

AGENDA

LICENSING SUB-COMMITTEE MEETING

Date: Tuesday, 1 November 2022

Time: 11.30 am

Venue: Virtual Meeting - Via Microsoft Teams*

Membership:

Councillors Derek Carnell, Mike Dendor and Lee McCall.

Quorum = 3

Pages

Information about this meeting

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1. Apologies for Absence
2. Notification of Chairman and Outline of Procedure
3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or

other material benefits for themselves, their families or friends.

The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPIs) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

4. Application for variation of hours on a premises licence - The Old Wine Vaults, Preston Street, Faversham 3 - 46

Issued on Monday, 24 October 2022

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**Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

Licensing Sub-Committee	
Meeting Date	Tuesday 1 st November 2022
Report Title	Consideration of an application for the variation of an existing Premises Licence under the Licensing Act 2003
Premises	The Old Wine Vaults, 75 Preston Street, Faversham, Kent ME13 8SU
Lead Officer	Johanna Thomas, Licensing Officer
Classification	Open
Recommendations	1. Members are requested to determine the application on its merits

1 Purpose of Report and Executive Summary

- 1.1 The report advises Members of an application for the variation of an existing premises licence under the Licensing Act 2003 in respect of which representations have been made by eight (8) interested parties

2 Background

- 2.1 The Licensing Sub-Committee is asked to determine an application for the variation of an existing premises licence under the Licensing Act 2003 in respect of premises at The Old Wine Vaults, 75 Preston Street, Faversham, Kent ME13 8SU

- 2.2 The Licensing Act 2003 (the 2003 Act) requires the Council (as licensing authority) to carry out its various functions so as to promote the following four licensing objectives:

- the prevention of crime and disorder
- the protection of public safety
- the prevention of public nuisance
- the protection of children from harm

- 2.3 The 2003 Act requires the council to publish a 'Statement of Licensing Policy' that sets out the policies the council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The council first adopted its Statement of Licensing Policy in 2004 and it has been regularly reviewed in line with legislative requirements ever since. The latest

policy was adopted on 1 April 2021. The Policy will be available at the meeting for reference purposes.

- 2.4 Under the 2003 Act, licensing authorities must, in carrying out their functions, have regard to guidance issued by the Secretary of State under section 182. The Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Provided that the licensing authority has properly understood and considered the Guidance, it may depart from it when it has reason to do so. However, as the licensing authority is under a duty to have regard to the Guidance, it will need to give full reasons for any departure from it. This would be a key consideration for the courts should departure from the Guidance result in a determination which gives right to an appeal or judicial review. The Guidance will be available at the meeting for reference purposes.
- 2.5 A copy of the council's approved procedure for hearings of the Licensing Sub-Committee in relation to an application, along with a copy of the Hearings Regulations has been circulated to all parties prior to the meeting.
- 2.6 The Licensing Authority must, under the Act, refer any application for hearing to the Licensing Sub-Committee where relevant representations are made by a responsible authority or an interested party.
- 2.7 The Licensing Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property which may include licences in existence and the protection of private and family life.

3 The Application

- 3.1 On 8th September an application was received from The Craft Union Pub Company Ltd. for the variation of an existing premises licence under section 34 of the Licensing Act 2003 in respect of The Old Wine Vaults, 75 Preston Street, Faversham, Kent ME13 8SU
- 3.2 The application is for:

An increase to the hours for the licensable activities of sale of alcohol and recorded music (indoors) on Friday and Saturday from a terminal hour of 23:00 to 01:00 and to extend the opening hours on Fridays and Saturdays to allow the premises to close at 01:30 hours the following day.
- 3.3 Part M of the statutory application form asks applicants to describe the steps they intend to take to promote the four licensing objectives. Where an application has been properly made and no responsible authority or other person has made a relevant representations, or where representations are made and subsequently

withdrawn, these proposals are 'converted' in the form of clear and enforceable licence conditions which, together with the Mandatory Conditions, make up the premises licence.

