



LICENSING AUTHORITY: SWALE BOROUGH COUNCIL

LICENSING ACT 2003

LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

NOTICE OF DETERMINATION

Applicant: Dacorum Capital Limited

Regarding **Langs Bar, St Michael's Road, Sittingbourne ME10 3DW**

Date of hearing: 24 November 2025

Date of determination: 24 November 2025

Licensing Sub Committee Members: Councillor Derek Carnell (Chair)
Councillor Carole Jackson
Councillor Peter Marchington

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

Licensing Officer in attendance at hearing: Johanna Thomas

Democratic Services Officers in attendance at hearing: Philippa Richardson, Alona Diachenko

This was an application for Review of a Premises Licence under s.51 Licensing Act 2003.

A: Representations, evidence and submissions:

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

Applicant

- Jack Pandeli
- Robert Sutherland (Legal Representative)
- Dave Nevitt (Remote Attendance)

Responsible Authorities

- Gillian Banfield, Kent Fire & Rescue Service
- Jennifer Robbins, Kent Fire & Rescue Service

Interested Parties

- Chris Rees-Gay (Legal Representative on behalf of Travelodge)
- Susan Ezzi (Provided evidence remotely to Mr Rees-Gay)

Premises Licence Holder

- Leon Dawson (Premises Licence Holder)
- Piers Butler (Premises Licence Holder and Designated Premises Supervisor)
- San-Mari Martins (Legal Representative)

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 Licensing Sub Committee has decided to take no action.

Reasons for determination:

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Licensing Sub Committee noted the observations of the Applicant's consultants, which included both concerns as well as positive comments regarding the operation.

They noted that both consultants identified SIA staff as not wearing their badges when undertaking their duties although the Premises Licence Holder refuted this and did provide evidence of their SIA accreditation and the agreement in place with the door security provider. They also noted the consultants' comments that searching and ID checks were taking place and that customer management was broadly good, with one consultant noting the use of clickers. They noted that door staff were refusing entry at times and were "*efficient and friendly*" and "*presented a professional impression to the public*". The Licensing Sub Committee considered that despite the concerns that were raised, it was not appropriate to take any steps to modify the premises licence with regards security and searching.

They considered the observations that an entry fee was not being charged for persons entering after midnight and the Premises Licence Holder's explanation for this being that the fee was added to the price of drinks at the bar after midnight, as an entry fee on the door would be off putting for customers. The Licensing Sub Committee were not satisfied that this step was fully compliant with the condition and the Premises Licence Holder must ensure that steps are taken to comply with the licence.

The Licensing Sub Committee considered the evidence provided from one of the consultants that he had seen people being admitted after 01:00 hours in breach of the condition of the licence. This was not identified in the second consultant's report. The Licensing Sub Committee noted that this evidence was not accepted by the Premises Licence Holder although they had not provided any corroboratory evidence. The allegations are of concern however fundamentally the Licensing Sub Committee were not satisfied that sufficient evidence was provided such as to intervene.

The Licensing Sub Committee also considered the positive aspects of the consultants' reports, including dispersal, for which evidence was provided of a policy in place. They noted a condition had been requested regarding dispersal however did not consider that it would be appropriate to impose a further condition in this respect.

The Licensing Sub Committee considered a witness statement that had been provided by Thomas Taylor regarding an allegation of drug use at the premises. The Applicant provided further evidence at the hearing that this was a person he had asked to enter the premises to conduct a visit. They noted that no information had been passed to the Police regarding the allegations made in the witness statement. In the circumstances, the Licensing Sub Committee did not place any weight on this statement.

The Licensing Sub Committee noted that the Police had not objected to the application and considered the email provided in evidence that there have been “*no significant incidents requiring police intervention and no enforcement action has been necessary. The premises has recorded only one crime during this period which is considered a very low figure for a venue operating within the night time economy*” and that the Police had “*no concerns regarding the management or operation of the premises*”. The Licensing Sub Committee placed considerable weight upon the comments of the Police in their decision.

