Application form
---------	------------------

Annex 2	Existing Premises Licence
Annex 3	Current and proposed hours of operation
Annex 4	Conditions arising from applicant's Operating Schedule
Annex 5	Representation from Responsible Authorities
Annex 6	Location Plan
Annex 7	Photographs of Location
Annex 8	Excerpts from Secretary of State's Guidance and Statement of Licensing Policy

**BACKGROUND papers** are held by Binayak Dey, Environmental Protection Officer - 020 8547 5080, [binayak.dey@kingston.gov.uk](mailto:binayak.dey@kingston.gov.uk)



**Kingston upon Thames**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@kingston.gov.uk](mailto:licensing@kingston.gov.uk)  
 Telephone: 020 8547 5002

\* required information

## Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader  
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is your business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

12260740

Business name

WENDY'S RESTAURANTS OF U.K. LIMITED

If your business is registered, use its registered name.

VAT number

- 348189758

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

**Continued from previous page...**Your position in the business Home country 

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name Street District City or town County or administrative area Postcode Country **Section 2 of 18****APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number 

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description
**Postal Address Of Premises**Building number or name Street District City or town County or administrative area Postcode Country **Premises Contact Details**Telephone number

*Continued from previous page...*

Non-domestic rateable  
value of premises (£)

191,000

### Section 3 of 18

#### VARIATION

Do you want the proposed  
variation to have effect as  
soon as possible?

☒

Yes

☐

No

Do you want the proposed variation to have effect in relation to the  
introduction of the late night levy?

☐

Yes

☒

No

You do not have to pay a fee if the only  
purpose of the variation for which you are  
applying is to avoid becoming liable to the  
late night levy.

If your proposed variation  
would mean that 5,000 or  
more people are expected to  
attend the premises at any  
one time, state the number  
expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Change to the hours for the Provision of Late-Night Refreshment. This is to cater to rising demand for late night refreshment in-store and through delivery.

Monday from 2300hrs until 0000hrs

Tuesday from 2300hrs until 0000hrs

Wednesday from 2300 until 0000hrs

Thursday from 2300hrs until 0200hrs

Friday from 2300hrs until 0200hrs

Saturday from 2300hrs until 0200hrs

Sunday from 2300hrs until 0000hrs

### Section 4 of 18

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to  
vary is successful?

☐

Yes

☒

No

### Section 5 of 18

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)



*Continued from previous page...*

Will the schedule to provide films be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 6 of 18

### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 7 of 18

### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 8 of 18

### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 9 of 18

### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 10 of 18

### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 11 of 18

### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

*Continued from previous page...*

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 12 of 18

### PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☒ Yes ☐ No

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

##### SATURDAY

Start

End

Start

End

##### SUNDAY

Start

End

Start

End

*Continued from previous page...*

Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors                      ☐ Outdoors                      ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Provision of hot food and drink under Late Night refreshment indoors only. Music will be played unamplified.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

### Section 13 of 18

#### SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes                      ☒ No

### Section 14 of 18

#### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Not applicable

### Section 15 of 18

*Continued from previous page...*

## HOURS PREMISES ARE OPEN TO THE PUBLIC

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

#### FRIDAY

Start

End

Start

End

#### SATURDAY

Start

End

Start

End

#### SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

*Continued from previous page...*

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

## Section 16 of 18

### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

We understand our duty to the local community as we extend our operating hours. Our top priority is the safety and well-being of our staff and customers. We believe that our current procedures are thorough and, as much as possible, align with the four licensing objectives.

It's worth noting that we don't serve alcoholic beverages, and our drinks and food are not served in glass containers.

We are eager to work closely with the relevant authorities to support the four licensing objectives. Furthermore, we are committed to building positive relationships with the local communities we serve.

b) The prevention of crime and disorder

Our establishment uses CCTV surveillance systems placed strategically to cover key areas of our premises. This monitoring helps prevent and detect incidents, ensuring the safety and security of our customers and staff. CCTV is placed to capture patrons head and shoulders as they enter the building, and throughout.

A minimum of one SIA accredited security staff will be on site from 10pm to 2am on Thursday, Friday and Saturday. They will always be located in the dining room near the main entrance.

c) Public safety

All staff members are required to complete a late-night security module upon commencing their employment. This course outlines essential guidelines, including specific instructions for late-night shifts, emphasizing what not to do to maintain a secure environment.

d) The prevention of public nuisance

Our push-pull restaurant doors self-close, and we try to encourage our customers to be considerate to our neighbor's and to limit noise both when ordering their food and on leaving the local area.

***Continued from previous page...***

Notices shall be prominently displayed at each exit from the premises asking customers to be considerate to neighbor's when leaving.

Patrols of the area outside the premises shall be undertaken every 1 hour during the use of the license and any litter attributable to the premises cleared.

e) The protection of children from harm

While we prioritize the safety of unaccompanied children, we'd like to note that we do not typically anticipate unaccompanied children visiting during our late-night trading hours. However, should such a situation arise, we are fully dedicated to taking all necessary steps to ensure their well-being and protection

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.



**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 18 of 18****PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises being licensed. To find out the premises non domestic rateable value, use the Valuation Office Agency website at <http://www.voa.gov.uk/rli>. Band A - None to £4,300 – Application Fee £100.00 Band B - £4,301 to £33,000 – Application Fee £190.00 Band C - £33,001 to £87,000 – Application Fee £315.00 Band D - £87,001 to £125,000 – Application Fee £450.00\* Band E - £125,001 and over – Application Fee £635.00\* \*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee Band D – Higher Application Fee £900.00 and Band E – Higher Application Fee of £1,905.00 There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required. Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and solely for the purposes of the school or college. If you operate a premises with a capacity greater than 5,000 people you are subject to ADDITIONAL fees based upon the maximum capacity. You will be notified if these charges apply to your application. Details can be found in the following document: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/98160/other-fees.doc](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98160/other-fees.doc)

\* Fee amount (£)

635.00

**DECLARATION**

- \* I understand it is an offence, liable on summary conviction to a fine not exceeding level 5 on the standard scale, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.
- \* I understand that I must now advertise my application.
- \* I understand that if I do not comply with the requirements my application will be rejected.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity



*Continued from previous page...*

\* Date

/  /   
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/kingston-upon-thames/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

#### OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

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[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

**LICENSING ACT 2003****PREMISES LICENCE**

Licence Number: 23/01771/LAPREM

**Part 1 – Premises Details****Postal address of premises, or if none, ordnance survey map reference or description**

Wendy's  
Gough House  
57 Eden Street  
Kingston Upon Thames  
KT1 1DA

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

Late Night Refreshment

**The times the licence authorises the carrying out of licensable activities****Late Night Refreshment**

Friday and Saturday

23:00 - 00:00

**Seasonal variations / Non-standard timings**

None

**The opening hours of the premises**

Monday	07:00	to	23:00
Tuesday	07:00	to	23:00
Wednesday	07:00	to	23:00
Thursday	07:00	to	23:00
Friday	07:00	to	00:00
Saturday	07:00	to	00:00
Sunday	08:00	to	23:00

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Not applicable

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder(s) of Premises licence**

Wendy's Restaurants Of U.K. Limited  
Squire Patton Boggs (Uk) Llp Rutland House  
148 Edmund Street  
Birmingham  
B3 2JR

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Business Number: 12260740

**Name, address and telephone number (where given) of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Not applicable

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Not applicable

**Signed on behalf of Licensing Authority**



Ms Nikki Bentley  
Environmental Protection Officer  
Issue Date: 15 February 2024

## **Annex 1 – Mandatory Conditions**

### **Door supervision [Licensing Act 2003 s.21]**

1. Each individual who is at the premises to carry out a security activity must:
  - a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - b) be entitled to carry out that activity by virtue of section 4 of that Act

## **Annex 2 – Conditions consistent with the Operating Schedule**

### **The prevention of crime and disorder**

#### **Closed-circuit television**

2. The premises shall install and maintain a comprehensive closed-circuit television system (CCTV). All recordings shall be stored for a minimum of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
3. The digital CCTV will cover all areas to where public have access, and will be capable of taking a head & shoulders shot of persons entering the premises.
4. CCTV will be recording at all times when premises is open, and the recordings will be of evidential quality in all lighting conditions and be of a sufficient quality to produce in court of hearing.
5. All images downloaded from the CCTV must be provided in a format which can be viewed on regularly available equipment without the need for specialist software.
6. At all times the premises is open to the public a minimum of one member of staff on duty will be able to operate the CCTV.
7. The CCTV system shall be maintained in effective working order.
8. Suitable signage shall be displayed at the premises in a prominent position as customers enter the premises stating that CCTV is in operation.

#### **Door Supervisors**

9. In the event that the premises begins to experience levels of anti-social behaviour that are too frequent and / or challenging and / or dangerous for staff to safely manage, a written risk assessment shall be conducted as to the need for possibly engaging a Security Industry Authority (SIA) registered door supervisor to provide security when undertaking a licensable activities.

#### **Restriction of Entry**

10. Any person who appears to be intoxicated or who is behaving disorderly will not be allowed entry to the venue.

#### **Alcohol**

11. Customers will not be permitted to bring open alcoholic drinks into the premises nor to consume alcohol on the premises.

#### **Glass**

12. Food and drink shall not be served in glass containers

### **Staff training**

13. Comprehensive training will be given to staff in relation to the conditions of the premises licence and in crime prevention measures. The training will also include a module in conflict management.
14. All staff members are required to complete a late night security module upon commencing their employment.
15. A record of each individual's training will be maintained and be available for inspection at the premises at all times by a Responsible Authority.
16. Refresher training shall be carried out every 12 months for all staff and documented within the training records.
17. All training records shall be signed by the trainer and trainee in respect of training received.

### **Security, incidents**

18. An incident logbook shall be kept and maintained on the premises and made available on request to the Police or the Licensing Authority, which will record the following:
  - i) All crime reported to the venue
  - ii) All ejections of patrons
  - iii) Any complaints received
  - iv) Any incidents of disorder

### **The prevention of public nuisance**

#### **Doors**

19. The front entrance doors will have a self-closing device fitted so that they do not stay open

#### **Dispersal**

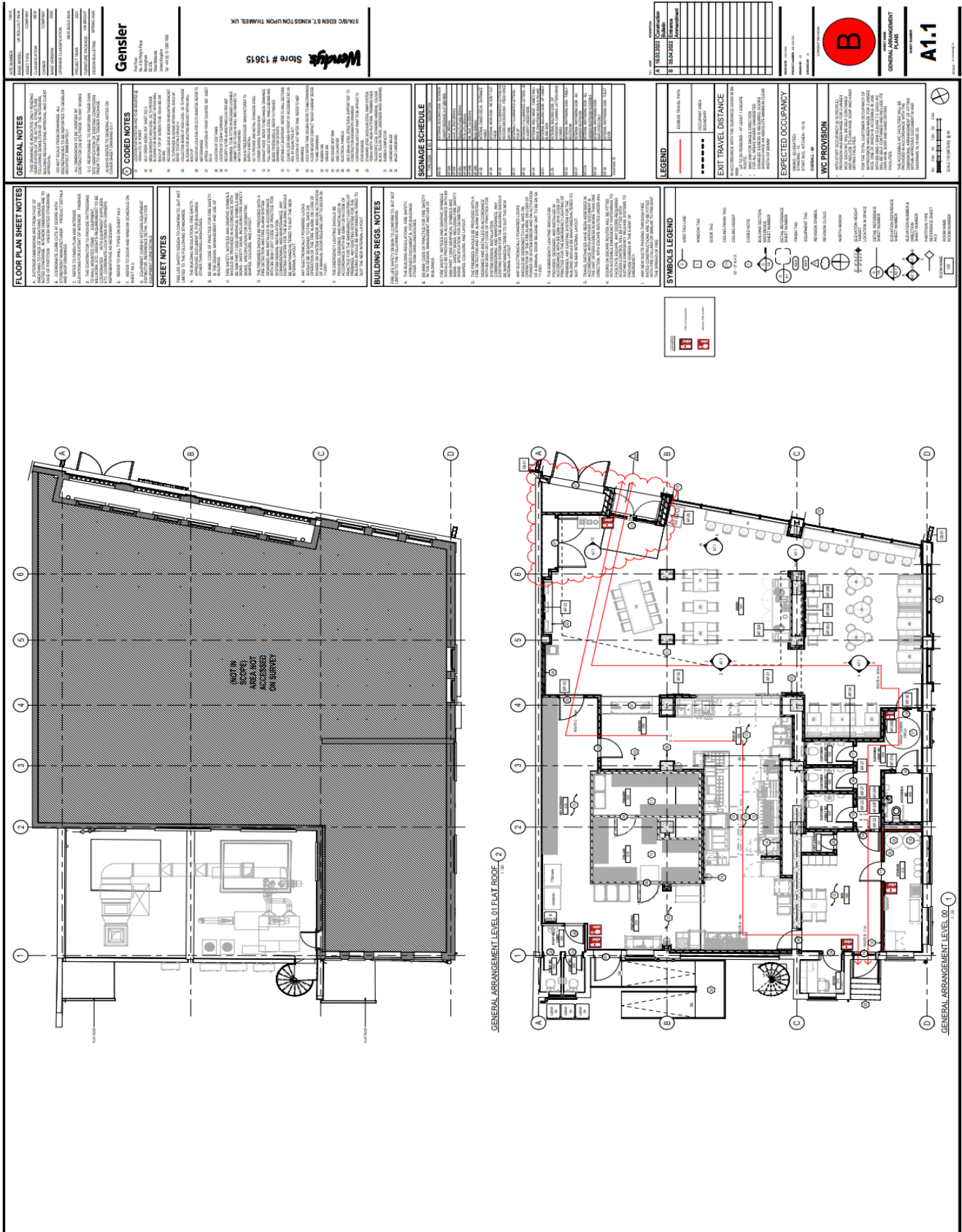
20. There will be appropriate signage at the premises requesting customers to leave the premises quietly and make the request verbally where appropriate.
21. All staff shall endeavour to move customers on and discourage them from congregating in the immediate vicinity of the premises.