3.4 A copy of the application is shown as **Appendix I**.

3.5 A copy of the existing premises licence is shown as **Appendix II**.

4 Representations

4.1 At any stage during the 28 day consultation period a responsible authority, a Councillor or an interested party, may make representations provided that the grounds are relevant to the licensing objectives and are not deemed to be vexatious, frivolous or repetitive.

4.2 Representations from responsible authorities:

- Kent and Medway Fire and Rescue Service – No representations.
- Kent County Council Trading Standards – No representations
- Kent County Council Services Children and Families – No representations
- Kent County Council Public Health – No representations
- Environmental Health, Swale BC – No representations
- Swale Borough Council Planning Area Team – No representations
- Kent Police – Have requested amendments to conditions as shown below:

To amend condition 7:-

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.

- a. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
- b. 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.
- c. 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 Police or authorised officers from Swale Borough council upon reasonable request.

In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to Kent Police Licensing within 24 hours unless the CCTV will be repaired before that time (licensing.north.division@kent.pnn.police.uk).

To amend condition 15:-

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 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 Swale Borough council upon request either electronically or hard copy.
- 4.3 There have been three (3) representations in total from members of the public. Two (2) representations are from individual residents and the third is made on behalf of six (6) residents. Although this last representation is in the form of an email from one resident, a further six people were named in that representation. Each of the other residents who put their name to the email representation have been contacted by the Licensing Team and five of those six people named confirmed that the email on their behalf was to be considered a representation to the application. The Licensing Team therefore consider this a valid representation on behalf of the six residents who have confirmed as such. The representations are made on the basis of 2 of the licensing objectives of prevention of crime and disorder, prevention of public nuisance. These are shown at **Appendix III**.

5 Policy considerations

The following provisions of the Secretary of State's Guidance apply to this application:

Chapter 2 – The licensing objectives

Chapter 8 – Applications for premises licences (8.5 Variations)

Chapter 9 – Determining applications

Chapter 10 – Conditions attached to Premises Licences

The following paragraphs of the Council's Statement of Licensing Policy apply to this application:

Sections 3.1 to 3.14.4 – These sections set out the Council's approach with regard to licensing and details other mechanisms to deal with potential problems.

Section 2.1 to 2.8 – These sections set out the four licensing objectives and identifies matters that may be relevant to the promotion of each licensing objective.

Section 9 relating to variations to licences.

Section 17 relating to conditions

6 Determining the application – Options of the Sub-Committee

5.1 Members are asked to determine which of the following options they deem appropriate:

- (i) grant the variation as applied for
- (i) grant the variation subject to conditions consistent with the Operating Schedule modified to such an extent as considered appropriate for the promotion of the licensing objectives and any mandatory conditions
- (ii) reject part of the application
- (iii) reject the whole application

5.2 Members of the Licensing Sub-Committee are reminded of their duty under Section 17 of the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the Licensing Authority's responsibility to so-operate in the reduction of crime and disorder in the Borough.

6 Implications

Issue	Implications
Corporate Plan	There are direct links to Priority 3 – 3.4 Ensure that the council plays a proactive role in reducing crime and antisocial behaviour
Financial, Resource and Property	None unless there is an appeal to Magistrates' Court which proves to be successful and which could therefore result in costs being awarded against the Council.
Legal and Statutory	The Licensing Sub-Committee must carry out its functions with a view to promoting the four licensing objectives. The procedure for dealing with applications for the variation of an existing Premises Licence is set out in the Licensing Act 2003. Schedule 5 of the Licensing Act 2003 deals with appeals. Any party to the application has the right to appeal the decision of the Licensing Sub Committee. Such appeal must be made to a