The Licensing Sub Committee considered the submissions of the Applicant that the “bottomless brunch” was an irresponsible drinks’ promotion in particular in respect of how it was being advertised. They considered the facts of how the promotion was run, notably that the alcohol was limited and the Premises Licence Holder provided credible evidence of how they managed the promotion, including drawing customers’ attention to rules, a “cooling off” period and the closure of the premises after the promotion and before re-opening for regular trading. The Licensing Sub Committee were not satisfied that, on the facts presented to them, this promotion carried a significant risk of undermining the licensing objectives.

The Licensing Sub Committee noted that the current Designated Premises Supervisor and Premises Licence Holders had been working at the premises for a number of years without concern or enforcement action. They noted that the Designated Premises Supervisor had also worked at other licensed premises for a number of years. They considered the evidence provided of the policies and staff management procedures in place and did not have concerns regarding management of the premises.

The Licensing Sub Committee considered the allegations of anti social behaviour raised in the representations submitted as part of the Review. However they noted that these allegations were unsubstantiated, not specific, not supported by the comments of the Police and accordingly the Licensing Sub Committee were not satisfied that the evidence showed a link between customers of Langs and the allegations of anti social behaviour.

Accordingly, the Licensing Sub Committee did not consider that the evidence supported any steps being taken in respect of this licensing objective.

■ Public Safety

Reasons (state in full):

The Applicant explained that their primary concern was regarding public safety, in particular regarding fire safety at the premises. The Licensing Sub Committee considered the Fire Risk Assessments and reports that were provided, along with additional evidence provided by the Applicant just prior to the hearing following a further inspection, along with the observations of the Applicant's consultants and those of the Fire and Rescue Service.

In respect of the additional evidence provided, the Licensing Sub Committee noted that this was provided by the Applicant's fire safety expert although the comments were from his draft email and there were ongoing discussions between the parties' individual consultants as part of separate litigation.

The Licensing Sub Committee noted para 9.12 of the Guidance under s.182 Licensing Act 2003,

Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective.

The Fire and Rescue Service provided evidence to the Licensing Sub Committee that they had visited the premises on multiple occasions, announced and unannounced, and although they acknowledged that there had been issues at times, they did not have cause for concern. They explained that the Premises Licence Holder had co-operated with all of their requests. They could not comment on the evidence provided within the Fire Risk Assessments and other Reports provided in evidence to the Review, although they noted that the FRA provided by the Applicant was not conducted by a member of the Institution of Fire Engineers. They explained that this was a large and complex area and experts may have competencies in different areas.

The Fire Service explained that they have their own enforcement powers and, in this case, they considered that providing fire safety advice was a suitable and sufficient step.

The Licensing Sub Committee noted the Applicant's request for a suspension to allow steps to be taken to ensure fire safety however they considered the evidence that showed a number of steps had already been taken to achieve this and that the Fire and Rescue Service clearly indicated that they had no concerns about the premises.

The Licensing Sub Committee further considered the request for a condition restricting the capacity of the premises however they noted the provisions of the Regulatory Reform (Fire Safety) Order 2005 and the s.182 Guidance at paragraphs 2.18 and 2.19 and considered that provision for safe capacity would be adequately dealt with by the Fire Risk Assessment.

The Licensing Sub Committee considered evidence provided regarding the use of public highways however it was noted that these events had been held pursuant to a Temporary Event Notice, no complaints regarding public safety had been made and whilst there may be relevant proprietary issues, these were not for the Licensing Sub Committee to consider.

Accordingly, the Licensing Sub Committee did not consider that the evidence supported any steps being taken in respect of this licensing objective.

■ **Prevention of public nuisance**

Reasons (state in full):

The Licensing Sub Committee considered the evidence provided of noise complaints. They noted the noise complaint referred to in the Environmental Health Officer's representation however this related to a single complaint from a person at a bus stop and accordingly they did not place weight on this complaint. They noted that the EHO had requested a noise management plan, which had been provided although not with sufficient time prior to the hearing for the EHO to provide any comments on that plan.

