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## LICENSING SUB-COMMITTEE

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**MINUTES** of the Virtual Meeting - Via Microsoft Teams on Tuesday, 1 November 2022 from 11.45 am - 1.20 pm.

**PRESENT:** Councillors Derek Carnell (Chair), Mike Dendor and Lee McCall.

**OFFICERS PRESENT:** Steph Curtis, Chris Hills, Kellie MacKenzie and Helen Ward.

**ALSO IN ATTENDANCE:** Councillors Cameron Beart, Oliver Eakin and Hannah Perkin.

Victoria Beecher, Alex Green and James Vann.

### 405 **NOTIFICATION OF CHAIRMAN AND OUTLINE OF PROCEDURE**

The Chair welcomed everyone to the meeting and asked those present to introduce themselves.

### 406 **DECLARATIONS OF INTEREST**

No interests were declared.

### 407 **APPLICATION FOR VARIATION OF HOURS ON A PREMISES LICENCE - THE OLD WINE VAULTS, 75 PRESTON STREET, FAVERSHAM**

Swale Borough Council's (SBC) Licensing Team Leader introduced the report which asked Members to consider an application for the variation of hours on an existing premises licence under the Licensing Act 2003 at The Old Wine Vaults, 75 Preston Street, Faversham. She outlined the proposed changes to the application as set-out in paragraph 3.2 on page 4 of the report.

The Licensing Team Leader reported that the applicant had submitted additional conditions, however due to an error they had not been included in the report. She stated that the additional conditions had now been circulated to Members and interested parties. The Licensing Team Leader explained that during the 28-day consultation period no representations had been received by the responsible authorities, but the Police had requested the amendment of existing conditions under the operations schedule as set-out in paragraph 4.2 on page 5 of the report, and the applicant had agreed those amendments.

The Licensing Team Leader reported that representations against the application had been received from members of the public as set-out in Appendix III of the report. Objection No. 3 was made by one resident on behalf of six others. The Licensing Team had contacted those named and five had confirmed that their representation was to be considered/made on their behalf. The Licensing Team Leader reported that representations had been made on two of the licensing objectives: The Prevention of Crime and Disorder; and the Prevention of Public Nuisance.

The Chair invited the applicant to present their case.

Alex Green, solicitor on behalf of the applicant, said that Craft Union Pub Company were very experienced and responsible for approximately 450 premises in the UK. Mr Green said that The Old Wine Vaults was located within the commercial town centre of Faversham outside of the residential area. He said that the premises had previously had a mixed reputation, however the current operator and her partner had turned things around nicely and had over 40 years of relevant experience between them. Mr Green reported that following discussion with the Police, the applicant had agreed to the conditions they had requested namely, that there be compulsory door staff at weekends; comprehensive CCTV to be installed; and no entry or re-entry after 23:30 hours.

Mr Green noted that no representations had been received from any of the responsible authorities. He drew attention to the representations against the application set-out at Appendix III of the report. Speaking on Objection No. 1, Mr Green said that with regard to noise, music, and nuisance the Council's Environmental Health Team raised no objection and the licence already required that the beer garden be closed from 22:30 hours, all doors and windows to be closed by 23:30 hours and recorded music to be reduced to background level 30 minutes prior to licensable hours. He noted that no complaints about noise from the premises had been made to SBC's Environmental Health. Mr Green confirmed that the application had been advertised correctly. He said that there was no evidence that patrons of their premises were causing anti-social behaviour in a nearby alleyway and considered they were societal issues. Mr Green referred to complaints 2 and 3 from residents of Gatefield Lane, Faversham which was opposite the premises, and said that the premises had never been a sports bar and live music was not included within the application. Mr Green noted that the closest residents to the venue had not made any representation.

The Chair invited Members to ask questions.

The Licensing Team Leader confirmed that the Leading Light public house was licensed to open until 02:00 hours with the sale of alcohol until 01:00 hours on Fridays and Saturdays.

Mr Green explained that the no-entry/re-entry after 11:30 hours condition was commonly used and would be enforced by the door staff. Mr James Vann, The Craft Union Pub Company, explained that there was side entrance onto the alley.

Councillor Mike Dendor asked that a further condition restricting access from the side door of the premises after 11:30 hours on Fridays and Saturdays be considered.

The Chair invited interested parties to speak.

Victoria Beecher, a local resident, spoke against the application. She said that noise pollution from the premises was a real issue and she had in the past complained to the landlord who had refused to turn down the music. Mrs Beecher said that as an old building the premises had no soundproofing or double glazing

and music being played from the “tent” in the beer garden was also an issue. She spoke about the negative impact noise from the premises was having on residential amenity and asked that Members refuse the application. Mrs Beecher said that the noise emanating from the premises was so loud it caused vibration in her home and needed to be assessed before considering the application. She said that the residents living closer to the premises were not aware of the application so that was why there were no representations from them.

In response to questions from a Member, SBC’s Lawyer Contentious, confirmed that the “tent” referred to was part of the beer garden so would need to close at 22:30 hours. Mr Green said that the background music was popular with customers. Mr Vann said that the “tent” was a gazebo and not currently in use and sound levels could be managed.

The Chair invited interested parties to summarise their closing remarks.

Mrs Beecher said that it was not normal background music emanating from the premises but nightclub level sound. She said she thought that it would continue twice a week throughout the year was unconscionable and would make it difficult for her to sell her property. Mrs Beecher spoke about the negative impact it would have on the town and did not understand the need to increase the level of drunkenness within the town.

The Chair invited the applicant’s representative to summarise their closing remarks.

Mr Green drew attention to Section 9.43 of the Section 182 guidance which stated that “The Authorities determination should be evidence based”. Mr Green reiterated that no objections had been received from the responsible authorities and said that if it was a problematic premises then they would have raised objection. He considered that this should carry considerable weight when Members were considering the application. He said that the licence had many robust conditions within it and with the assistance of the Police even more had been included. Mr Green concluded that there was no evidence that anti-social behaviour nearby was caused by patrons of The Old Wine Vaults.

Members of the Sub-Committee adjourned briefly at 12.35 pm to make their decision and returned at 1.00 pm. In response to a question from the Lawyer (Contentious), Mr Green said that the applicant was agreeable to the imposition of a condition requiring a noise limiter when music was being played at the premises.

Members of the Sub-Committee adjourned at 1.03 pm to make their decision.

Members of the Sub-Committee, the Lawyer (Contentious) and the Democratic Services Officer returned to the meeting at 1.14 pm and the decision, attached as Appendix I to these minutes, was announced. Please note Appendix I is attached to the online version of the minutes.

***Resolved:***

- (1) The Sub-Committee agreed to grant the licence, save for conditions as set out in Appendix I to these minutes.***

**Appendix I - Decision Notice**

Chair

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All Minutes are draft until agreed at the next meeting of the Committee/Panel