	Magistrates' Court within 21 days of the Appellant being notified of the decision.
Crime and Disorder	The council has a duty under section 17 of the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the Licensing Authority's responsibility to co-operate in the reduction of crime and disorder in the Borough. Section 17 of the Crime and Disorder Act 1998 states "Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area"
Environmental Sustainability	No implications
Health and Wellbeing	No implications
Safeguarding of Children, Young People and Vulnerable Adults	Premises Licence Holders must be 'fit and proper' to operate licensed premises responsibly and uphold the licensing objectives which include 'protection of children from harm'
Risk Management and Health and Safety	Departure from the Guidance and Statement of Licensing Policy could lead to an increased risk of appeal. Similarly, if any decision made is not evidence based and proportionate
Equality and Diversity	No implications
Privacy and Data Protection	Normal privacy and data protection rules apply.

6 Appendices

- 6.1 The following documents are to be published with this report and form part of the report:
- **Appendix I:** Application form
 - **Appendix II:** Premises Licence
 - **Appendix III:** Representations against the application

7 Background Papers

The Licensing Act 2003
Guidance issued under Section 182 of the Licensing Act 2003 (as amended)
Swale BC Statement of Licensing Policy

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* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

ARG/MJM/98454.27970

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

THE CRAFT UNION PUB COMPANY LTD

* Family name

THE CRAFT UNION PUB COMPANY LTD

* E-mail

mandy_mighty@gosschalks.co.uk

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

09429990

Business name

THE CRAFT UNION PUB COMPANY LTD

If the applicant's business is registered, use its registered name.

VAT number

GB 206221948

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

60,500

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VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

1. To vary the licensable hours (sale of alcohol and recorded music) to end at 0100 on a Friday and Saturday only and to extend the opening hours to 0130 on these days.
2. To add some new/amended conditions to the premises licence further to liaison with the Police.

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

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PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes
- No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes
- No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes
- No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes
- No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the playing of recorded music take place indoors or outdoors or both? Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Indoors Outdoors Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve 1000 to 0100
New Year's Eve 1000 to 0100

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

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Continued from previous page...

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve 1000 to 0100
New Year's Eve 1000 to 0100

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve 1000 to 0130
New Year's Eve 1000 to 0130

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Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

See existing premises licence save for conditions added within this application.

b) The prevention of crime and disorder

See existing premises licence save for conditions added within this application.

c) Public safety

See existing premises licence save for conditions added within this application.

d) The prevention of public nuisance

See existing premises licence save for conditions added within this application.

e) The protection of children from harm

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See existing premises licence save for conditions added within this application.

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NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

Continued from previous page...

* licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/swale/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

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Swale Borough Council, Swale House, East Street,
Sittingbourne, Kent, ME10 3HT

Premises licence number: FAV/SWALE/189/0401

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

The Old Wine Vaults
75 Preston Street
Faversham
Kent

Post town	Faversham	Post code	ME13 8SU
------------------	-----------	------------------	----------

Telephone number	
-------------------------	--

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Sale of Alcohol
Provision of Films
Indoor Sporting Events
Live Music
Recorded Music
Facilities for dancing
Late Night Refreshment

All activities take place indoors

The times the licence authorises the carrying out of licensable activities**Sale of Alcohol**

Monday – Saturday	10:00 – 23:00
Sunday	10:00 – 22:30
Christmas Eve	10:00 – 01:00
New Years Eve	10:00 – 01:00

Live Music

Monday – Saturday	10:00 – 23:00
Sunday	10:00 – 22:30
Christmas Eve	10:00 – 01:00
New Years Eve	10:00 – 01:00

Recorded Music

Monday – Saturday	10:00 – 23:00
Sunday	10:00 – 22:30
Christmas Eve	10:00 – 01:00
New Years Eve	10:00 – 01:00

Provision of Dancing

Monday – Saturday	10:00 – 23:00
Sunday	10:00 – 22:30
Christmas Eve	10:00 – 01:00
New Years Eve	10:00 – 01:00

Provision of Films

Monday – Saturday	10:00 – 23:00
Sunday	10:00 – 22:30
Christmas Eve	10:00 – 01:00
New Years Eve	10:00 – 01:00