#### **Conduct of premises**

22. Staff will routinely check the premises and area out the front during opening hours to ensure that the premises are clean and tidy.
23. Prominent notices shall be displayed within the premises asking customers to dispose of litter.

### **Annex 3 – Conditions attached after a hearing by the Licensing Authority**

None



**LICENSING ACT 2003****PREMISES LICENCE SUMMARY****Licence Number:** 23/01771/LAPREM**Postal address of premises, or if none, ordnance survey map reference or description**

Wendy's  
Gough House  
57 Eden Street  
Kingston Upon Thames  
KT1 1DA

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

Late Night Refreshment

**The times the licence authorises the carrying out of licensable activities****Late Night Refreshment**

Friday and Saturday 23:00 - 00:00

**Seasonal variations / Non-standard timings**

None

**The opening hours of the premises**

Monday	07:00	to	23:00
Tuesday	07:00	to	23:00
Wednesday	07:00	to	23:00
Thursday	07:00	to	23:00
Friday	07:00	to	00:00
Saturday	07:00	to	00:00
Sunday	08:00	to	23:00

**Where the licence authorises supplies of alcohol whether these are on and / or off**

**Supplies** Not applicable

**Name and (registered) address of holder(s) of Premises licence**

Wendy's Restaurants Of U.K. Limited , Squire Patton Boggs (Uk) Llp Rutland House, 148 Edmund Street, Birmingham, B3 2JR

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Business Number: 12260740

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol:** Not applicable**State whether access to the premises by children is restricted or prohibited**

None

**ANNEX 3**

Current and proposed hours of operation

<b>WENDY'S, GOUGH HOUSE, 57 EDEN STREET, KINGSTON UPON THAMES, KT1 1DA</b>				
	<b>Current hours of operation</b>		<b>Proposed hours of operation</b>	
<b>Day</b>	<b>Provision of late night refreshment</b>	<b>Opening hours</b>	<b>Provision of late night refreshment</b>	<b>Opening hours</b>
<b>Monday</b>	-	07:00 - 23:00	23:00 - 00:00	07:00 - 00:00
<b>Tuesday</b>	-	07:00 - 23:00	23:00 - 00:00	07:00 - 00:00
<b>Wednesday</b>	-	07:00 - 23:00	23:00 - 00:00	07:00 - 00:00
<b>Thursday</b>	-	07:00 - 23:00	23:00 - 02:00	07:00 - 02:00
<b>Friday</b>	23:00 - 00:00	07:00 - 00:00	23:00 - 02:00	07:00 - 02:00
<b>Saturday</b>	23:00 - 00:00	07:00 - 00:00	23:00 - 02:00	07:00 - 02:00
<b>Sunday</b>	-	08:00 - 23:00	23:00 - 00:00	07:00 - 00:00



## ANNEX 4

Conditions arising from applicant's Operating Schedule

**To add the following conditions to the existing Premises Licence:**

1. A minimum of one SIA registered door supervisor shall be located in the dining room near the main entrance of the premises, from 22:00 hours to 02:00 hours the following morning on Thursdays, Fridays and Saturdays.

**To amend the following conditions of the existing Premises Licence so that they now read as follows:**

Condition 9: In the event that the premises begins to experience levels of anti-social behaviour that are too frequent and / or challenging and / or dangerous for staff to safely manage, a written risk assessment shall be conducted as to the need for a Security Industry Authority (SIA) registered door supervisor to provide security at all other times when the premises are undertaking licensable activities.

Condition 22: Staff will routinely check the premises and area out the front during opening hours, and every hour when licensable activities are taking place, to ensure that the premises are clean and tidy, and any litter attributable to the premises is cleared.



Licensing Officers  
Royal Borough of Kingston  
Guildhall 2  
Kingston upon Thames  
Surrey KT1 1EU

PS Weston  
Licensing Officer  
Kingston Police Station  
5-7 High Street  
Kingston Upon Thames  
Surrey KT1 1LB

Date 10/04/2025

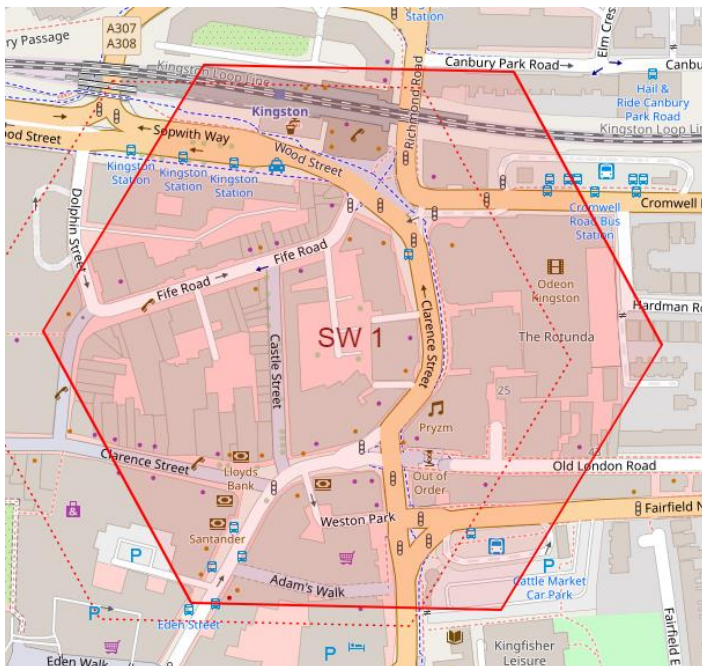
**Full Variation of Premises Licence – Wendy’s 57 Eden Street, Kingston Upon Thames KT1 1DA**

Dear Sir/Madam

I write concerning the above application, which is for a full variation of an existing premises licence in accordance with the Licensing Act 2003. My objection is based on the grounds of public nuisance and crime & disorder. Our concern is the potential for increased anti-social behaviour (ASB) and crime in an area already designated as a hotspot for such issues.

The applicant wishes to add the provision of late night refreshment, Sundays to Wednesdays from 23:00 until 00:00, and on Thursdays from 23:00 until 02:00 the following morning and extend the provision of late night refreshment, on Fridays and Saturdays until 02:00 the following morning.

**Police hereby make objection** to the application because it would undermine both the Crime Prevention and Public Nuisance licensing objectives.



Eden Street, Kingston, is already a designated ASB hotspot and has been identified by the Metropolitan Police as an area with a high incidence of violent crime under the title 'Operation Nightingale'. Operation Nightingale is the MPS response to serious violence in 75 identified Hexagons across London. As part of Operation Nightingale and the associated funding, BCUs are required to work on a minimum of 1 problem oriented policing plan per hotspot relating to public space **serious violence** (including knife carrying, robbery, assaults etc). The graphic

includes the licensed venue WENDY'S in the 'designated hotspot'; The most recent SW BCU Intelligence Development Report from the last Twelve (12) Weeks up to the 25/03/24 show that

Kingston Town Centre continues to be the Hot Spot for VAWG Offences in the SW BCU with Twenty One (21) VAWG related Offences having occurred in this period including: One (1) GBH Offence, Six (6) ABH Offences, Four (4) Common Assault Offences, Three (3) Public Order Offences, One (1) Racially Aggravated Assault Offence, One (1) Sexual Assault on a Female Offence, Two (2) Alleged Poison/Spiking Offences (Both allegedly occurring at Pryzm Nightclub), One (1) Exposure Offence, One (1) Harassment Offence and One (1) Stalking Offence.

The Key Hot Spot Areas and Offence Locations identified within Kingston Town Centre were: Clarence Street, Wood Street, Fife Road, Castle Street and Eden Street.

The Key Day and Time Periods identified within Kingston Town Centre were Wednesdays, **Fridays** and **Saturdays** between 18:30-21:30 hours and **23:00-05:00** hours.

A Major Policing Consideration for Kingston Town Centre at present is Violence against Women and Girls (VAWG), particularly the risk presented and how to safeguard females whilst they are inside Nightclubs and whilst they are walking alone on their way home or isolated close to Licensed Premises Venues.

Operations in existence;

- Operation Nightingale - Officers conduct a variety of patrols including: high-visibility foot patrols inside the Operational Patrol Hexagon during the peak offence times. High-visibility vehicle/minibus patrols in and around the Operational Patrol Hexagon during the peak offence times allowing greater coverage of the Hexagon and faster response to any reported incidents. Static point postings in the key hot spot locations identified inside the Patrol Hexagon including: outside Pryzm Nightclub and Kings Tun Public House on Clarence Street, on Castle Street, on Eden Street and on Fife Road including Fife Road Car Park.
- Op Vigilant Patrols - Officers from Kingston TCT, SW Predatory offender Unit (POU) and Pro-Active Syndicate Teams have conducted increased Deployments in Kingston Town Centre. These patrols occur during the VAWG Hotspot Days/Times utilising Specialist Behavioural Detection Officers (BDO's) and Overt Filming Tactics to assess and analyse Crowd Dynamics, and Individual Behavioural Characteristics of members of public present in order to provide an increased deterrence and assist with the identification of potential Offenders.
- Op Homecoming Patrols - Officers from Kingston TCT and Pro-Active Syndicate Teams have conducted increased Deployments in Kingston Town Centre during the VAWG Hotspot Days/Times utilising Overt Filming Equipment and a Specialist Vehicle/Taxi Touting Team to provide increased deterrence and assist with the identification of illegal/unregistered taxis and potential Offenders.

The requested extended hours (Extending Wendy's operating hours until 02:00 on Thursday, Friday, and Saturday & Sunday to Wednesday until 00:00 which equates to eleven hours) is highly likely to exacerbate these aforementioned issues. The late-night presence of customers, particularly in a fast-

food establishment, often leads to increased crime and ASB, which would negatively influence the area and undermine all of the MPS Operations as described being conducted in the area already.

Extending these hours would also attract individuals who may have been consuming alcohol in nearby licensed premises, increasing the risk of disorderly behaviour and public nuisance. This is particularly concerning given the area's existing challenges with ASB and violent crime.

Additionally the application proposes only one door supervisor for the premises, which is inadequate for a venue operating until 02:00. Comparable premises in the area typically employ at least three door supervisors to manage customer behaviour and ensure public safety. The lack of sufficient security staff raises serious concerns about the ability of Wendy's to effectively manage potential incidents, particularly during the late-night hours when the risk of disorder is at its highest.

While there is, a similar licensed premises in the area operating until 02:00 on Fridays and Saturdays, it is important to note that this venue does not operate until such late hours on a Thursday. Allowing another establishment to extend its hours until 02:00 on a Thursday would further increase the potential for anti-social behaviour & crime in an area already struggling with such issues. Each licensing application must be assessed on its own merits however; the police have concerns about the cumulative impact of granting this second late-night licence. The addition of another venue operating until 02:00, particularly on a Thursday, would place undue strain on local resources and exacerbate the existing challenges of ASB and public safety in the area.

In addition it must be noted that the proposed extension of hours on a Thursday until 0200 are contrary to the guidelines set for late night refreshments in the borough which is Monday to Thursday from 0700 -2300. These 'favourable hours' are set out in the Kingston Councils Statement of Licensing Policy 2021-2026.

The MPS empathises the importance of considering the cumulative impact of late-night licenses in areas already struggling with ASB and crime. **Granting this application to vary licensable hours would directly undermine the efforts to improve the area and the MPS's intent to drive crime and ASB down.** For the reasons outlined above, I strongly urge the Licensing Authority to refuse this application.

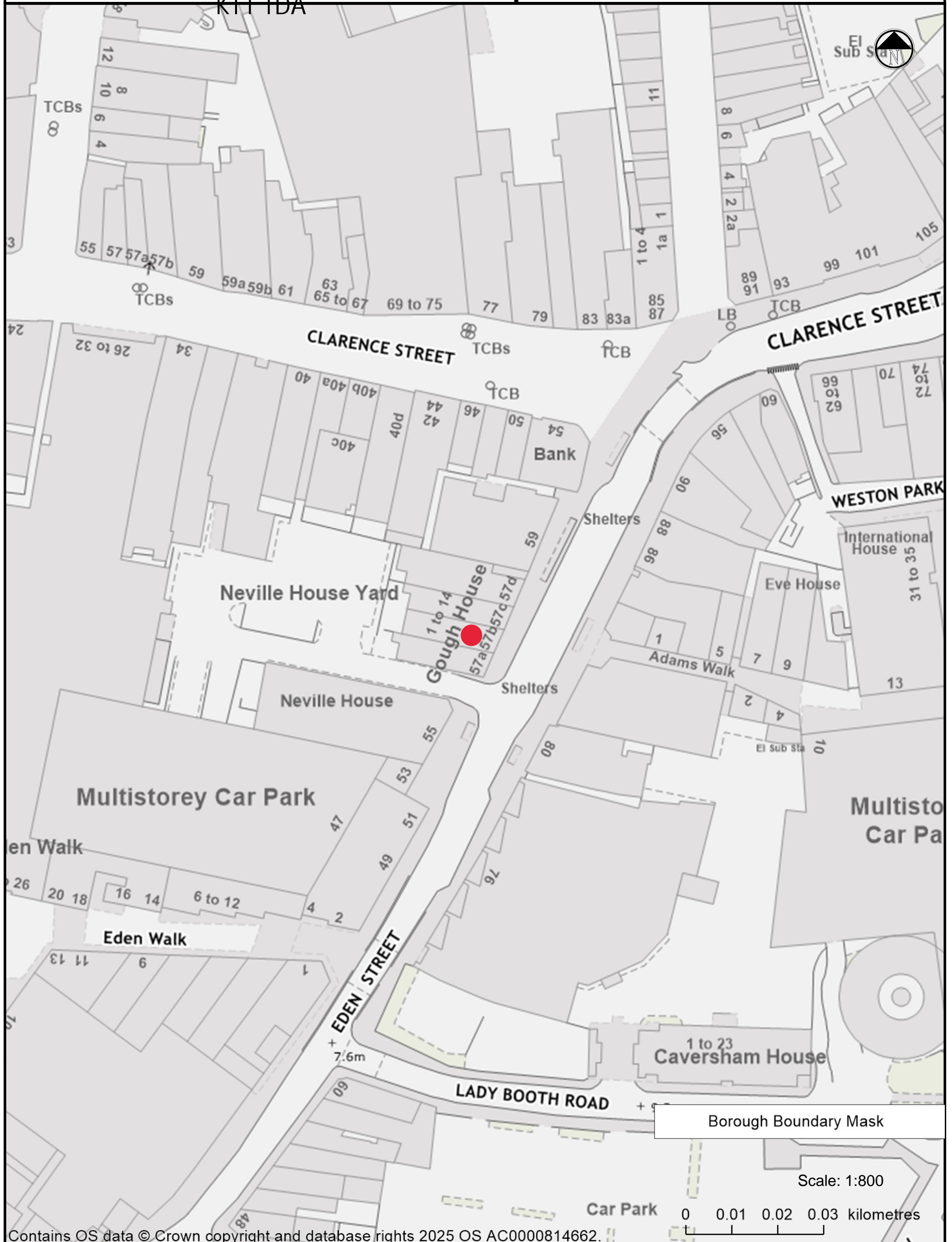
I trust that the Licensing Authority will give due consideration to these concerns in making its decision.

