

**CANTERBURY CITY COUNCIL  
LICENSING SUB-COMMITTEE**

**Minutes of a meeting held on Wednesday, 17th January, 2024  
at 10.30 am in The Guildhall, Westgate, Canterbury**

**DRAFT MINUTES**

**Present:** Councillor M Bland (Chair)  
Councillor L Harvey  
Councillor A Harvey  
Councillor K Moses (reserve)

**In attendance**

**Officers:** Anton Walden - Licensing Officer  
Andrea James - Democratic Services Officer  
Peter Kee - Principal Lawyer (Regulatory)

**1 Apologies for absence**

There were no apologies for absence.

**2 Substitute Councillors**

There were no substitute councillors.

**3 Declaration of any Interests by Councillors or Officers**

There were no declarations of any interest by councillors or officers.

**4 Order of business**

The order of business was noted.

**5 Licensing Act 2003 - Licensing Act 2003 - Premises Licence for Alamis Caffee,  
23 Lower Bridge St, Canterbury CT1 2LG**

In addition to the Sub-Committee members and officers, also present at the meeting were the spouse of the Applicant Mrs Irina Paja, the Applicant's Agent Mr Tony Bartlett, Responsible Authority representative Mrs Susan Ginever (Locality Officer (Licensing)) and Diane Attenborough, also a Locality Officer (Licensing).

The Licensing Officer introduced the application for the Grant of a Premises Licence

under Section 17 of the Licensing Act 2003 for Amalis Caffee. He explained that councillors on the panel had conducted a site visit earlier in the day and that the agenda and report had been prepared and published in accordance with the Council's constitution.

The Applicant's agent, Mr Tony Bartlett, then introduced the application and made points, including the following:

1. The Applicant had agreed certain conditions with the Police, hence their representative was not present at the Hearing.
2. The Applicant had agreed to 20 events maximum per year, and this could be reviewed if deemed excessive.
3. CCTV would be maintained in good working order and made available to the relevant authorities when necessary.
4. Staff would receive training in the Licensing Act and Challenge 25 and electronic records of training would be kept.
5. An incident log would also be kept in electronic format.
6. Challenge 25 would be operated.
7. It seemed to have been suggested by the Locality Officer (Licensing) that SIA-qualified door staff would have to be present when there was an event on, but the Applicant felt this was not necessary, as most events would be things like leaving parties, birthday parties and cultural events such as Albanian or Greek-themed evenings, given that the applicants were of Greek and Albanian heritage. Instead, each event would be risk-assessed in advance to scope whether SIA-trained door staff would be necessary.
8. Staff would be instructed to ask for ID in the form of passport / photo ID, or young people's pass cards.
9. The premises did not lend itself to being a drinking establishment, but the Applicant hoped that by putting on occasional events he and his wife might make enough money to keep the business going.
10. The premises was a pleasant, small cafe, mainly frequented by young parents with children and by elderly people. It was not envisaged that the nature of the premises would change.

Members of the Sub-Committee then clarified points with the Applicant's Agent, including the following:

11. The operating hours for the 20 events per year would be different from the usual cafe operating hours. The applicant was requesting that on days when events were taking place, alcohol would be sold between 07:00 - 23:00 Sunday to Thursday and 07:00 - 23:30 Fridays and Saturdays.
12. The planned events would have a finishing time of 23:30 Sunday - Thursday and 00:00 Friday - Saturday.
13. There were some residents living in the proximity; mostly behind the building, so they would not be affected by noise to the front of the building.
14. Anticipated guest numbers for events were estimated at approximately 60 maximum.
15. Music and dancing would take place in the front space of the premises.
16. It was anticipated that the alcohol to be sold would be wine and cocktails. There would be no draft beer and no 'shots'.
17. Just the possibility that customers might want to be served alcohol outside the usual hours when no event was on, and the possibility of conflict if they were refused and it was on show, were significant points of consideration for the panel.
18. Alcohol would be sold both during the 20 events per year and during normal cafe opening hours.
19. The normal cafe opening hours were 07:00 - 19:00, and the applicant was applying

for alcohol to be sold during all of those hours.

