



**LICENSING AUTHORITY: SWALE BOROUGH COUNCIL**

**LICENSING ACT 2003  
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**NOTICE OF DETERMINATION**

Application Ref No: FAV/SWALE/189/0692

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Applicant: Romana Bellinger (The Hot Tin Café Ltd)

Regarding **PREMISES LICENCE**

Date(s) of hearing: 1 May 2018

Date of determination: 1 May 2018

Committee Members: [Chairman]: Councillor Roger Clark  
Councillor Paul Fleming  
Councillor Colin Prescott

Legal Advisor in attendance at hearing(s): Robin Harris

Licensing Officer in attendance at hearing(s): Tom Dunn

This was an application for:

- Variation       Grant  
 Provisional Statement     Review     Other .....

for a

- Premises Licence     Club Premises Certificate     Personal Licence  
 Temporary Event Notice

**A: Representations, evidence and submissions:**

The Committee considered the representations, evidence and submissions of the following parties:

**Applicant**

- Name: Romana Bellinger
- Legal or other representative: Michael Eden, Henry Dagg, Ralph Perou

**Responsible Authorities**

**(a) Police (agreed conditions)**

**(b) Other Persons**

Witnesses and legal representatives in support of other persons

- Denise Knights-Toomer, Rhonda Root, Emma Lathwell

**Representations considered in the absence of a party to the hearing:**

- N/A

**B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council**

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 16-24 which relate to the grant of a premises licence;

Schedule 1 which relates to Regulated Entertainment

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives

Chapter 8 & 9 which relates to premises licences & determinations

Chapter 10 which relates to conditions attached to licences;

The Committee has taken into account its Statement of Licensing Policy:

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

Paragraphs and reasons (state in full):

N/A

## **C: Determination:**

### **The Committee has decided to:**

- grant the application subject to modified conditions necessary for the promotion of the licensing objectives. If so, state the modified conditions:

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.

Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request.

The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.

In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer within 24 hours unless the CCTV will be repaired before that time

[\(licensing.north.division@kent.pnn.police.uk\)](mailto:licensing.north.division@kent.pnn.police.uk)

2. All persons that sell or supply alcohol to customers must have licensing training.

- Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.
- Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
- Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
- Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon request either electronically or hard copy.

3. The Designated Premise Supervisor will undertake a risk assessment in respect of the provision of door supervisors for any unusual events and where deemed appropriate a minimum of 2 door supervisors will be employed.

4. The License Holder will maintain auditable refusal/incident records. These records will detail the following:

- a) Day, Date and Time of Refusal/Incident
- b) Nature of Refusal/Incident and reason
- c) Details of or description of the individual

These records will be made available for inspection to any Police Officer, Police Licensing Officer, and Officer of the Local Authority immediately upon demand.

5. The Licence holder shall erect and maintain clear and prominent notices displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.;

And the following condition agreed with Environmental Health:

- (1) That the premises will have a noise management plan, which has been agreed with the local authority (Environmental Health). The noise management plan will be periodically reviewed when significant changes occur in the operation of the building, or event type, or following a complaint.

**Reasons for determination:**

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee had regard to all the representations made prior to and during the Hearing regarding this Licensing objective.

The Sub-Committee noted that the applicant had agreed conditions with Kent Police and were satisfied that these were sufficient to meet this Licensing Objective.

■ **Public Safety**

Reasons (state in full):

The Sub-Committee had regard to the representations made during the Hearing, but noted that Kent Fire and Rescue Service had not made any representations and were satisfied that the operating schedule for the premises adequately covered this licensing objective.

■ **Prevention of nuisance**

Reasons (state in full):

The Sub-Committee had regard to the representations made prior to and during the Hearing, and noted that the premises was entitled to have live and recorded music within their current opening hours by virtue of the Deregulation of the Licensing Act (2003) and the Live Music Act (2012). The Sub-Committee also noted that the Applicant had agreed a Noise Management Plan with Environmental Health which dealt with non-music noise. The Sub-Committee were satisfied that these measures, in addition to those proposed in the operating schedule, were sufficient

to promote this licensing objective. The Sub-Committee noted that in the event of this premises causing issues to its neighbours under this licensing objective that this could be speedily dealt with by a review of the premises licence.

■ **Protection of children from harm**

Reasons (state in full):

The Sub-Committee had regard to the representations made under this licensing objective but were satisfied that the measures proposed in the operating schedule were sufficient to meet this licensing objective.

PRINT NAME (CHAIRMAN): Councillor Roger Clark

Signed [Chairman]:

A copy of the original document is held on file

Date: 1 May 2018