Borough Map  
Gough House  
57 Eden Street  
Kingston upon Thames  
KT1 1DA

### Kingston upon Thames

Produced by GIS Team, Digital & IT,  
The Royal Borough of Kingston upon Thames,  
Third Floor West, Guildhall 2, High Street,  
Kingston upon Thames, KT1 1EU

Operator: Binayak Dey  
Publication Date: 02 May 2025





## Photographs of Location







Secretary of State's Guidance (February 2025)

### **Licensing Objectives & Aims**

- 1.2. The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.
- 1.3. The licensing objectives are:
  - **The prevention of crime and disorder;**
  - **Public safety;**
  - **The prevention of public nuisance; and**
  - **The protection of children from harm.**
- 1.4. Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.
- 1.5. However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
  - protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
  - giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
  - recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
  - providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
  - encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

### **Each Application on its own merit**

- 1.17 Each application must be considered on its own merits and in accordance with the Licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact assessment. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case



## Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work

check are retained at the licensed premises.

- 2.7 The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:

- Putting alcohol into someone's drink without their knowledge or permission
- Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission
- Injecting another person with prescription or illegal drugs without their knowledge or permission
- Putting prescription or illegal drugs into another person's food without their knowledge or permission
- Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission

## **Public safety**

- 2.8 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.9 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
  - Ensuring appropriate access for emergency services such as ambulances;
  - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts
  - Ensuring the presence of trained first aiders on the premises and appropriate first aid
  - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
  - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
  - Ensuring appropriate limits on the maximum capacity of the premises
  - Considering the use of CCTV in and around the premises
- 2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38- 8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

## **Counter terrorism and public safety**

- 2.11 Licensing committees may wish to give due consideration to appropriate counter-terrorism measures and advice when considering licence applications, for example at high profile or large premises or events or where there are factors which may increase attractiveness to attacks, and in particular when in receipt of relevant advice from police counter terrorist staff.
- 2.12 It is particularly relevant to consider conditions around health care provision in this regard. Any additional licensing conditions should be appropriate and proportionate to the venue as noted in para 1.16. We recommend that all licensing authorities pay particular attention to terrorist threats when making specific licence conditions in relation to security or health care provision at appropriate premises and events applying for a licence.
- 2.13 As noted in para 2.8 licensing authorities can recommend conditions where appropriate to do so, such as ensuring appropriate access for emergency services and vehicles such as ambulances; good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4); and ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits.
- 2.14 However, in some instances, licensing authorities may wish to tailor their approach, depending on the particular nature of the application, and go further when addressing concerns around possible terrorist or other such risks. We have provided an Annex to help inform and support licensing authorities in their decision making with regards to additional licence conditions for premises and events, that may benefit from further security planning and health care provision in the aftermath of a particular type of incident.

## **Ensuring safe departure of those using the premises**

- 2.15 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
  - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## **Public nuisance**

- 2.20 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.21 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of

the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

- 2.22 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.23 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.24 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.25 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.26 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

### **Protection of children from harm**

- 2.27 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must

also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.28 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.29 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole- dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.30 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.31 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.32 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

## Other persons

- 8.13 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous, vexatious and repetitious representations.

## Late Night Refreshment

- 3.20 Supplies of hot food or hot drink from 23:00 are exempt from the provisions of the 2003 Act if there is no admission to the public to the premises involved and they are supplies to:
- a member of a recognised club supplied by the club;
  - persons staying overnight in a hotel, guest house, lodging house, hostel, a caravan or camping site or any other premises whose main purpose is providing overnight accommodation;
  - an employee supplied by a particular employer (for example, a staff canteen);
  - a person who is engaged in a particular profession or who follows a particular vocation (for example, a tradesman carrying out work at particular premises);
  - a guest of any of the above.

## Representations

### Relevant, vexatious and frivolous representations

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival

businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate

- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

## Hearings

- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
  - the representations (including supporting information) presented by all the parties;
  - this Guidance;
  - its own statement of licensing policy

## Hours of trading

- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

## **STATEMENT OF LICENSING POLICY (July 2021)**

8. The Royal Borough of Kingston upon Thames is the Licensing Authority under the Licensing Act 2003 (“the Act”) responsible for the processing of premises licences, club premises certificates, temporary event notices and personal licences in respect of the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.
9. 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, and**
  - **The protection of children from harm**

Each of these licensing objectives is of equal importance.

10. The Licensing Authority must have regard to these objectives in carrying out its functions under the Act and to current guidance issued by the Secretary of State, as they are reflected in its statement of licensing policy. The Licensing Authority will always consider the circumstances and merits of each application and it may make exceptions to its policy approach where it is appropriate to do so in order to promote the licensing objectives.
11. As well as the statutory objectives, the Act and guidance support a number of other key aims and purposes linked to the licensable activities that are considered to be vitally important. They include:
  - encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact on them
  - protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises
  - giving the police and licensing authorities the powers they need to effectively manage and police the social economy
  - recognising the important role that pubs and other licensed premises play in our communities by minimising the regulatory burden on businesses, encouraging innovation and supporting responsible premises, and
  - providing a regulatory framework that reflects the needs of local communities and empowers them to make and enforce decisions about the most responsible licensing strategies for their local area
12. The Council must set out how it will promote the statutory objectives and support the other key aims and purposes in a Statement of Policy and this must strike a reasonable balance between different and sometimes competing aims. These include widening the choice and appeal of licensed premises and the development of culture and protection of local residents.



14. The Council, acting as the Licensing Authority, has discretion on whether to grant applications for licences and to impose conditions on granting and renewing licences only when representations relevant to the licensing objectives are made by “responsible authorities” or “other persons” (see Glossary). **Where no relevant representations are received, it is the duty of the Licensing Authority to grant a licence, subject to conditions consistent with the operating schedule and the mandatory conditions under the Licensing Act 2003.**

## THE PREVENTION OF CRIME AND DISORDER

27. The Authority recognises that licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a significant source of crime and disorder. Therefore, whether the premises make, or will make, a significant contribution to levels of crime and disorder, and whether the Operating Schedule adequately addresses the likelihood of crime and disorder occurring as a result of the granting of the application are key criteria.
29. The Authority will carry out its licensing functions 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.
30. The Authority will expect premises to address in their operating schedule how the operation of the premises will adequately address crime and disorder issues, ranging from the design of the premises through to the daily operation of the business. These conditions may, for example, include items relating to:
- **Closed Circuit Television (CCTV)** - its installation, location of cameras, the length of time images are retained, whether images will be provided on reasonable request.
  - **Management** - including security guards and door supervisors, training, crime prevention notices and signage, control measures for the licensed venue, including external areas (including those used by patrons to smoke).
  - **Drug misuse** - measures proposed to prevent the supply or consumption of illegal drugs, including search procedures, design of premises, monitoring of toilets and surrender and seizure procedures.
  - **Violence/Crime** - the levels of crime and disorder in and around the venues, the measures proposed to prevent violence on the premises including the safety of staff and use of polycarbonate drinking vessels.
  - **Participation in Radio Schemes** - Kingston First's 'Business Watch' radio link scheme can be used to connect licence holders, designated premises supervisors, and/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, are considered to be necessary for all premises forming part of the social economy.

## PUBLIC SAFETY

31. The Authority expects all licence holders to implement measures to ensure the safety of people visiting and working in their premises. This includes the physical state of the premises, including the curtilage and means of access and egress, but also safety in

respect of activities taking place within them, the use of pyrotechnics and other special effects.

32. 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 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.
33. It should be noted that conditions relating to public safety should be those that are appropriate in the particular circumstances of any individual premises, and should not duplicate other requirements of existing Health and Safety legislation. Equally, the attachment of conditions to a licence 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. These conditions may, for example, include items relating to:
  - **Safe capacity** - assessed safe capacity having regard to means of escape in case of emergency, toilet provision, and overcrowding in compliance with the Regulatory Reform (Fire Safety) Order 2005
  - **Temporary installations** - installed and inspected/certified by a competent person
  - **Event Management Documentation** - specific documents outlining the proposed management structure, responsibilities and contact details, together with details of the control, monitoring and review mechanisms

## COUNTER TERRORISM

36. Although not common, terror attacks have occurred within London, with some attacks targeting public spaces, bars, pubs and nightclubs. The Council works in close partnership with the Metropolitan Police to tackle crime and disorder and ensure public safety. This includes in matters relating to terrorism.
37. Public spaces and venues can be attractive targets for terrorist attacks and applicants should consider what steps are appropriate to take, in order to reduce the risk to the people who use the licensed premises and spaces that form our social economy. Applicants and licensees are expected to give due consideration to any specific advice provided by the Metropolitan Police or other relevant agencies with a view to ensuring that they have suitable measures in place to deal with any threats that may arise.
38. Any procedures, measures and investments put in place must be appropriate and proportionate for that specific situation. Every location and venue will be different, so the security requirements will change accordingly, based on capacity, layout, location, locally-identified threats and vulnerabilities. Before taking any decisions, a risk assessment should be undertaken to understand the various threats and vulnerabilities and their potential impacts to help identify the most appropriate security and counter terrorism measures.
39. In December 2019, the Metropolitan Police Service released an advice guide that includes helpful information and tips for licensees on how to protect businesses from terrorism. It includes information on dealing with crowds, security measures, searching, suspicious items, firearms advice and advice that business owners can use to train their members of staff.

40. The National Counter Terrorism Security Office (NaCTSO) is a specific police unit that supports the 'protect and prepare' strands of the Government's national counter terrorism strategy. They provide advice and support via their website [www.nactso.gov.uk](http://www.nactso.gov.uk).

## **PUBLIC NUISANCE**

41. Licensed premises, especially those operating late at night and in the early hours of the morning, may cause a range of public nuisances that impact people living and working in the locality of the premises. Public nuisances can include noise caused by customers arriving at and/or leaving a premises, noise created whilst they are within a premises, general anti-social behaviour and issues such as smoke, odour, litter, light, fly-posting and obstruction of the highway.
42. The Borough has a substantial residential population and the Authority has a responsibility to protect it from nuisances. In certain locations, the increased concentration of entertainment uses and longer hours of operation have adversely affected local residents. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and helps sustain their business. The role of the Authority is to maintain an appropriate balance between the legitimate aspirations of the hospitality/entertainment industry and the needs of residents, businesses, workers, shoppers and visitors.
43. The potential for nuisances associated with the style, characteristics and activities of the business to be carried out at the premises and the potential steps that could be taken to reduce the risk of nuisances occurring are therefore the key criteria relevant to this objective. This will particularly apply where there is residential accommodation in the proximity of the premises.
44. Eating and drinking outdoors is increasingly popular and the banning of smoking inside premises has increased the number of people smoking or accompanying smokers outside premises. The noise of people outside can cause a public nuisance. In addition, the blocking of footways and, more occasionally, roadways, by people standing around drinking and smoking is a public nuisance whether or not it amounts to an offence of obstruction or becomes an issue of public safety. The Authority will therefore encourage the management of people standing outside premises to minimise the adverse effects on the licensing objectives.
45. Applicants should carefully consider the hours that they wish to carry out each licensable activity as well as the hours that they wish to remain open. The Authority will similarly consider hours for licensable activities and closing times as well as appropriate conditions. Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers leave ("winding down" period). In noise-sensitive areas, operators should consider the type and tempo of music while other licensable activities continue.
46. Applicants are encouraged not to apply for later hours than they will in fact operate, particularly seeking 24-hour licences where there is no intention of operating on this basis. Responsible authorities will generally be more likely to make objections the later the hour that licensable activities are proposed to take place.
47. The Authority will expect 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 operation of the premises or open-air site under the licence. These include:

- **Design of premises** - acoustic lobbies to all entrances and exits
- **Noise and vibration** - installing noise limiters on amplification equipment, installing speakers on acoustic mounts
- **Customers arriving** - management of queuing systems
- **Customers leaving** - a dispersal policy to manage patrons congregating (this includes premises licensed for off-sales), signage, dedicated staff to manage the immediate exterior of the premises and taxi service
- **Management of premises** - keeping windows and doors closed, signage, suitable and sufficient toilet provision, how refuse and rubbish associated with the premises is managed and when it is collected. This includes food wrappings and drink containers
- **External areas** - management of gardens, smoking areas and other external spaces and the times these are operated
- **External lighting** - ensuring that particularly bright lights do not disturb neighbours, including security lighting
- **Odour** - steps to prevent its generation, for example from the preparation of food or from the smell of cigarette smoke

## THE PROTECTION OF CHILDREN FROM HARM

49. The Authority welcomes family-friendly hospitality and entertainment premises. Whether there are appropriate measures in place to protect children from harm (including moral, psychological and physical harm) is the key criterion relevant to this objective. Applicants are expected 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 and characteristics of the premises, as well as the activities provided.