The Legal Officer then asked questions and points of clarification of the Applicant's Agent, including the following:

20. According to the application, the hours for all the licenseable activities would be 07:00 - 19:00 on normal days and the cafe would close half an hour after the cease of activities. Non-standard hours covered the 20 events 07:00 - 23:00 Sunday - Thursday and to 23:30 on Fridays and Saturdays.
21. Canterbury City Council's core hours for licenseable activities started at 10:00 - so three hours later than those being applied for. No clear reason had been given by the Applicant for this departure from the core hours.
22. The Applicant's Agent felt screening off the alcohol during any hours it could not be sold would be onerous on the Applicant and that the cafe's normal opening hours and the hours during which licensable activities could be undertaken should be the same.
23. The only off-sales envisaged were for when people wanted to drink alcohol sitting at the 4 tables outside, and would finish at 19:00 as per the pavement licence.
24. CCTV footage would be provided within 24 hours of a telephone request or immediately on request in person by the authorities.
25. The log book would be open to inspection under the same conditions as CCTV footage.

The Licensing Officer then asked questions of the Applicant's Agent and made clarifications including the following:

26. At the site visit, the panel had been informed there was no bar, but on the premises plan it showed a bar, which most people would assume served alcohol and that the premises was therefore a 'bar'. Clarity was needed on the intentions of the Applicant.
27. It was clarified that the bar was for the serving / passing over of food and coffee. No customers would stand at the bar and order drinks to be drunk at the bar. The Applicant did not want the premises to become a bar.
28. The three tables nearest the door would be removed for event evenings to allow dancing to take place.
29. The Applicant would risk-assess noise and other disturbance from the event evenings and decide where the music / dancing would be best held to least disturb neighbours.
30. The 20 events per year would restart with each new year of operation. A review would not be undertaken at the end of the first 12 months unless duly requested by a relevant party.
31. Event noise levels would be monitored by having staff walking around outside the building to check on a regular basis. In the view of the Applicant's Agent, 20 events per year did not justify the expense of the purchase and installation of an electronic sound monitor.

The Responsible Authority's representative, Locality Officer (Licensing) Susan Ginever then asked questions / clarifications of the Applicant's Agent, which included the following:

32. The Applicant and proposed DP was not present at the hearing because he needed to be at the cafe, and because his wife Irina Paja, who was present, spoke better English and was more able to clearly answer any questions.
33. It was agreed that, if no event were taking place on a normal Friday or Saturday, the sale of alcohol would stop at 19:00. The officer observed that she and the Agent had not been able to agree this previous to the Hearing during their negotiations over the

application.

34. The Agent clarified that the Applicant had applied for the maximum number of hours they might need, but as the authorities seemed to fear the cafe would turn into a drinking den, this had been reduced.
35. The Applicant's wife had stated in an off-the-cuff remark at a previous meeting with the Locality Officer (Licensing) that ideally she would like to have the flexibility to stay open after 19:00 on Fridays and Saturdays to serve alcohol - for example if a group of ladies had come in just before 19:00, but she now agreed that alcohol sales after 19:00 would be strictly limited to the 20 events.
36. The 20 events would be pre-planned and by invitation, so no customer could arrive at 18:45 and suddenly decide to stay on drinking at one of the 20 events.