The Licensing Sub Committee carefully considered the complaints provided by Travelodge. They noted the complaints broadly fell into two categories; those from external internet reviews, and those from the internal review system. They noted the evidence provided from Travelodge that these internal reviews were not contemporaneous but would have been comments responding to a feedback request and would have been provided within two weeks of a guest's stay. They noted that no complaints had been made directly at the Travelodge, nor had Travelodge themselves raised any concern with either Langs bar directly or with the Council since the hotel opened in 2020.

They noted the submissions raised regarding the impact on the business. They considered the number of rooms in the hotel and the frequency of the complaints provided to them. They also noted measures and policies that the premises has in place regarding noise breakout. They did consider evidence provided just prior to the hearing that noise measurements had been taken, however they placed no weight on the reliability of the recordings taken given the inability of other parties to consider the evidence further.

The Licensing Sub Committee considered the evidence provided by the Applicant's consultants regarding noise from the premises. They noted that both consultants said noise was audible from outside the premise although Dave Nevitt's report also noted that there were "*no obviously nearby residential dwellings that could potentially be impacted*" although the music was audible and customers of the Travelodge may experience nuisance.

The Licensing Sub Committee noted a number of conditions that had been put forward regarding noise management. They noted that there was no nearby residential premises, save for that of the Premises Licence Holder of Langs. They also noted that Travelodge had now engaged with Environmental Health and that further investigations would take place in the usual way when noise complaints are received. Accordingly, should the concerns be substantiated then there were suitable informal and formal enforcement steps that can be taken to resolve it.

The Licensing Sub Committee considered the request to reduce hours to 23:00 hours to minimise the risk of disturbance. They noted the Premises Licence Holder's submissions on the significant impact that this would have on the business. They also considered the request to disapply s.177A Licensing Act 2003 so that conditions relating to live and recorded music would apply at all times. The Licensing Sub Committee did not hear any evidence regarding noise disturbance prior to 23:00 hours such as to consider it appropriate or proportionate to take this step, nor were they satisfied that the evidence provided of audible noise justified a reduction in the permitted hours.

The Licensing Sub Committee considered proposed conditions regarding noise disturbance however they fundamentally were not satisfied that the evidence provided justified any intervention at this time. The Licensing Sub Committee were satisfied of the audibility of noise from Langs in the vicinity however given the lack of residential premises and the fact that Environmental Health and the Licence Holder had not received any noise complaints prior to the Review, they were not satisfied that intervention was an appropriate step.

Accordingly, the Licensing Sub Committee did not consider that the evidence supported any steps being taken in respect of this licensing objective.

■ **Protection of children from harm**

Reasons (state in full):

The Licensing Sub Committee noted evidence provided from the Applicant's consultants which referred to persons of "questionable age" and an overheard conversation of a customer saying he was 19, and that others "looked very young". The Licensing Sub Committee noted that no concerns regarding underage sales had been made by any responsible authority or from any other source.

The Licensing Sub Committee noted the condition on the premises licence which stated that *Entry to the premises is restricted to persons 21 years of age and over*". They also noted a condition which reads "*Children must be accompanied by an adult and must be off the premises by 19:00 hours*". They heard evidence from the Premises Licence Holder that under 21s (but not under 18s) were permitted to access the premises for the "bottomless brunch" sessions. This is in breach of the condition on the premises licence restricting entry to under 21s and, although the Licensing Sub

Committee accepted that there could be confusion given the other condition on the licence, the Premises Licence Holder MUST comply with the condition. Under 21s must not be permitted to the premises unless and until such time as the condition is amended. There must be no exceptions to this.

The Licensing Sub Committee did not consider that the evidence supported any steps being taken in respect of this licensing objective, other than to remind the Premises Licence Holder to ensure they fully understand and comply with the terms of the licence.

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 Magistrates' Court within 21 days beginning on the day on which the appellant was notified by the licensing authority in writing 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.

Signed:

Date: 28 November 2025

A handwritten signature in black ink, appearing to be 'D.C.', written over a horizontal line.

Cllr Derek Carnell (CHAIR):