55. Recommended best practice is for the owner/licence holder to nominate themselves or a senior staff member to have the following key responsibilities in relation to safeguarding children for the licensed premises – to:

- Arrange safeguarding children training for all staff
- Monitor and report on whether all staff have received the minimum (initial and refresher) safeguarding children training
- Ensure that all staff have read and know where to find this policy and the Government Guidance: 'What To Do If You're Worried a Child is Being Abused'
- Ensure that an up-to-date 'Safeguarding Children Procedures' poster is displayed for all staff at all times
- Provide advice and support to staff when they have a concern about safeguarding a child
- Record all concerns raised by staff, and
- Be the contact person for the local Safeguarding Children's Board and the police in relation to all incidents or concerns related to the safeguarding of children on or linked to the premises

## OTHER MECHANISMS FOR CONTROLLING THE IMPACT OF LICENSED PREMISES

68. Once away from the licensed premises, a minority of customers may cause anti-social behaviour or behave unlawfully. Other mechanisms exist, both within and outside the

licensing regime, that are available for addressing such issues. These include public space protection orders, the issuing of fixed penalty notices and the powers of responsible authorities and other persons to seek a review of the licence.

69. The Authority believes that working in partnership with the police, local businesses and communities, other departments within the authority and national schemes, for example, Pubwatch and business improvement districts, can have a positive effect on the social economy.

## LICENSING HOURS

70. The Authority recognises that hours of trading are a critical factor in assessing beneficial as well as adverse impacts in the Borough and supports the principles of flexibility in its approach to licensing hours. Since the introduction of the Licensing Act 2003, many premises have taken advantage of the opportunity to apply for later licensing hours. This has led to a considerable number of premises licensed for the sale of alcohol for consumption on the premises (pubs, bars, nightclubs), off the premises (convenience stores, supermarkets) and premises licensed for late-night refreshment (restaurants, takeaways) that now operate at varying times well after midnight. This has contributed to the development of a thriving social economy.
71. Balanced against this is the evidence that extended opening hours has seen increased levels of crime and anti-social behaviour, such as noise and disturbance to local residents living near licensed premises, fast food outlets and travel hubs, that continue through the early hours.
72. The current Government Guidance makes it clear that the Licensing Act 2003 gives the licensing authority the power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and that licensing authorities are best placed to make such decisions, based on their local knowledge and in consultation with other responsible authorities. However, each application must be considered individually and predetermined licensed opening hours must not be imposed without consideration given to the merits of each individual application. Government continues to recommend that shops, stores and supermarkets should be free to provide sales of alcohol off the premises at any time when the outlet is open for trading, unless there are good reasons, based on the licensing objectives, in particular cases for restricting those hours.
73. District centres, and Kingston Town Centre, in particular, have a growing residential population density with residential property situated in close proximity to licensed premises. 39.4% of properties in the borough are flats or maisonettes (source: VOA December 2019). Noise surveys carried out across the borough consistently indicate that ambient noise levels fall from around 23:00 hours. Residents can tolerate an element of noise disturbance in the earlier part of the night when ambient noise levels are high, but find it increasingly intolerable as ambient levels fall. Noise can come from within premises, a potentially-controllable source, or from revellers in the street.
74. Shops, stores and supermarkets selling alcohol can act as a magnet for people leaving other licensed premises to 'top up' their consumption. The client group that seeks to buy alcohol for consumption off the premises in the early hours of the morning, therefore, differs from those seeking to buy other goods. Noise from revellers in the street and from people smoking outside premises on the public highway cannot be controlled by the applicant, nor by any other means, other than by limiting the general hours in which premises can operate.

75. When dealing with new and variation applications, the Licensing Authority will give more favourite consideration to applications with the opening and closing times listed in the table below:

Premises selling alcohol by retail for consumption off the premises:	
Monday to Thursday	07:00 hours to 23:00 hours
Friday and Saturday	07:00 hours to 00:00 hours (midnight)
Sunday	07:00 hours to 23:00 hours

Premises selling or supplying alcohol by retail for consumption on, or on and off, the premises (whether or not they also provide food or regulated entertainment), for premises providing regulated entertainment only, and for qualifying clubs:	
Monday to Thursday	10:00 hours to 23:00 hours
Friday and Saturday	10:00 hours to 00:00 hours (midnight)
Sunday	10:00 hours to 23:00 hours

Premises operating as a combined shop/delicatessen and cafe providing both on and off sales of alcohol the guideline hours shall be:		
	Off sales	On sales
Monday to Thursday	07:00 hours to 23:00 hours	10:00 hours to 23:00 hours
Friday and Saturday	07:00 hours to 00:00 hours (midnight)	10:00 hours to 00:00 hours (midnight)
Sunday	07:00 hours to 23:00 hours	10:00 hours to 23:00 hours

External drinking areas to close:	
Monday to Sunday	22:00 hours with the area to be cleared of customers by that time

Premises offering late night refreshment (hot food and hot drink) for consumption off the premises only (take-aways):	
Monday to Thursday	23:00 hours to 00:00 hours
Friday and Saturday	23:00 hours to 02:00 hours
Sunday	23:00 hours to 00:00 hours

Exceptions:

- no restrictions in hours will be applied in respect of New Year's Eve/New Year's Day if applied for

- no restriction in hours will be applied on the sale of alcohol to hotel residents for consumption in their rooms or within the confines of the hotel building itself
- no restriction in hours shall apply to premises operating solely for internet sales where delivery of alcohol is from an industrial estate or direct from the producer/importer

## **COMMENTING ON APPLICATIONS (MAKING REPRESENTATIONS)**

122. The Authority recognises that the Act and the Secretary of State's Guidance specify which matters may be taken into consideration when determining whether a representation made is relevant. This will include a consideration whether a representation made is frivolous or vexatious (as defined by guidance).
123. Though not specified by the relevant legislation or guidance, the Authority will only consider representations received in writing, either by letter or e-mail. Representations must be made within the relevant time period specified in the Act for the application type that is being considered.

## **DETERMINATION OF APPLICATIONS AND INTEGRATION OF POLICIES**

124. The Authority will carry out its licensing responsibilities as swiftly, efficiently and as cost effectively as possible, through a system of a Licensing Committee and Licensing Sub-Committees, membership of the latter being drawn from Members of the Licensing Committee.
127. Where appropriate, and where resources permit, officers from the licensing team will facilitate mediation between applicants, Responsible Authorities and other 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 other party/parties, culminating in the withdrawal of representations and therefore negating the requirement to refer to a Licensing Sub-Committee for determination.
128. In exceptional circumstances, when it is not possible or practical to hold a Licensing Sub-Committee hearing in person, to avoid having to defer hearings to a later date, the Authority may opt to hold hearings via remote means, for example, via video conferencing. Such meetings will also be simultaneously broadcast via the Council's website or other social media platform, as well as recorded and made available on the Council's streaming channel.
129. There is a clear distinction between the roles and responsibilities of the Council in relation to its Planning and Licensing Authority functions. Any approval or rejection under either regime does not imply or lead to the same decision under the other. 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 that prevents applications made under the licensing regime from being granted in the absence of appropriate planning permission but, where this happens, the matter will be brought to the attention of the Head of the Council's Planning Enforcement Service.
130. Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, the Authority will seek advice and enter into discussion with the Council's Planning

Department prior to determination, with the aim of agreeing mutually-acceptable operating hours and scheme designs.

131. When possible, the Council will endeavour to secure proper integration between its Licensing Policy and its strategies for crime and disorder, planning, culture, transport, tourism and economic development.

## **ENFORCEMENT PROTOCOLS**

135. The Authority has established effective working arrangements with the police, London Fire Brigade, Trading Standards and other relevant enforcement agencies to ensure that effective enforcement of the Act - and any matters brought to its attention by way of inspection, investigation or complaint - are referred to the most appropriate authority for consideration.
136. 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.
137. The Licensing Team has implemented a risk-based inspection programme, which results, where resources permit, 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. At all times, the Authority aims to reduce the regulatory burden on businesses and, as such, will work closely with other inspecting authorities in carrying out visits or inspections.





<b>Report to:</b>	Licensing Sub-Committee	<b>Date:</b>	20 May 2025
<b>Report title:</b>	Application for a New Premises Licence under the Licensing Act 2003		
<b>Report from:</b>	Fiona Meads, Group Manager - Regulatory Services		
<b>Premises Name and Address</b>	All Saints Church Lawns, Market Place, Kingston, KT1 1JP		
<b>Ward/Areas affected:</b>	Kingston Town		
<b>Chair of Committee/ Lead Member:</b>	Councillor Andrew Wooldridge		
<b>Author(s)/Contact Number(s):</b>	Hannah Smith, Environmental Protection Officer - Licensing 020 8547 5080  Nick Cloke, Licensing Lead Officer 020 8770 5622		
<b>Open/Exempt:</b>	Open		
<b>Purpose:</b>	To determine the application, by Public Hearing, following receipt by the Licensing Authority of relevant representations to the application.		
<b>Decision to be made/ Options available:</b>	1. Grant the application as it currently stands. 2. Grant the application subject to such conditions as the authority considers appropriate for the promotion of the licensing objectives. 3. Exclude from the scope of the licence any of the licensable activities to which the application relates. 4. Reject the application.		

## INTRODUCTION

1. This application relating to All Saints Church, Market Place, Kingston Upon Thames, KT1 1JP was made on 1st April 2025 by Seventa Events Limited.
2. The application seeks a new premises licence, to be used seasonally starting from 1st November to 31st January each year for the licensable activities provision of films: every day 10:00 to 22:00, provision of live music every day 10:00 to 22:30 (both indoor and outdoor, provision recorded music every day 10:00 to 22:30 (both indoor and outdoor) and supply of alcohol every day 10:00 to 23:00 (both On and Off the premises).

3. Relevant pages of the application form and a plan of the premises are attached at **Annex 1**.
4. The proposed hours of operation are laid out in **Annex 2**.

## **CONSULTATION**

5. I confirm that the applicant has advertised the application by way of public notice displayed at the premises, and in a local newspaper. The application has also been made available on the Council's website.
6. I confirm that all Responsible Authorities received a copy of the application. Representations were received from Trading Standards Officers and Pollution Officer in relation to the protection of children from harm and the prevention of public nuisance licensing objectives. Following mediation, the applicant has addressed the concerns by making amendments to their operating schedule and reducing the hours for live and recorded music. These amendments are reflected in **Annex 2** and the conditions shown in **Annex 3** of this report. In light of these amendments, the concerns raised by the Trading Standards Officer and Pollution Officer have been satisfied and the representation withdrawn.
7. In accordance with the Council's Licensing Policy, 140 addresses were consulted in writing and informed that an application had been received. One valid representation was received from Other Persons. The representation makes reference to matters that relate to the prevention of crime and disorder and public nuisance licensing objective(s). Copies of the representations are attached at **Annex 4**.
8. Copies of all representations have been forwarded to the applicant and have been made available to the Sub-Committee.

## **LOCATION**

9. A map showing the approximate location of the premises is attached as **Annex 5**, with photographs attached as **Annex 6**.

## **LICENSING OBJECTIVES**

10. In considering this report the Sub-Committee is required to take into account the Secretary of State's Guidance issued under section 182 of the Licensing Act 2003, the Council's Statement of Licensing Policy (relevant paragraphs of both documents are produced at **Annex 7**) and the licensing objectives:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm

## LICENSING HOURS

11. The Licensing Authority recognises that hours of trading are a critical factor in assessing applications. The Council's Statement of Licensing Policy includes guidelines on trading hours and these guideline hours are shown in the tables contained within **Annex 7**.
12. When dealing with new applications, the Licensing Authority will give more favourable consideration to applications with the opening and closing times in line with those detailed in the Statement of Licensing Policy. However, each application must be considered individually and predetermined licensed opening hours must not be imposed without consideration given to the merits of each individual application.

## DETERMINATION

13. In making their decision in respect of the application, the Sub-Committee must have regard to Statutory Guidance and the Councils' own Statement of Licensing Policy as well as to the representations made and the evidence heard. However, the Sub-Committee must disregard any representations that do not relate to the promotion of the licensing objectives.
14. The Sub-Committee is asked to determine the application, having regard to the representations received and any evidence heard at the hearing, in accordance with the following options:
  - Grant the application as requested.
  - Grant the application subject to such conditions as the authority considers appropriate for the promotion of the licensing objectives.
  - Exclude from the scope of the licence any of the licensable activities to which the application relates.
  - Reject the application.

## CONDITIONS

15. **Mandatory Conditions.** If granted, the licence would be subject to the mandatory conditions laid down in the Licensing Act 2003 (this information will be available to the Sub-Committee meeting).
16. **Conditions arising from applicant's Operating Schedule.** In applying for a licence, the applicant is required to complete an operating schedule. This describes the steps the applicant proposes to take in order to promote the licensing objectives if the application is granted. These steps which are appropriate for the promotion of the licensing objectives will become conditions if the application is granted and are shown in **Annex 3**. However, the Sub-Committee must, having regard to the representations made, modify these conditions, if it considers that such a step is appropriate for the promotion of the licensing objectives.

