



LICENSING AUTHORITY: SWALE BOROUGH COUNCIL

LICENSING ACT 2003

LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

NOTICE OF DETERMINATION

Applicant: Ours Café Ltd

Regarding **NEW PREMISES LICENCE – Ours Café, The Old Fire Station, Court Street, Faversham, Kent ME13 7AL**

Date(s) of hearing: 19 June 2025

Date of determination: 19 June 2025

Committee Members: Councillor Derek Carnell (Chair)
Councillor Simon Clark
Councillor Tony Winckless

Legal Advisor in attendance at hearing(s): Helen Ward, Senior Lawyer, MKLS

Licensing Officer in attendance at hearing(s): Mohammad Bauluck

Democratic Services Officer in attendance at hearing(s): Kellie MacKenzie

This was an application for Grant of a Premises Licence

A: Representations, evidence and submissions:

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

Applicant

- Uwe Herzstein

Responsible Authorities

None

Interested Parties (in support)

- Joanna Beamish
- Mrs A Howland
- Mrs A Waddington

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

Those contained within the Report prepared for the Licensing Sub Committee

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

The Sub-Committee has taken into account the Licensing Act 2003 and the Regulations thereto.

The Sub-Committee has taken into account the Guidance under section 182 of the Act:

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

C: Determination:

The Sub-Committee has decided to:

Grant the application as applied for and amended, as follows:

- 1) Sale of Alcohol, for consumption on and off the premises, from 11am to 8pm, Tuesday to Sunday inclusive
- 2) Opening hours from 9am to 8pm, Tuesday to Sunday inclusive
- 3) Conditions to apply set out in **section E** of this Decision.

Reasons for determination:

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Licensing Sub Committee considered the representation made and the concerns regarding customer behaviour in particular, although they noted the evidence was very limited. They heard evidence that the premises had CCTV and the applicants were experienced in this industry. They noted that the Police were satisfied with the application subject to conditions regarding CCTV and staff training which were agreed by the applicant. They noted the significant support that had been made for the application and welcomed the submissions from those supporters regarding the benefit they felt that Ours Café had made to the local community. Accordingly, subject to the addition of the conditions agreed with the Police, the Licensing Sub Committee did not consider it appropriate or proportionate to take any further steps for the promotion of this licensing objective.

■ **Public Safety**

Reasons (state in full):

The Licensing Sub Committee were satisfied that the operating schedule was appropriate and proportionate to promote this licensing objective.

■ **Prevention of nuisance**

Reasons (state in full):

The Licensing Sub Committee had regard to the representations made in writing. They noted that the premises had operated since April and currently the hours were limited to 9am to 3pm and that the applicant wished to operate for longer hours. They heard evidence of the limited capacity both inside and outside the premises, along with the style of operation and that the offer was primarily local produce and a limited selection of alcohol. They noted that music would be background only. They noted that in the event concerns are made out there are mechanisms in both the Licensing Act and in environmental legislation that would be effective and accordingly they did not feel it appropriate or proportionate to intervene any further for the promotion of this licensing objective.

■ **Protection of children from harm**

Reasons (state in full):

The Licensing Sub-Committee heard evidence regarding the applicant's experience and that they would operate a Challenge 25 Policy. Subject to a condition confirming the operation of this policy, they were satisfied that the operating schedule was sufficient to promote this licensing objective.

D: Appeal

Entitlements to appeal for parties aggrieved by the decisions of the Licensing Authority are set out in Schedule 5 to the Licensing Act 2003. An appeal has to be commenced by the giving of a notice of appeal by the appellant to the justices' chief executive for the magistrates' court within a period of 21 days beginning on the day on which the appellant was notified by the licensing authority of the decision to be appealed against. Parties should be aware that the Magistrates Court may make an Order as to costs in any Appeal.

E: Conditions Imposed by the Licensing Sub-Committee (Full list of conditions which will apply to this premises licence).

- 1) CCTV
 - CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.
 - 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.
- 2) Training
 - All staff who sell alcohol or supply alcohol to customers will have licensing training.
 - Alcohol training will take place within six weeks of employment.
 - Refresher training will take place every year or earlier if there is a change in the legislation.
 - Any new employees will be supervised until training has taken place
 - All staff will have individual training records that detail the date and nature of training.
 - All training will be documented and will be made available to the responsible authorities on demand along with the content of the training.
- 3) A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.



Signed:
Cllr Derek Carnell (CHAIR):

Date: 20.06.25