The Responsible Authority's representative Locality Officer (Licensing) then made her representation, with points including the following:

37. The operating hours asked for were 07:00 - 00:30 in the initial application. The current hours were 07:00 - 19:00.
38. Even with amendment, the hours were outside the Canterbury City Council core hours. Usually, the core hours should be addressed immediately by the Applicant or Agent, with a statement as to why the hours sought were outside the core hours, and with evidence that there would be no impact on the licensing objectives if the non-core hours were granted. This application had made no mention of the core hours, or the Council's licensing policy.
39. All agreed conditions needed to be precise and enforceable and the operating schedule needed clarity. Wording such as 'any reasonable time' was not enforceable as who could say what was 'a reasonable time'? 'Occasional' was also not a precise word. The application had generally been of poor quality.
40. Staff working on the door would need to be trained for this role. The officer had not suggested SIA-trained staff would need to be there for all events, but training had not been mentioned anywhere in the application, and staff did need training in management events / working on the door / dealing with customers.
41. The operating schedule still did not properly address the steps the applicant would take to promote the licensing objectives.
42. Under the public nuisance objective, the council needed to see more than just guests being asked to leave quietly, as there were 4 flats above the shop next door at number 24. For example, notices might be required.
43. While environmental health officers had not made any representation, the licensing officer had to flag that local residents might be impacted by the noise from events and this should be closely monitored by trained staff.
44. The application should have made it clear where the off-sales consumption area was.
45. If the cafe was still registered on Deliveroo, it could in theory make off-sales via delivery. If that was the case, this should have been noted in the application. (It was clarified that the cafe was no longer doing Deliveroo services.)
46. Late night refreshment had not been included in the 'blue notice', so if the hours had not been amended following discussion with the licensing officer et al, the applicant would have been in the position of being able to sell alcohol but not hot food or hot drink after 23:00, giving the impression that the cafe would have been more a bar than a cafe, especially as the original end of alcohol service was envisaged as 00:00.
47. The explanatory notice had given the conflicting impression that alcohol would only be served until 19:00 outside 'occasional' events, but there was no clarity then as to what 'occasional' meant.
48. The limit of 20 events per year had been the suggestion of the Locality Officer (Licensing) and seemed reasonable as, at the time, the limit on TENS events had been 20 per year.
49. How would the events be counted / kept track of? The officer had suggested they be

recorded in a bound book at the premises, but this had been resisted by the Applicant's Agent.

50. The promotion of public safety and the prevention of nuisance meant that the standard hours for the licence should be 07:00 - 19:00 and the non-standard hours of 07:00 - 11:30 strictly limited to special events.

Sub-Committee members and the Applicant's Agent then clarified points, including the following, with the Locality Officer (Licensing):

51. While the Locality Officer (Licensing) advised that a bound book would be best and easiest for logging events and easy checking, the Applicant's Agent preferred to produce a spreadsheet where the diary of events could be kept, along with the incident log and log of staff training. Refusals and the 'banned book' list could also be logged in this electronic spreadsheet format.
52. The operating schedule was a work in progress.
53. The close proximity of the neighbouring flats above the Canterbury Corner Shop was described.
54. The start time for events would be no earlier than 19:30 to allow normal day customers to leave the cafe, and to allow staff to acknowledge the change from normal opening hours to 'invite only' events.

The Applicant's Agent then summarised the application, and included the following points:

55. The cafe was a family-friendly environment, not a drinking den.
56. The Applicant had agreed to conditions proposed by the Responsible Authorities.
57. Conditions should be light-touch, not onerous, and if there were problems, a review could be undertaken.

Irina Paja, the Applicant's spouse, then made additional comments, including the following:

58. She and her husband had arrived in the UK 4 years ago with just their luggage and their children.
59. They worked long hours to try to make ends meet but it was difficult in the current economic circumstances. A licence would help them make a little more money and provide cultural events.
60. They were keen to share their Albanian and Greek culture with the local community and share some of their good food, good life and good music.

At this stage, the Licensing Sub-Committee members retired with the Legal Advisor to make their decision. Upon the Panel's return, the Legal Advisor thanked those present and advised that in making their decision the Panel had taken into account the agenda, the evidence presented and submissions made by all parties at the hearing, observations made on a site visit earlier that day, the Council's statement of licensing policy, statutory guidance issued by the Home Office and the rights of all parties under the Human Rights Convention.