**CONTENT OF ANNEXES TO THIS REPORT**

Annex 1	Application form
Annex 2	Proposed hours of operation
Annex 3	Conditions arising from applicant's Operating Schedule
Annex 4	Representations from Other Persons
Annex 5	Location Plan
Annex 6	Photographs of Location
Annex 7	Excerpts from Secretary of State's Guidance and Statement of Licensing Policy

**BACKGROUND papers** are held by Hannah Smith, Environmental Protection Officer - 020 8547 5080, [hannah.smith@sutton.gov.uk](mailto:hannah.smith@sutton.gov.uk)

**Kingston upon Thames**  
**Application for a premises licence**  
**Licensing Act 2003**For help contact  
[licensing@kingston.gov.uk](mailto:licensing@kingston.gov.uk)  
Telephone: 020 8547 5002

\* required information

**Section 1 of 21**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

AK2025

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

William

\* Family name

Morris

\* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader  
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is your business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

10863014

Business name

Seventa Events

If your business is registered, use its registered name.

VAT number

-

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

**Confirm The Following**

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of His Majesty's prerogative

**Section 4 of 21****NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

*Continued from previous page...*

Private Ltd Company

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth     
dd mm yyyy

\* Nationality  [Documents that demonstrate entitlement to work in the UK](#)

**Section 5 of 21****OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Lawns of All Saints Church - Kingston Upon Thames.

License to be used seasonally across Nov, Dec & Jan for the supply of alcohol during a Christmas event located on the lawns of All Saints Church



*Continued from previous page...*

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

## Section 6 of 21

### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

## Section 7 of 21

### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☒ Yes ☐ No

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

#### FRIDAY

Start

End

Start

End

#### SATURDAY

Start

End

Start

End

*Continued from previous page...*

SUNDAY

Start

End

Start

End

Will the exhibition of films take place indoors or outdoors or both?

☐ Indoors ☒ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the exhibition of film

For example (but not exclusively) where the activity will occur on additional days during the summer months.

If shown, films would be seasonal (ie Christmas films) show on projected screen with music run through standard PA System. All individual licenses for specific films would be obtained ahead of showing.

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

N/A

## Section 8 of 21

### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

## Section 9 of 21

### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

## Section 10 of 21

### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

*Continued from previous page...*

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

#### FRIDAY

Start

End

Start

End

#### SATURDAY

Start

End

Start

End

#### SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

☐ Indoors ☐ Outdoors ☒ Both

Where taking place in a building or other  
structure tick as appropriate. Indoors may  
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Amplified and Non Amplified music for atmospheric setting/background music, predominantly recorded music, acoustic/  
instrumental performance and DJ

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

*Continued from previous page...*

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

## Section 11 of 21

### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☒ Yes ☐ No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

*Continued from previous page...*

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☐ Indoors ☐ Outdoors ☒ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Playlists for atmospheric/background setting music to be played through PA system.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

## Section 12 of 21

### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes ☒ No

## Section 13 of 21

### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

## Section 14 of 21

### LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Continued from previous page...

## Section 15 of 21

## SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes
 ☐ No

## Standard Days And Timings

## MONDAY

Start End Start End 

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

## TUESDAY

Start End Start End 

## WEDNESDAY

Start End Start End 

## THURSDAY

Start End Start End 

## FRIDAY

Start End Start End 

## SATURDAY

Start End Start End 

## SUNDAY

Start End Start End 

Will the sale of alcohol be for consumption:

☐ On the premises
 ☐ Off the premises
 ☒ Both

If the sale of alcohol is for consumption on  
the premises select on, if the sale of alcohol  
is for consumption away from the premises  
select off. If the sale of alcohol is for  
consumption on the premises and away  
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

*Continued from previous page...*

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

### Name

First name

Family name

Date of birth

### Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

### PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

*Continued from previous page...*

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21****ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

**Section 17 of 21****HOURS PREMISES ARE OPEN TO THE PUBLIC****Standard Days And Timings****MONDAY**Start End Start End 

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

**TUESDAY**Start End Start End **WEDNESDAY**Start End Start End **THURSDAY**Start End Start End **FRIDAY**Start End Start End **SATURDAY**Start End Start End



*Continued from previous page...*

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

## Section 18 of 21

### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

A full Alcohol Management Plan will be submitted with this application

b) The prevention of crime and disorder

Sevanta Events consider the event and offer to be a low risk to public and guest disorder however a security contractor will provide SIA registered security to support in the management of Apres Kingston, security will be present at all times alcohol is served and their badge number recorded in the logbook when on duty.

Management will not accept prejudiced or aggressive behaviour amongst customers, any reports of such incidents will be fully investigated and the perpetrators, if apprehended, ejected from the area or passed to the police.

If anyone is intoxicated upon ordering they will primarily be refused service. If anyone is deemed intoxicated to the point of a welfare risk, they will be assessed as to their vulnerability and we will establish if they have the means to be able to be transported home via a friend, taxi, etc. If they have no means of being able to be transported home, have a medical need, or become aggressive and cause public disorder then the appropriate emergency service will be called.

All bar refusals and event security incidents will be recorded both by the management team of Apres Kingston on site and also by site Security within their logbook.

An internal and external CCTV system shall be in place to cover the main service points of the bar areas including the external customer ordering points area, allowing for clear facial recognition at point of ordering. The system will be installed

*Continued from previous page...*

and maintained by a selected contractor, and shall continually record during all times of trade. All recordings shall be stored for a minimum of 31 days with correct date and time stamping and be made available immediately upon the request of police or an authorised officer of the council throughout the preceding 31 days period.

## c) Public safety

Ensuring the safety of our visitors and staff is a top priority. Apres Kingston will comply with all safety regulations. A full event management plan will be created, to include all necessary risk assessments, and all equipment such as fire extinguishers, alarms, and emergency lighting will be in place.

All staff will receive safety training, and evacuation routes will be clearly marked. A fully stocked first aid kit will be kept on-site, and at least one member of staff trained in first aid will be present during operating hours. Emergency contact numbers will be readily available.

Zero glass will be used for this event. Beer and cider will be served in clearly defined paper or rPET pint and half pint cups, spirits will be served in 12oz rPET cups whilst wine will be sold in polycarbonate wine cups. Soft Drinks will be sold in their pre-packaged case or served in rPET cups. All hot drinks will be served in clearly defined double walled paper cups to easily determine whether the contents are alcoholic (eg Mulled Wine) or non alcoholic (eg Coffee/Hot Chocolate).

## d) The prevention of public nuisance

We are committed to ensuring that Apres Kingston does not create a public nuisance for local residents and businesses. Seventa Events will have a dedicated sound contractor set up the site music system and the volume controls will be managed solely by the operational team and site management. If requested, access to the controls will be made available to Kingston Upon Thames Environmental Health Department for the purposes of sound level measurement.

Clear signage will be placed near exits asking customers to leave quietly and respect the local neighbourhood. Security staff will monitor customers leaving the premises and encourage them to disperse quietly. Apres Kingston staff will follow a waste disposal plan to ensure that all waste is removed regularly and disposed of responsibly, ensuring that any later evening bin movement is minimal and done quietly to avoid disturbance.

## e) The protection of children from harm

Seventa Events are committed to ensuring that alcohol is not sold to anyone under 18. All customers whom management believe to look under the age of 25 will be asked to prove that they are over 18 by way of acceptable photographic identification, as per the Challenge 25 policy

Challenge 25 posters will be clearly displayed at serving points. Bar staff will be required to check the ID of any customer who appears to be under 25 and will be reminded of this obligation at their daily briefing.

All bar staff will have participated in a training session delivered by a member of the Operations Team, covering Challenge 25, conflict management and intoxicated customers. They will have all signed to confirm they have received training and understood the policy. A log will be kept detailing any customers who are refused service, this will be available throughout the trading period on request of the relevant local authorities.

**Section 19 of 21****NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

*Continued from previous page...*

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

***Continued from previous page...***

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

**Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

**Section 20 of 21****NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21****PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises being licensed. To find out the premises non domestic rateable value, use the Valuation Office Agency website at <http://www.voa.gov.uk/rli>. Band A - None to £4,300 – Application Fee £100.00 Band B - £4,301 to £33,000 – Application Fee £190.00 Band C - £33,001 to £87,000 – Application Fee £315.00 Band D - £87,001 to £125,000 – Application Fee £450.00\* Band E - £125,001 and over – Application Fee £635.00\* \*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee Band D – Higher Application Fee £900.00 and Band E – Higher Application Fee of £1,905.00 There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required. Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and solely for the purposes of the school or college. If you operate a premises with a capacity greater than 5,000 people you are subject to ADDITIONAL fees based upon the maximum capacity. You will be notified if these charges apply to your application. Details can be found in the following document: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/98160/other-fees.doc](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98160/other-fees.doc)

\* Fee amount (£)

100.00

**DECLARATION**

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15)

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

William Morris

\* Capacity

Operations Director

Continued from previous page...

\* Date

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
dd		mm		yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
  2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/kingston-upon-thames/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

#### OFFICE USE ONLY

Applicant reference number	<input type="text" value="AK2025"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next >



**B25**  
**Alcohol Management Plan**  
**'Apres Kingston'**  
**All Saints Church, Market Place, Kingston Upon Thames, KT1 1KP**

## **Introduction & Scope**

As an experienced operator of venues and events held across various town centre locations throughout the UK, Seventa Events fully understands the social responsibilities attached to the service and provision of alcoholic beverages at our events. We support the four licensing objectives:

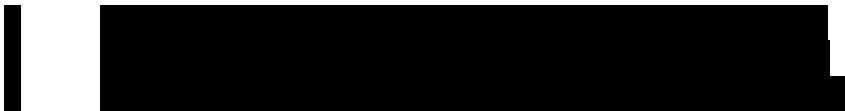
- Preventing crime and disorder
- Maintaining public safety
- Preventing public nuisance
- Protecting children from harm

The following alcohol management plan aims to ensure that our 'Apres Kingston' event, on the grounds of All Saints Church, Market Place, Kingston Upon Thames, KT1 1KP operates responsibly, safely and within the parameters of the law; while providing an inclusive environment for the controlled consumption of alcohol.

## **Operational Schedule & Management**

Apres Kingston, including the bar outlets on site, will be managed by Seventa Events under the direction of the Operational Team.

The main individuals are as follows:



Operational hours : 10:00am to 23:00pm

Duration of event/licence : From 1st November - until 6th January in any year

Designated Premises Supervisor : William Morris

## **Bar Management**

A simple drink offering will be created using multiple small bar outlets within the site layout, selling a range of draught Beer and Cider, Spirits, Wine, Soft Drinks and Hot Drinks. Customer seating will be available throughout the site.

Apres Kingston will have a dedicated Operations Manager (Will Morris) and dedicated Bar Manager, alongside a team who are conversant with the requirements and responsibilities for the sale of alcohol.

The Bar Manager will directly instruct, monitor and support the staff in ensuring the requirements of the Licensing Act 2003 are adhered to at all times.

This Alcohol Management Plan demonstrates our commitment to promoting responsible alcohol consumption and upholding the licensing objectives set out by the Licensing Act 2003. We will work closely with the local council, police, and residents to ensure the safe and responsible operation of Apres Kingston. Further information with regards to the individual licensing objectives are set out below.

## **Protection of children from harm**

Seventa Events are committed to ensuring that alcohol is not sold to anyone under 18. All customers whom management believe to look under the age of 25 will be asked to prove that they are over 18 by way of acceptable photographic identification, as per the Challenge 25 policy

Challenge 25 posters will be clearly displayed at serving points. Bar staff will be required to check the ID of any customer who appears to be under 25 and will be reminded of this obligation at their daily briefing.

## **B26**

All bar staff will have participated in a training session delivered by a member of the Operations Team, covering Challenge 25, conflict management and intoxicated customers. They will have all signed to confirm they have received training and understood the policy. A log will be kept detailing any customers who are refused service, this will be available throughout the trading period on request of the relevant local authorities.

### **Prevention of crime and disorder**

Seventa Events consider the event and offer to be a low risk to public and guest disorder however a security contractor will provide SIA registered security to support in the management of Apres Kingston, security will be present at all times alcohol is served and their badge number recorded in the logbook when on duty.

Management will not accept prejudiced or aggressive behaviour amongst customers, any reports of such incidents will be fully investigated and the perpetrators, if apprehended, ejected from the area or passed to the police.

If anyone is intoxicated upon ordering they will primarily be refused service. If anyone is deemed intoxicated to the point of a welfare risk, they will be assessed as to their vulnerability and we will establish if they have the means to be able to be transported home via a friend, taxi, etc. If they have no means of being able to be transported home, have a medical need, or become aggressive and cause public disorder then the appropriate emergency service will be called.

All bar refusals and event security incidents will be recorded both by the management team of Apres Kingston on site and also by site Security within their logbook.

An internal and external CCTV system shall be in place to cover the main service points of the bar areas including the external customer ordering points area, allowing for clear facial recognition at point of ordering. The system will be installed and maintained by a selected contractor, and shall continually record during all times of trade. All recordings shall be stored for a minimum of 31 days with correct date and time stamping and be made available immediately upon the request of police or an authorised officer of the council throughout the preceding 31 days period.

### **Public Safety**

Ensuring the safety of our visitors and staff is a top priority. Apres Kingston will comply with all safety regulations. A full event management plan will be created, to include all necessary risk assessments, and all equipment such as fire extinguishers, alarms, and emergency lighting will be in place.

