



**LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL**

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

**NOTICE OF DETERMINATION**

Application Ref No:19/03291/LAPRE

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Applicant: Court Lodge Kitchen Ltd

Regarding The Cavendish, 8 Cavendish Way, Bearsted, Kent, ME15 8PW

Date(s) of hearing: 6<sup>th</sup> November 2019

Date of determination: 6<sup>th</sup> November 2019

Committee Members: [Chairman]: Councillor Garten  
Councillor Hinder (W)  
Councillor Joy

Legal Advisor in attendance at hearing(s): Robin Harris, Interim Team Leader  
(Contentious), MKLS

Democratic Services Officer in attendance at hearing: Caroline Matthews

Senior Licensing Officer in attendance at hearing: Lorraine Neale

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: Tania Cizmic
- Legal or other representative: N/A

**Responsible Authorities**

**Kent Police** (Made a representation which was subsequently withdrawn following proposed conditions being agreed and added to the operating schedule.)

**Other Persons**

Name: Dilip& Chandrika Patel

**Witnesses and legal representatives in support of interested parties**

Joyce Breeder (Spokesperson)

**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 4 which relates to the licensing objectives  
Section 13 which relates to responsible authorities;  
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 the following provisions of its Statement of Licensing Policy:

Chapter 17 which relates to the 4 licensing objectives;  
Chapter 17.9 –17.15 which relates to the prevention of crime and disorder;  
Chapter 17.16 – 17.18 which relates to public safety  
Chapter 17.19 – 17.22 which relates to the prevention of nuisance;  
Chapter 17.23 – 17.26 which relates to the prevention of children from harm;

The Committee has decided not to depart from the guidance under section 182 of the Act and or the statement of licensing policy-

**C: Determination:**

**The Committee has decided to:**

- Grant the application as applied for. (For clarity, this includes the conditions that were agreed with the Police prior to the hearing and are appended below for ease of reference.)

**Reasons for determination:**

- **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

- **Public Safety**

Reasons (state in full):

The Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

- **Prevention of nuisance**

Reasons (state in full):

The Sub-Committee had regard to the written representations received and the statements of the parties made during the hearing in relation to this licensing objective. The representations were predominantly concerned with this premises operating regularly until late into the evening as a music venue or public house and the disruption that this could cause to local residents.

The applicant explained that although the limited company had applied for a licence for 7 days of the week to 11PM at night, there was no intention to operate as a 'pub'

and that the small number of events that they had previously had that went on later than their usual operating hours had persuaded them that this was not a business model that they wanted to pursue. The applicant was keenly aware that this premises is located in a noise sensitive area and the intention going forwards would be to have afternoon tea's with prosecco and events planned for later in the evening included activities such as flower arranging. The applicant stated that even these events would be infrequent, likely to finish by 9PM and that the premises would be happy to engage with local residents in advance of any late opening events.

On the basis of these representations, the other persons present at the meeting withdrew their representation against the grant of the licence. In the light of these submissions, the Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

- **Protection of children from harm**

Reasons (state in full):

The Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

PRINT NAME (CHAIRMAN): Cllr Patrik Garten



Signed [Chairman]:

A copy of the original document is held on file

Date: 07/11/2019

## Conditions to be added to the Premises Licence

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.
2. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
3. 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 and in line with the requirements of the Data Protection Act.
4. The premises licence holder must ensure at all times the 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 and in line with the requirements of the Data Protection Act.
5. A member of staff who can operate the CCTV will be on duty at all times the premises are open to the public and will be able to provide the Police and local authority with a copy of CCTV, upon reasonable request and in line with the requirements of the Data Protection Act.
7. All persons that sell or supply alcohol to customers must have licensing training.
  - a. Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.
  - b. Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
  - c. Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
  - d. 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.
8. A refusal recording system (which can be paper or electronic) will be in operation at the premises. All staff involved in the sale of alcohol will be fully trained in the system and it will record the following:
  - a. Time of refusal

- b. Item refused
- c. Name or description of the person refused
- d. Reason for Refusal
- e. Name of staff member making the refusal.

9. The refusal system will be available for inspection to any Police Officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time.

10. A Challenge 25 scheme will be adopted at the premises. All staff involved in the sale or supply of alcohol will be trained in the scheme and such training will be recorded. Such records will be available to the Police or other responsible authority upon request.

11. 'Challenge 25' signs will be prominently displayed.

12. The only proof of age that will be accepted by staff will be a photographic driving licence, a passport or a 'PASS' marked proof of age card.