RESOLVED: That the application be GRANTED for the hours, and subject to the conditions, as follows:

### Hours

For the licensable activities of

- The sale of alcohol for consumption on the premises
- A performance of live music
- The playing of recorded music

- A performance of dance
- Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

The standard hours shall be 07.00 hrs to 19.00 hrs, Monday to Sunday

The non-standard hours (which apply on the 20 occasions per calendar year) shall be

Sunday to Thursday, 07.00 hrs to 23.00

Friday and Saturday 07:00 hrs to 23:30 hrs

#### opening hours

The opening hours on days on which the standard hours apply shall be 07:00 hrs to 19:30 hrs

The opening hours on days on which the non-standard hours apply shall be

- Sunday to Thursday, 07.00 hrs to 23.30
- Friday and Saturday, 07:00 hrs to 00.00 hrs

#### hours of off sales of alcohol

The sale of alcohol for consumption off the premises shall at all times be between 07:00 and 19:00.

#### Conditions

1. Off sales of alcohol shall solely be in respect of customers who are consuming alcohol at the pavement tables in front of the premises, in accordance with a pavement licence.
2. Alcohol sales shall only be supplied by a waiter/waitress service.
3. The non-standard hours shall apply for special or cultural events on no more than 20 occasions in each calendar year. For the avoidance of doubt an occasion is one day (not for example a weekend).
4. The premises licence holder shall keep an up-to-date written record, in the form of a bound book, of these special or cultural events. The record shall detail the date and hours of the event, the nature of the event and the name of the person in charge. This book shall be kept at the premises and shall be made available on request to licensing officers of the licensing authority and to the Police.
5. A CCTV system shall be installed and maintained in working order and used at the premises. The CCTV shall cover all of the licensed areas, and also the outdoor seating, including all entrances and exits and the till area. Recordings must be kept for at least 30 days and must be kept secure during that period for inspection by licensing officers of the licensing authority and provided forthwith and promptly to a Police officer or licensing officer of the licensing authority, upon request. A member of staff who can operate the CCTV system and provide copies, shall be available to attend within 24 hours to provide the copies.
6. Training shall be provided to all members of staff responsible for selling alcohol. The training shall include the Licensing Act 2003, the four licensing objectives, the conditions of this premises licence (including the Challenge 25 scheme).
7. Refresher training shall be provided to those members of staff every six months.
8. Written records of the training shall be retained for at least 12 months and shall be made available to a Police officer or licensing officer of the licensing authority, upon request.
9. An incident logbook shall be kept which details all incidents involving any actual, or allegation of, trouble involving members of the public and/or noise complaints that

- occur at the premises. This book will detail the following
1. The day, date and time of the incident
  2. The member of staff making the entry
  3. The members of staff involved in the incident
  4. An account of the incident
  5. Details of any persons injured and the injuries sustained
  6. Any other relevant details.
10. The incident logbook shall be made available to a Police officer or licensing officer of the licensing authority, upon request.
  11. The possible need for SIA door supervisors shall be determined by a risk assessment both in respect of standard and non-standard hours (i.e. the special and cultural occasions). The risk assessment shall be carried out by the premises licence holder. Copies of risk assessments shall be made available to a Police officer or licensing officer of the licensing authority, upon request.
  12. A member of staff shall be on the door on special & cultural occasions (irrespective of whether there is also a SIA person present in accordance with the risk assessment) to tell customers to leave quietly and not to disturb the residents.
  13. A first aid kit will be available and members of staff will receive training in basic first response skills.
  14. The Challenge 25 scheme shall be implemented at the premises and a proof of age policy is to be applied with the accepted means of proof of age being, but not limited to
    1. Passport
    2. Photo driving licence
    3. A recognised ID card bearing the PASS hologram.
  15. A refusals book will be maintained (separate from the other books) and shall be made available to a Police officer or licensing officer of the licensing authority, upon request.

The Legal Adviser then explained that the applicant had a right of appeal under section 181 of, and Schedule 5 to, the Licensing Act 2003. Any appeal would have to be made within a strict 21-day period to the Magistrates' Court.