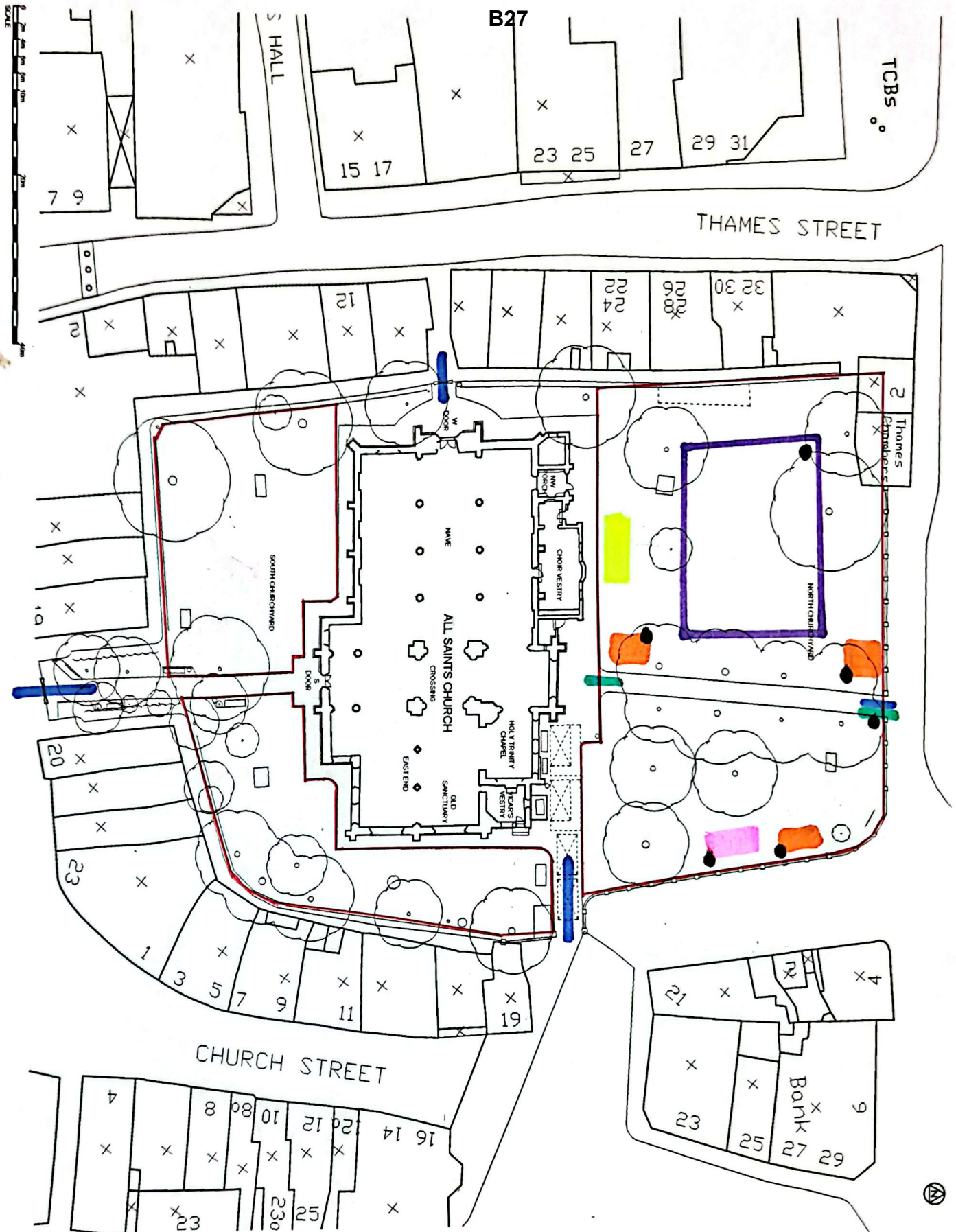
All staff will receive safety training, and evacuation routes will be clearly marked. A fully stocked first aid kit will be kept on-site, and at least one member of staff trained in first aid will be present during operating hours. Emergency contact numbers will be readily available.

Zero glass will be used for this event. Beer and cider will be served in clearly defined paper or rPET pint and half pint cups, spirits will be served in 12oz rPET cups whilst wine will be sold in polycarbonate wine cups. Soft Drinks will be sold in their pre-packaged case or served in rPET cups. All hot drinks will be served in clearly defined double walled paper cups to easily determine whether the contents are alcoholic (eg Mulled Wine) or non alcoholic (eg Coffee/Hot Chocolate).

### **Prevention of Public Nuisance**

We are committed to ensuring that Apres Kingston does not create a public nuisance for local residents and businesses. Seventra Events will have a dedicated sound contractor set up the site music system and the volume controls will be managed solely by the operational team and site management. If requested, access to the controls will be made available to Kingston Upon Thames Environmental Health Department for the purposes of sound level measurement.

Clear signage will be placed near exits asking customers to leave quietly and respect the local neighbourhood. Security staff will monitor customers leaving the premises and encourage them to disperse quietly. Apres Kingston staff will follow a waste disposal plan to ensure that all waste is removed regularly and disposed of responsibly, ensuring that any later evening bin movement is minimal and done quietly to avoid disturbance.



TCBS

B27

THAMES STREET

S HALL

Thames Embankment

NORTH CHURCHYARD

ALL SAINTS CHURCH

SOUTH CHURCHYARD

CHURCH STREET

Boundary

Access Route

Landscape

Existing Lane

Bar and Seats

Food Units

Bar

Fire Equipment

Toilets

FOR PLANNING

ALL SAINTS CHURCH

REPLACEMENT OF EXISTING

REPLACEMENT OF EXISTING

REPLACEMENT OF EXISTING

REPLACEMENT OF EXISTING

## Annex 2 - Proposed hours of operation

Days	Opening hours	Alcohol hours (on and off sales)	Films exhibition	Live and recorded music
Monday	10:00 to 23:00	10:00 to 23:00	10:00 to 22:00	10:00 to 22:30
Tuesday	10:00 to 23:00	10:00 to 23:00	10:00 to 22:00	10:00 to 22:30
Wednesday	10:00 to 23:00	10:00 to 23:00	10:00 to 22:00	10:00 to 22:30
Thursday	10:00 to 23:00	10:00 to 23:00	10:00 to 22:00	10:00 to 22:30
Friday	10:00 to 23:00	10:00 to 23:00	10:00 to 22:00	10:00 to 22:30
Saturday	10:00 to 23:00	10:00 to 23:00	10:00 to 22:00	10:00 to 22:30
Sunday	10:00 to 23:00	10:00 to 23:00	10:00 to 22:00	10:00 to 22:30

\*\*to be used seasonally starting from 1st November to 31st January each year\*\*

## **Annex 3 – Conditions arising from applicant's Operating Schedule**

### **The prevention of crime and disorder**

#### **Closed-circuit television (CCTV)**

1. An internal and external CCTV system shall be in place to cover the main service points of the bar areas including the external customer ordering points area, allowing for clear facial recognition at point of ordering. The system will be installed and maintained by a selected contractor, and shall continually record during all times of trade. All recordings shall be stored for a minimum of 31 days with correct date and time stamping and be made available immediately upon the request of police or an authorised officer of the council throughout the preceding 31 days period.

#### **Security Industry Authority (SIA)**

2. Security Industry Authority (SIA) will be present at all times alcohol is served and their badge number will be recorded in the logbook when on duty.

#### **Bar, restriction**

3. All bar refusals and event security incidents will be recorded both by the management team on site and by the site Security within their logbook.

#### **Drinking containers**

4. No glass will be used for any events. Beer and cider will be served in clearly defined paper or recycled Polyethylene Terephthalate (rPET) pint and half pint cups, spirits will be served in rPET cups, whilst wine will be sold in polycarbonate wine cups.
5. All hot drinks will be served in clearly defined double walled paper cups to easily determine whether the contents are alcoholic (eg Mulled Wine) or non-alcoholic (eg Coffee/Hot Chocolate).

### **The prevention of public nuisance**

#### **Waste**

6. Staff will follow a waste disposal plan to ensure that all waste is removed regularly and disposed of responsibly, ensuring that any later evening bin movement is minimal and done quietly to avoid disturbance.

#### **Access, Music system**

7. Access to the site music controls will be made available upon request to an authorised Local authority Officer (Environment Health) for the purposes of sound level measurements.

#### **Noise, general**

8. Clear signage will be placed near exits asking customers to leave quietly and respect the local neighbourhood.
9. Security staff will monitor customers leaving the premises and encourage them to disperse quietly

### **Public Safety**

#### **Responsibility of licence holder**

10. For each event held under the licence an Event Safety Management Document (specific to the event) shall be completed.

### **First Aid**

11. A fully stocked first aid kit will be kept onsite, and at least one member of staff trained in first aid will be present during operating hours. Emergency contact numbers will be readily available.

### **The protection of children from harm**

#### **Age verification – challenge 25**

12. Evidence of age in the form of photographic identification (ID) shall be requested from any person appearing to those selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol.
13. Acceptable identification for the purpose of this condition is that issued by a government agency bearing a holographic mark with a photograph and date of birth, or the Proof of Age Standards Scheme (PASS) approved age cards.
14. Notices shall be strategically and prominently placed at points of sale advising customers that they may be asked to provide evidence of age.
15. A refusals book to record every instance that sales of alcohol are refused shall be maintained.
16. The refusals book shall document the date and time a refusal of sale is made and the member of staff refusing the sale.
17. The refusals book shall be available for inspection by the police or authorised local authority officers.

#### **Staffing, training**

18. All staff shall be trained before they are allowed to sell any alcohol to the public, covering Challenge 25, conflict management, intoxicated customers safety training, and evacuation routes.
19. Records of staff training along with any training material used must be kept by the Designated Premises Supervisor or Premises Licence Holder.
20. All training records shall be signed by the trainer and trainee in respect of training received.
21. The premises licence holder shall implement a training manual and all members of staff shall be suitably trained in underage sales prevention before making any sales of alcohol.
22. Refresher training shall be carried out every six months for all staff and documented within the training records.
23. The training records shall be available for inspection by the police or authorised local authority officers.

#### **Refusals**

24. The refusals book shall document the date and time a refusal of sale is made and the member of staff refusing the sale. The log shall include the address to which alcohol was delivered but the sale refused, the reason(s) for refusal and a description of the individuals involved.

**Re: All saints church lawns-market place Kingston upon Thames kt11jp**

1 message

[REDACTED]  
To: Licensing RBK <licensing@kingston.gov.uk>

17 April 2025 at 10:19

Thank you for your response. I would like to expand on my concerns regarding noise nuisance and antisocial behaviour in relation to the proposed licensing of outdoor entertainment **up to 11pm**. My representation is specific to the premises in question and addresses the likely effect of granting the licence on the promotion of the following licensing objectives: **Prevention of Public Nuisance** and **Prevention of Crime and Disorder**.

**Prevention of Public Nuisance:**

Even with outdoor entertainment permitted only up to 11pm, there is a significant risk of disturbance to neighbouring residents. The premises are situated close to residential properties, and noise from outdoor events—including music, amplified sound, and raised voices—carries easily and can disrupt the quiet enjoyment of our homes, particularly during warmer months when windows are open. There have been previous occasions where events at this premises have led to excessive noise and inconvenience to those living nearby. An 11pm cut-off still represents a relatively late end time for outdoor activities in a residential setting and could impact families with children and individuals who have early work commitments.

**Prevention of Crime and Disorder:**

Permitting outdoor entertainment, even up to 11pm, may still attract increased foot traffic, alcohol consumption, and congregation of people in outdoor areas, particularly at closing time. This has the potential to contribute to antisocial behaviour such as shouting, littering, or minor vandalism as attendees leave the premises. It can also lead to groups lingering in the vicinity, increasing the risk of late-night disturbances or confrontations.

While I understand the desire to support entertainment and community events, I believe that allowing outdoor entertainment up to 11pm at this premises could negatively affect the wellbeing and safety of nearby residents, and therefore would not promote the licensing objectives of preventing public nuisance or crime and disorder.

I appreciate the opportunity to comment and hope these concerns will be considered in the review of the application.

On 11 Apr 2025, at 15:42, RBK Licensing <licensing@kingston.gov.uk> wrote:

Dear [REDACTED],

Thank you for your email to the Licensing Team, unfortunately I cannot accept your current email as a valid representation against the application, as it needs to be detailed slightly more with your concerns.

I can see in your email you touch on noise nuisance and anti social behaviour, please can I ask you expand on this, please be aware your representation must be specific to the premises and also must be about the likely effect of granting the licence on the promotion of at least one of the four licensing objectives, which are below;

- Prevention of crime and disorder
- Protection of children from harm
- Public safety
- Prevention of public nuisance

If you require further information or assistance please feel free to contact me back, and I will be happy to help.

Kind Regards,

Hannah Smith

**Licensing Team**

Kingston & Sutton Shared Environment Service

Royal Borough of Kingston Upon Thames | Guildhall II | High Street | Kingston upon Thames | KT1 1EU

Tel: 020 8547 5080

Email: [licensing@kingston.gov.uk](mailto:licensing@kingston.gov.uk)



On Mon, 7 Apr 2025 at 08:29, [REDACTED] wrote:

I am writing to you as a resident of



Following Receiving application of planning permission for "All saints church lawns-market place Kingston upon Thames kt11jp"

Seeking a new premises license to be used seasonally I'd like to contest provision of live music everyday until 2300hrs and recorded music outdoors until 2300hrs on the basis this is a residential area and we live within 100 meters.

With music until 2300 hours equates to high volume of people being in the area after 2300 likely to cause disruption and the cleaning of area after the 2300 hours leading to direct pollution and noise disruption outside property.

Noise permitted levels from 11pm to 7am as per law, The Noise Act (1996) dwellings, so the Environmental Protection Act (1990) applies to businesses which is in these hours.

