

| Licensing Sub-Committee Meeting | |
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| Meeting Date | 24th November 2025 |
| Report Title | Consideration of an application for the review of a premises licence under the Licensing Act 2003 |
| Premises | Langs Bar, St. Michaels Road, Sittingbourne, Kent ME10 3DW |
| Lead Officer | Johanna Thomas, Licensing Team Leader |
| Key Decision | No |
| Classification | Open |
| Recommendations | Members are requested to determine the application on its merits and decide whether to take such steps as Members consider appropriate for the promotion of the licensing objectives |

1 Purpose of Report and Executive Summary

The report advises Members of an application for the review of a premises licence granted under the Licensing Act 2003 made by Dacorum Capital Limited in respect of Langs Bar, St. Michaels Road, Sittingbourne, Kent ME10 3DW

2 Background

- 2.1 The Licensing Sub-Committee is asked to determine an application for the review of a premises licence under section 51 of the Licensing Act 2003.
- 2.2 The Licensing Act 2003 (the 2003 Act) requires the Council (as licensing authority) to carry out its various functions so as to promote the following four licensing objectives:
 - the prevention of crime and disorder
 - the protection of public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 2.3 The 2003 Act requires the council to publish a 'Statement of Licensing Policy' that sets out the policies that will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The council first adopted its Statement of Licensing Policy in 2004 and it has been regularly reviewed in line with legislative requirements ever since. The latest policy was adopted on 1st April 2021. The policy will be available at the meeting for reference purposes and is available to view at <https://swale.gov.uk/news-and-your-council/strategies-and-policies/statement-of-licensing-policy>

- 2.4 Under the 2003 Act, licensing authorities must, in carrying out their functions, have regard to guidance issued by the Secretary of State under section 182. The Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Provided that the licensing authority has properly understood and considered the guidance, it may depart from it when it has reason to do so. However, as the licensing authority is under a duty to have regard to the guidance, it will need to give full reason for any departure from it. This would be a key consideration for the courts should departure from the guidance result in a determination which might lead to an appeal or judicial review. The Guidance will be available at the hearing for reference purposes.
- 2.5 A copy of the council's approved procedure for hearing of the Licensing Sub-Committee in relation to an application, along with a copy of the Hearings Procedure has been circulated to all parties prior to the meeting.
- 2.6 The Licensing Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property which may include licences in existence and the protection of private and family life.

3 The Current Licence

- 3.1 Premises licence for Langs Bar, reference SIT/SWALE/189/0720 was originally granted on 2nd May 2019 to premises licence holders Piers Butler and Leon Dawson, with Piers Butler as the Designated Premises Supervisor (DPS).
- 3.2 The current licence was issued on 1st September 2021 following an application for a minor variation. The current premises licence which allows for the sale of alcohol for consumption both on and off the premises is attached as **APPENDIX I**.
- 3.3 Prior to 2nd May 2019 a premises licence, reference SIT/SWALE/189/0085 was granted to Shepherd Neame Ltd. for the premises now known as Langs. This licence was originally granted on 19th July 2005 to become effective on 24th November 2005 when the Licensing Act 2003 became law. On the 3rd April 2018 a DPS variation was submitted and granted with Piers Butler as the DPS. Following the issue of the current licence (SIT/SWALE/189/0720) the original licence (SIT/SWALE/189/0085) remained in place as a shadow licence until it was surrendered by Shepherd Neame Ltd. This surrender took place on 16th October 2024 following the sale of the premises to Dacorum Capital Limited earlier that year.

4 The Review Application

- 4.1 An application for a review of the premises licence was received on 16th September 2025 from Dacorum Capital Limited the Landlord for the building.

- 4.2 It is a requirement of the Licensing Act 2003, that the licensing authority advertise the review application, inviting representations from any responsible authority or interested party. The application has been correctly advertised with notices posted at the premises, on the council website and the council offices for the required period of 28 days.
- 4.3
- The review application is attached as **APPENDIX II**.
- 4.4 To support their application the applicant has provided a consultants' report. This report is attached as **APPENDIX III**. The unredacted document has been provided to Mr Butler and Mr Dawson and to Members prior to the hearing.
- 4.6 As part of the review application the applicant is asking that Members consider imposing additional conditions on the premises licence and/or suspension or revocation of the licence in order to secure the promotion of the licensing objectives.
- 4.7 Members are advised that they may only modify premises licences if it is appropriate to promote the licensing objectives.

5 Representations

- 5.1 At any stage during the 28-day consultation period a responsible authority, a Councillor or an interested party may make representations provided that the grounds are relevant to the licensing objectives and are not deemed vexatious, frivolous or repetitive.

- 5.2 Representations from responsible authorities:

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| Kent & Medway Fire & Rescue Service | Representations provided on compliance visit carried out on 23 rd September 2025 attached as APPENDIX IV |
| KCC Trading Standards | No representations |
| KCC Public Health | No representations |
| Swale BC Environmental Health Protection | Representation attached as APPENDIX V |
| Kent Police Licensing | No representations |
| Home Office Immigration | No representations |

- 5.3 During the consultation period 3 (THREE) representations were received from local businesses that are situated near to the premises, these objections are based on 3 of the 4 licensing objectives of: Prevention of crime and disorder, protection of public safety, and prevention of public nuisance.

The representations can be viewed as:

1. Vanguard Properties UK Limited, Freeholder of the Forum Shopping Centre **APPENDIX VI**
2. Winckworth Sherwood LLP on behalf of Loungers UK Limited the operator of Sentado Lounge **APPENDIX VII**
3. Area Operations Manager Jason Preston-Reeves on behalf of Travelodge Hotels Ltd **APPENDIX VIII**

6 Determining the application – Options of the Licensing sub-Committee

- 6.1 Members must, having regard to the application and any relevant representations, take such steps mentioned below as they consider appropriate for the promotion of the licensing objectives. The steps are:
- To take no action;
 - To issue a warning or caution;
 - To modify the conditions of the licence;
 - To exclude a licensable activity from the scope of the licence;
 - To remove the designated premises supervisor;
 - To suspend the licence for a period not exceeding 3 months;
 - To revoke the licence.
- 6.2 Relevant sections of the Guidance issued under section 182 of the Licensing Act 2003 that Members should take into account are:
- Chapter 2 Licensing Objectives
Chapter 10 Conditions attached to Premises Licences and Club Premises Certificates
Chapter 11 Reviews
- 6.3 Members should also take into account relevant policy statements as contained in the Swale BC Statement of Licensing Policy 2021 – 2026 including specifically section 14: Review of Premises Licence or Club Premises Certificates. This is attached as **APPENDIX IV**

7 Implications

| Issue | Implications |
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| Corporate Plan | There are links to: Community - To enable our residents to live, work and enjoy their leisure time safely in our borough and to support community resilience. |

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| | Running the Council - Working within our resources to proactively engage with communities and outside bodies to deliver in a transparent and efficient way. |
| Financial, Resource and Property | There are no direct financial requirements at this time. There is the possibility of a challenge by way of an appeal. |
| Legal, Statutory and Procurement | <p>Under the Licensing Act 2003 the Licensing Authority has a duty to exercise licensing control of relevant premises.</p> <p>The Licensing Sub-Committee is obliged to determine this application with a view to promoting the four licensing objectives.</p> <p>In making its decision, the Licensing Sub-Committee is also obliged to have regards to the S182 Guidance that accompanies the Licensing Act 2003 and the council's Statement of Licensing Policy.</p> <p>The Licensing Sub-Committee must also have proper regard to the Human Rights Act 1998 in respect to the rights of an individual when making decisions that affect them. However, it also has to have regard to the safety and protection of the public and therefore to ensure that the right balance is found.</p> |
| Crime and Disorder | <p>Section 17 of the Crime and Disorder Act requires local authorities to consider the crime and disorder implications of their decisions and it is the Licensing Authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.</p> <p>Section 17 of the Crime and Disorder Act 1998 states: "Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can reasonably can to prevent crime and disorder in its area".</p> |
| Environment and Climate/Ecological Emergency | No implications |
| Health and Wellbeing | Anti-social behaviour and noise nuisance can impact on the wellbeing of nearby residents |
| Safeguarding of Children, Young People and Vulnerable Adults | The protection of children from harm is one of the 4 licensing objectives that underpin the Licensing Act 2003 and must be considered when making decisions on licence applications. |
| Risk Management and Health and Safety | Departure from the Guidance and Statement of Licensing Policy could lead to an increased risk of appeal. Similarly, if any decision made is not evidence based and proportionate |
| Equality and Diversity | No implications |
| Privacy and Data Protection | Normal privacy and data protection rules apply |

8 Appendices

8.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Current premises licence – ref: SIT/SWALE/189/0720
- Appendix II: Review Application
- Appendix III: Independent Licensing Consultants Report
- Appendix IV: Comments Kent Fire and Rescue Service
- Appendix V: Representation from Swale BC Environmental Heath Team
- Appendix VI: Representation from Vanguard Properties UK Limited
- Appendix VII: Representation from Loungers UK Limited
- Appendix VIII: Representation from Travelodge Hotels Ltd.
- Appendix IX: Extract of Swale BC Statement of Licensing Policy 2021 - 2026

9 Background Papers

Licensing Act 2003

Home Office Guidance issued under s.182 of the Licensing Act 2003 (as amended)

Swale BC Statement of Licensing Policy 2021 - 2026