Noise heard outside property can multiple health concerns to the residents including

- Sleep disturbance
- Stress
- High blood pressure
- Increased chance of developing type 2 diabetes
- Increased risk of having a stroke

Noises heard from businesses which open late as suggested will impact residents significantly caused by :

- Loud music played inside that is audible outside
- Patrons talking and laughing in an outdoor space
- Noise caused by customers leaving the venue
- Taxis beeping or leaving their engines running
- Music coming from cars waiting for customers
- Loud noise from bottle bins being

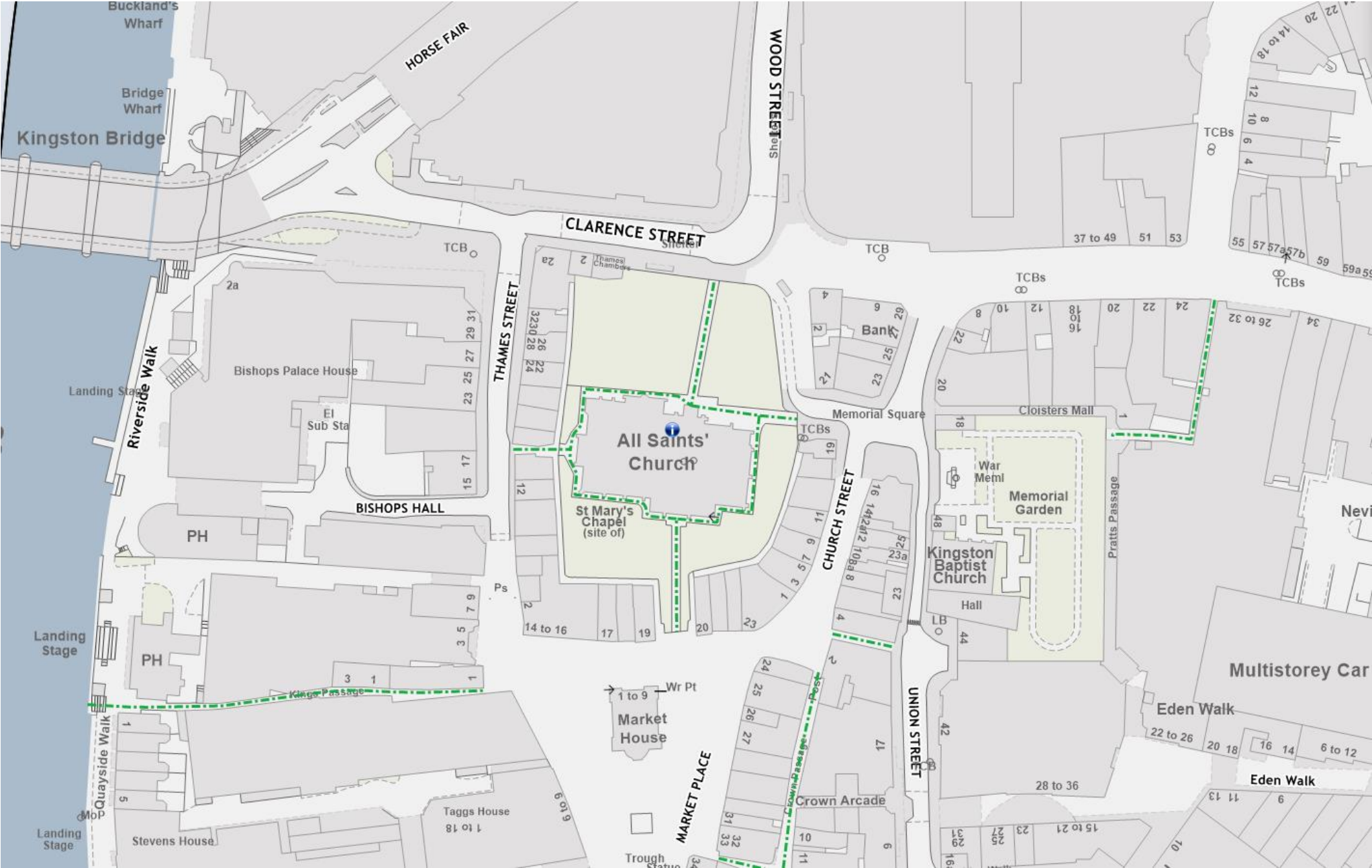
All of this will have negative impact on an area - this includes the character of an area, which I know is passion for the Kingston council.



Sent from my iPhone

Disclaimers apply, for full details see : (<https://www.kingston.gov.uk/email-disclaimer>)

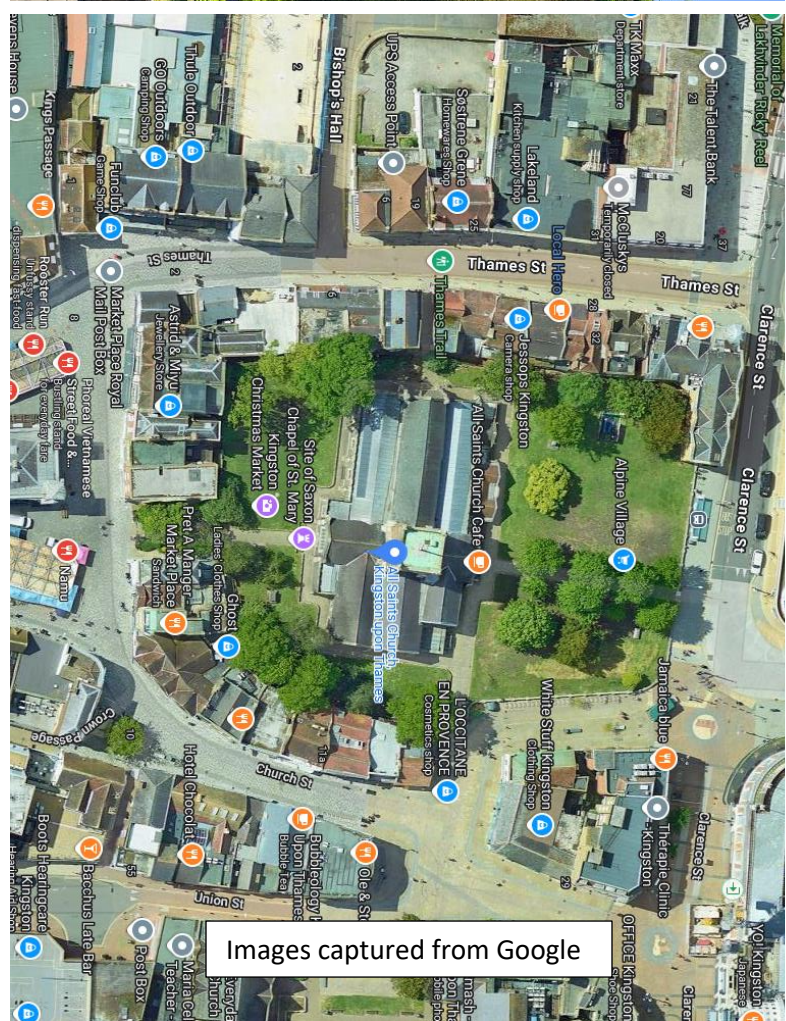






B34

Annex 6 – Photographs of location



Images captured from Google





Secretary of State's Guidance (December 2023)

### **Licensing Objectives & Aims**

- 1.2. The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.
- 1.3. The licensing objectives are:
  - **The prevention of crime and disorder;**
  - **Public safety;**
  - **The prevention of public nuisance; and**
  - **The protection of children from harm.**
- 1.4. Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.
- 1.5. However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
  - protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
  - giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
  - recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
  - providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
  - encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

### **Each Application on its own merit**

- 1.17 Each application must be considered on its own merits and in accordance with the Licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact assessment. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case

## Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work

check are retained at the licensed premises.

- 2.7 The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:

- Putting alcohol into someone's drink without their knowledge or permission
- Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission
- Injecting another person with prescription or illegal drugs without their knowledge or permission
- Putting prescription or illegal drugs into another person's food without their knowledge or permission
- Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission

### **Public safety**

- 2.8 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.9 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
  - Ensuring appropriate access for emergency services such as ambulances;
  - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts
  - Ensuring the presence of trained first aiders on the premises and appropriate first aid
  - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
  - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
  - Ensuring appropriate limits on the maximum capacity of the premises
  - Considering the use of CCTV in and around the premises
- 2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38- 8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

### **Counter terrorism and public safety**

- 2.11 Licensing committees may wish to give due consideration to appropriate counter-terrorism measures and advice when considering licence applications, for example at high profile or large premises or events or where there are factors which may increase attractiveness to attacks, and in particular when in receipt of relevant advice from police counter terrorist staff.
- 2.12 It is particularly relevant to consider conditions around health care provision in this regard. Any additional licensing conditions should be appropriate and proportionate to the venue as noted in para 1.16. We recommend that all licensing authorities pay particular attention to terrorist threats when making specific licence conditions in relation to security or health care provision at appropriate premises and events applying for a licence.
- 2.13 As noted in para 2.8 licensing authorities can recommend conditions where appropriate to do so, such as ensuring appropriate access for emergency services and vehicles such as ambulances; good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4); and ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits.
- 2.14 However, in some instances, licensing authorities may wish to tailor their approach, depending on the particular nature of the application, and go further when addressing concerns around possible terrorist or other such risks. We have provided an Annex to help inform and support licensing authorities in their decision making with regards to additional licence conditions for premises and events, that may benefit from further security planning and health care provision in the aftermath of a particular type of incident.

### **Ensuring safe departure of those using the premises**

- 2.15 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
  - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

### **Public nuisance**

- 2.20 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.21 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of

the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

- 2.22 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.23 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.24 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.25 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.26 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

### **Protection of children from harm**

- 2.27 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must

also consider the need to protect children from sexual exploitation when undertaking licensing functions.

- 2.28 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
  - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
  - it is known that unaccompanied children have been allowed access;
  - there is a known association with drug taking or dealing; or
  - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.29 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole- dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 2.30 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.31 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.32 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
  - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
  - restrictions on the parts of the premises to which children may have access;
  - age restrictions
  - restrictions or exclusions when certain activities are taking place;
  - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
  - full exclusion of people under 18 from the premises when any licensable activities are taking place.



## Other persons

- 8.13 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous, vexatious and repetitious representations.

## Late Night Refreshment

- 3.20 Supplies of hot food or hot drink from 23:00 are exempt from the provisions of the 2003 Act if there is no admission to the public to the premises involved and they are supplies to:
- a member of a recognised club supplied by the club;
  - persons staying overnight in a hotel, guest house, lodging house, hostel, a caravan or camping site or any other premises whose main purpose is providing overnight accommodation;
  - an employee supplied by a particular employer (for example, a staff canteen);
  - a person who is engaged in a particular profession or who follows a particular vocation (for example, a tradesman carrying out work at particular premises);
  - a guest of any of the above.

## Representations

### Relevant, vexatious and frivolous representations

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival

businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate

- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

## Hearings

- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
  - the representations (including supporting information) presented by all the parties;
  - this Guidance;
  - its own statement of licensing policy

## Hours of trading

- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

## **STATEMENT OF LICENSING POLICY (July 2021)**

8. The Royal Borough of Kingston upon Thames is the Licensing Authority under the Licensing Act 2003 ("the Act") responsible for the processing of premises licences, club premises certificates, temporary event notices and personal licences in respect of the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.
9. 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, and**
  - **The protection of children from harm**

Each of these licensing objectives is of equal importance.

10. The Licensing Authority must have regard to these objectives in carrying out its functions under the Act and to current guidance issued by the Secretary of State, as they are reflected in its statement of licensing policy. The Licensing Authority will always consider the circumstances and merits of each application and it may make exceptions to its policy approach where it is appropriate to do so in order to promote the licensing objectives.
11. As well as the statutory objectives, the Act and guidance support a number of other key aims and purposes linked to the licensable activities that are considered to be vitally important. They include:
  - encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact on them
  - protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises
  - giving the police and licensing authorities the powers they need to effectively manage and police the social economy
  - recognising the important role that pubs and other licensed premises play in our communities by minimising the regulatory burden on businesses, encouraging innovation and supporting responsible premises, and
  - providing a regulatory framework that reflects the needs of local communities and empowers them to make and enforce decisions about the most responsible licensing strategies for their local area
12. The Council must set out how it will promote the statutory objectives and support the other key aims and purposes in a Statement of Policy and this must strike a reasonable balance between different and sometimes competing aims. These include widening the choice and appeal of licensed premises and the development of culture and protection of local residents.

14. The Council, acting as the Licensing Authority, has discretion on whether to grant applications for licences and to impose conditions on granting and renewing licences only when representations relevant to the licensing objectives are made by “responsible authorities” or “other persons” (see Glossary). **Where no relevant representations are received, it is the duty of the Licensing Authority to grant a licence, subject to conditions consistent with the operating schedule and the mandatory conditions under the Licensing Act 2003.**

## THE PREVENTION OF CRIME AND DISORDER

27. The Authority recognises that licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a significant source of crime and disorder. Therefore, whether the premises make, or will make, a significant contribution to levels of crime and disorder, and whether the Operating Schedule adequately addresses the likelihood of crime and disorder occurring as a result of the granting of the application are key criteria.
29. The Authority will carry out its licensing functions 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.
30. The Authority will expect premises to address in their operating schedule how the operation of the premises will adequately address crime and disorder issues, ranging from the design of the premises through to the daily operation of the business. These conditions may, for example, include items relating to:
- **Closed Circuit Television (CCTV)** - its installation, location of cameras, the length of time images are retained, whether images will be provided on reasonable request.
  - **Management** - including security guards and door supervisors, training, crime prevention notices and signage, control measures for the licensed venue, including external areas (including those used by patrons to smoke).
  - **Drug misuse** - measures proposed to prevent the supply or consumption of illegal drugs, including search procedures, design of premises, monitoring of toilets and surrender and seizure procedures.
  - **Violence/Crime** - the levels of crime and disorder in and around the venues, the measures proposed to prevent violence on the premises including the safety of staff and use of polycarbonate drinking vessels.
  - **Participation in Radio Schemes** - Kingston First's 'Business Watch' radio link scheme can be used to connect licence holders, designated premises supervisors, and/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, are considered to be necessary for all premises forming part of the social economy.

## PUBLIC SAFETY

31. The Authority expects all licence holders to implement measures to ensure the safety of people visiting and working in their premises. This includes the physical state of the premises, including the curtilage and means of access and egress, but also safety in

respect of activities taking place within them, the use of pyrotechnics and other special effects.

32. 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 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.
33. It should be noted that conditions relating to public safety should be those that are appropriate in the particular circumstances of any individual premises, and should not duplicate other requirements of existing Health and Safety legislation. Equally, the attachment of conditions to a licence 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. These conditions may, for example, include items relating to:
  - **Safe capacity** - accessed safe capacity having regard to means of escape in case of emergency, toilet provision, and overcrowding in compliance with the Regulatory Reform (Fire Safety) Order 2005
  - **Temporary installations** - installed and inspected/certified by a competent person
  - **Event Management Documentation** - specific documents outlining the proposed management structure, responsibilities and contact details, together with details of the control, monitoring and review mechanisms

## COUNTER TERRORISM

36. Although not common, terror attacks have occurred within London, with some attacks targeting public spaces, bars, pubs and nightclubs. The Council works in close partnership with the Metropolitan Police to tackle crime and disorder and ensure public safety. This includes in matters relating to terrorism.
37. Public spaces and venues can be attractive targets for terrorist attacks and applicants should consider what steps are appropriate to take, in order to reduce the risk to the people who use the licensed premises and spaces that form our social economy. Applicants and licensees are expected to give due consideration to any specific advice provided by the Metropolitan Police or other relevant agencies with a view to ensuring that they have suitable measures in place to deal with any threats that may arise.
38. Any procedures, measures and investments put in place must be appropriate and proportionate for that specific situation. Every location and venue will be different, so the security requirements will change accordingly, based on capacity, layout, location, locally-identified threats and vulnerabilities. Before taking any decisions, a risk assessment should be undertaken to understand the various threats and vulnerabilities and their potential impacts to help identify the most appropriate security and counter terrorism measures.
39. In December 2019, the Metropolitan Police Service released an advice guide that includes helpful information and tips for licensees on how to protect businesses from terrorism. It includes information on dealing with crowds, security measures, searching, suspicious items, firearms advice and advice that business owners can use to train their members of staff.

40. The National Counter Terrorism Security Office (NaCTSO) is a specific police unit that supports the 'protect and prepare' strands of the Government's national counter terrorism strategy. They provide advice and support via their website [www.nactso.gov.uk](http://www.nactso.gov.uk).

## **PUBLIC NUISANCE**

41. Licensed premises, especially those operating late at night and in the early hours of the morning, may cause a range of public nuisances that impact people living and working in the locality of the premises. Public nuisances can include noise caused by customers arriving at and/or leaving a premises, noise created whilst they are within a premises, general anti-social behaviour and issues such as smoke, odour, litter, light, fly-posting and obstruction of the highway.
42. The Borough has a substantial residential population and the Authority has a responsibility to protect it from nuisances. In certain locations, the increased concentration of entertainment uses and longer hours of operation have adversely affected local residents. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and helps sustain their business. The role of the Authority is to maintain an appropriate balance between the legitimate aspirations of the hospitality/entertainment industry and the needs of residents, businesses, workers, shoppers and visitors.
43. The potential for nuisances associated with the style, characteristics and activities of the business to be carried out at the premises and the potential steps that could be taken to reduce the risk of nuisances occurring are therefore the key criteria relevant to this objective. This will particularly apply where there is residential accommodation in the proximity of the premises.
44. Eating and drinking outdoors is increasingly popular and the banning of smoking inside premises has increased the number of people smoking or accompanying smokers outside premises. The noise of people outside can cause a public nuisance. In addition, the blocking of footways and, more occasionally, roadways, by people standing around drinking and smoking is a public nuisance whether or not it amounts to an offence of obstruction or becomes an issue of public safety. The Authority will therefore encourage the management of people standing outside premises to minimise the adverse effects on the licensing objectives.
45. Applicants should carefully consider the hours that they wish to carry out each licensable activity as well as the hours that they wish to remain open. The Authority will similarly consider hours for licensable activities and closing times as well as appropriate conditions. Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers leave ("winding down" period). In noise-sensitive areas, operators should consider the type and tempo of music while other licensable activities continue.
46. Applicants are encouraged not to apply for later hours than they will in fact operate, particularly seeking 24-hour licences where there is no intention of operating on this basis. Responsible authorities will generally be more likely to make objections the later the hour that licensable activities are proposed to take place.
47. The Authority will expect 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 operation of the premises or open-air site under the licence. These include:

- **Design of premises** - acoustic lobbies to all entrances and exits
- **Noise and vibration** - installing noise limiters on amplification equipment, installing speakers on acoustic mounts
- **Customers arriving** - management of queuing systems
- **Customers leaving** - a dispersal policy to manage patrons congregating (this includes premises licensed for off-sales), signage, dedicated staff to manage the immediate exterior of the premises and taxi service
- **Management of premises** - keeping windows and doors closed, signage, suitable and sufficient toilet provision, how refuse and rubbish associated with the premises is managed and when it is collected. This includes food wrappings and drink containers
- **External areas** - management of gardens, smoking areas and other external spaces and the times these are operated
- **External lighting** - ensuring that particularly bright lights do not disturb neighbours, including security lighting
- **Odour** - steps to prevent its generation, for example from the preparation of food or from the smell of cigarette smoke

## THE PROTECTION OF CHILDREN FROM HARM

49. The Authority welcomes family-friendly hospitality and entertainment premises. Whether there are appropriate measures in place to protect children from harm (including moral, psychological and physical harm) is the key criterion relevant to this objective. Applicants are expected 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 and characteristics of the premises, as well as the activities provided.

55. Recommended best practice is for the owner/licence holder to nominate themselves or a senior staff member to have the following key responsibilities in relation to safeguarding children for the licensed premises – to:

- Arrange safeguarding children training for all staff
- Monitor and report on whether all staff have received the minimum (initial and refresher) safeguarding children training
- Ensure that all staff have read and know where to find this policy and the Government Guidance: 'What To Do If You're Worried a Child is Being Abused'
- Ensure that an up-to-date 'Safeguarding Children Procedures' poster is displayed for all staff at all times
- Provide advice and support to staff when they have a concern about safeguarding a child
- Record all concerns raised by staff, and
- Be the contact person for the local Safeguarding Children's Board and the police in relation to all incidents or concerns related to the safeguarding of children on or linked to the premises

## OTHER MECHANISMS FOR CONTROLLING THE IMPACT OF LICENSED PREMISES

68. Once away from the licensed premises, a minority of customers may cause anti-social behaviour or behave unlawfully. Other mechanisms exist, both within and outside the

licensing regime, that are available for addressing such issues. These include public space protection orders, the issuing of fixed penalty notices and the powers of responsible authorities and other persons to seek a review of the licence.

69. The Authority believes that working in partnership with the police, local businesses and communities, other departments within the authority and national schemes, for example, Pubwatch and business improvement districts, can have a positive effect on the social economy.

## **LICENSING HOURS**

70. The Authority recognises that hours of trading are a critical factor in assessing beneficial as well as adverse impacts in the Borough and supports the principles of flexibility in its approach to licensing hours. Since the introduction of the Licensing Act 2003, many premises have taken advantage of the opportunity to apply for later licensing hours. This has led to a considerable number of premises licensed for the sale of alcohol for consumption on the premises (pubs, bars, nightclubs), off the premises (convenience stores, supermarkets) and premises licensed for late-night refreshment (restaurants, takeaways) that now operate at varying times well after midnight. This has contributed to the development of a thriving social economy.
71. Balanced against this is the evidence that extended opening hours has seen increased levels of crime and anti-social behaviour, such as noise and disturbance to local residents living near licensed premises, fast food outlets and travel hubs, that continue through the early hours.
72. The current Government Guidance makes it clear that the Licensing Act 2003 gives the licensing authority the power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and that licensing authorities are best placed to make such decisions, based on their local knowledge and in consultation with other responsible authorities. However, each application must be considered individually and predetermined licensed opening hours must not be imposed without consideration given to the merits of each individual application. Government continues to recommend that shops, stores and supermarkets should be free to provide sales of alcohol off the premises at any time when the outlet is open for trading, unless there are good reasons, based on the licensing objectives, in particular cases for restricting those hours.
73. District centres, and Kingston Town Centre, in particular, have a growing residential population density with residential property situated in close proximity to licensed premises. 39.4% of properties in the borough are flats or maisonettes (source: VOA December 2019). Noise surveys carried out across the borough consistently indicate that ambient noise levels fall from around 23:00 hours. Residents can tolerate an element of noise disturbance in the earlier part of the night when ambient noise levels are high, but find it increasingly intolerable as ambient levels fall. Noise can come from within premises, a potentially-controllable source, or from revellers in the street.
74. Shops, stores and supermarkets selling alcohol can act as a magnet for people leaving other licensed premises to 'top up' their consumption. The client group that seeks to buy alcohol for consumption off the premises in the early hours of the morning, therefore, differs from those seeking to buy other goods. Noise from revellers in the street and from people smoking outside premises on the public highway cannot be controlled by the applicant, nor by any other means, other than by limiting the general hours in which premises can operate.



75. When dealing with new and variation applications, the Licensing Authority will give more favourite consideration to applications with the opening and closing times listed in the table below:

Premises selling alcohol by retail for consumption off the premises:	
Monday to Thursday	07:00 hours to 23:00 hours
Friday and Saturday	07:00 hours to 00:00 hours (midnight)
Sunday	07:00 hours to 23:00 hours

Premises selling or supplying alcohol by retail for consumption on, or on and off, the premises (whether or not they also provide food or regulated entertainment), for premises providing regulated entertainment only, and for qualifying clubs:	
Monday to Thursday	10:00 hours to 23:00 hours
Friday and Saturday	10:00 hours to 00:00 hours (midnight)
Sunday	10:00 hours to 23:00 hours

Premises operating as a combined shop/delicatessen and cafe providing both on and off sales of alcohol the guideline hours shall be:		
	Off sales	On sales
Monday to Thursday	07:00 hours to 23:00 hours	10:00 hours to 23:00 hours
Friday and Saturday	07:00 hours to 00:00 hours (midnight)	10:00 hours to 00:00 hours (midnight)
Sunday	07:00 hours to 23:00 hours	10:00 hours to 23:00 hours

External drinking areas to close:	
Monday to Sunday	22:00 hours with the area to be cleared of customers by that time

Premises offering late night refreshment (hot food and hot drink) for consumption off the premises only (take-aways):	
Monday to Thursday	23:00 hours to 00:00 hours
Friday and Saturday	23:00 hours to 02:00 hours
Sunday	23:00 hours to 00:00 hours

Exceptions:

- no restrictions in hours will be applied in respect of New Year's Eve/New Year's Day if applied for

- no restriction in hours will be applied on the sale of alcohol to hotel residents for consumption in their rooms or within the confines of the hotel building itself
- no restriction in hours shall apply to premises operating solely for internet sales where delivery of alcohol is from an industrial estate or direct from the producer/importer

### **COMMENTING ON APPLICATIONS (MAKING REPRESENTATIONS)**

122. The Authority recognises that the Act and the Secretary of State's Guidance specify which matters may be taken into consideration when determining whether a representation made is relevant. This will include a consideration whether a representation made is frivolous or vexatious (as defined by guidance).
123. Though not specified by the relevant legislation or guidance, the Authority will only consider representations received in writing, either by letter or e-mail. Representations must be made within the relevant time period specified in the Act for the application type that is being considered.

### **DETERMINATION OF APPLICATIONS AND INTEGRATION OF POLICIES**

124. The Authority will carry out its licensing responsibilities as swiftly, efficiently and as cost effectively as possible, through a system of a Licensing Committee and Licensing Sub-Committees, membership of the latter being drawn from Members of the Licensing Committee.
127. Where appropriate, and where resources permit, officers from the licensing team will facilitate mediation between applicants, Responsible Authorities and other 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 other party/parties, culminating in the withdrawal of representations and therefore negating the requirement to refer to a Licensing Sub-Committee for determination.
128. In exceptional circumstances, when it is not possible or practical to hold a Licensing Sub-Committee hearing in person, to avoid having to defer hearings to a later date, the Authority may opt to hold hearings via remote means, for example, via video conferencing. Such meetings will also be simultaneously broadcast via the Council's website or other social media platform, as well as recorded and made available on the Council's streaming channel.
129. There is a clear distinction between the roles and responsibilities of the Council in relation to its Planning and Licensing Authority functions. Any approval or rejection under either regime does not imply or lead to the same decision under the other. 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 that prevents applications made under the licensing regime from being granted in the absence of appropriate planning permission but, where this happens, the matter will be brought to the attention of the Head of the Council's Planning Enforcement Service.
130. Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, the Authority will seek advice and enter into discussion with the Council's Planning

Department prior to determination, with the aim of agreeing mutually-acceptable operating hours and scheme designs.

131. When possible, the Council will endeavour to secure proper integration between its Licensing Policy and its strategies for crime and disorder, planning, culture, transport, tourism and economic development.

## **ENFORCEMENT PROTOCOLS**

135. The Authority has established effective working arrangements with the police, London Fire Brigade, Trading Standards and other relevant enforcement agencies to ensure that effective enforcement of the Act - and any matters brought to its attention by way of inspection, investigation or complaint - are referred to the most appropriate authority for consideration.
136. 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.
137. The Licensing Team has implemented a risk-based inspection programme, which results, where resources permit, 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. At all times, the Authority aims to reduce the regulatory burden on businesses and, as such, will work closely with other inspecting authorities in carrying out visits or inspections.