Indoor Sporting Events

Monday – Saturday	10:00 – 23:00
Sunday	10:00 – 22:30
Christmas Eve	10:00 – 01:00
New Years Eve	10:00 – 01:00

Late Night Refreshment

Christmas Eve	23:00 – 01:30
New Years Eve	23:00 – 01:30

The opening hours of the premises

Monday – Saturday	10:00 – 23:00
Sunday	10:00 – 22:30
Christmas Eve	10:00 – 01:30
New Years Eve	10:00 – 01:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and off the premises

Part 2**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

The Craft Union Pub Company Limited
 3 Monkspath Hall Road
 Solihull
 West Midlands
 B90 4SJ

Registered number of holder, for example company number, charity number (where applicable)

09429990

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Michelle Trevelyan
 40 Wards Hills Road
 Minster On Sea
 Ise of Sheppey
 Kent
 ME12 2LQ

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

SWALE-PL-2153
 Swale Borough Council

Annex 1 – Mandatory Conditions

Condition 1

No supply of alcohol may be made under this licence:-

- (a) At a time when there is no designated premises supervisor in respect of it or
- (b) At a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

Condition 2

Only individuals licensed by the Security Industry Authority (SIA) maybe used at the premises to guard against:-

- (a) Unauthorised access or occupation (e.g. through door supervision)
- (b) Outbreaks of disorder
- (c) Damage

Condition 3

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made by:-

- (a) The British Board of Film classification (BBFC), where the film has been classified by that Board or
- (b) The Licensing Authority where no classification certificate has been granted by the BBFC, or, where the Licensing Authority has notified the licence holder that section 20 (3) (b) applies to the film in question and the admission of children must be in accordance with any recommendation made by the Licensing Authority.

Condition 7

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Condition 8

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Condition 9

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Condition 10

The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Condition 11

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purpose of the condition set out in paragraph 1:-
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) “permitted price” is the price found by applying the formula:- $P = D + (D \times V)$ where:-
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence:-
 - (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7)

- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph (2) on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

Condition 1

'Proof of age' Scheme to be in operation.

Condition 2

No children allowed on the premises unless accompanied by an adult

Condition 3

No children allowed on the premises after 21.00, unless attending a function.

Condition 4

Recorded music to be reduced to background level, 30 minutes prior to the end of permitted hours for the sale of alcohol.

Condition 5

The garden area to be closed at 22.30 hrs.

Condition 6

Windows and doors to be closed from 23.00 hrs (except for entry and egress)

Condition 7

CCTV is to be installed in agreement with the police and will cover all exits and entrances and public areas of the licensed premises.

All CCTV cameras and recording equipment, including video tapes if used, are to be well maintained, kept in good working order and are to be subject to regular testing and inspection, which will be auditable.

Any recording made via the use of the CCTV will be retained and stored for a minimum of 30 days and made available to the police or local authority on request or in any case within 48 hours of a request being made.

Condition 8

Any person leaving the licensed premises (excluding the beer garden to the rear of the premises) will not be permitted to remove or take with them any bottles or open container that contain or have contained beverages of any kind purchased in the licensed premises.

Condition 9

A minimum of 2 SIA door staff are to be in place after 19:00 when live music is taking place at the premises.

Door staff will wear clothing that is easily identifiable on CCTV such as reflective coats or reflective armbands.

Condition 10

A representative of the premises licence holder will actively participate in the Swale Safe Radio System.

Condition 11

The garden to be closed at 22:30 hours

Condition 12

Regular toilet checks will be made to prevent and deter drug use in premises and these checks recorded.

Condition 13

Access to the premises will be allowed to the police at any reasonable time in order for swabs to be taken for testing in the Ion Track Drug Trace machine.

Condition 14

Drinks promotions will not be permitted allowing unlimited supply of alcohol for a set price

Condition 15

All staff will be fully trained in licensing law and that training will be auditable

Condition 16

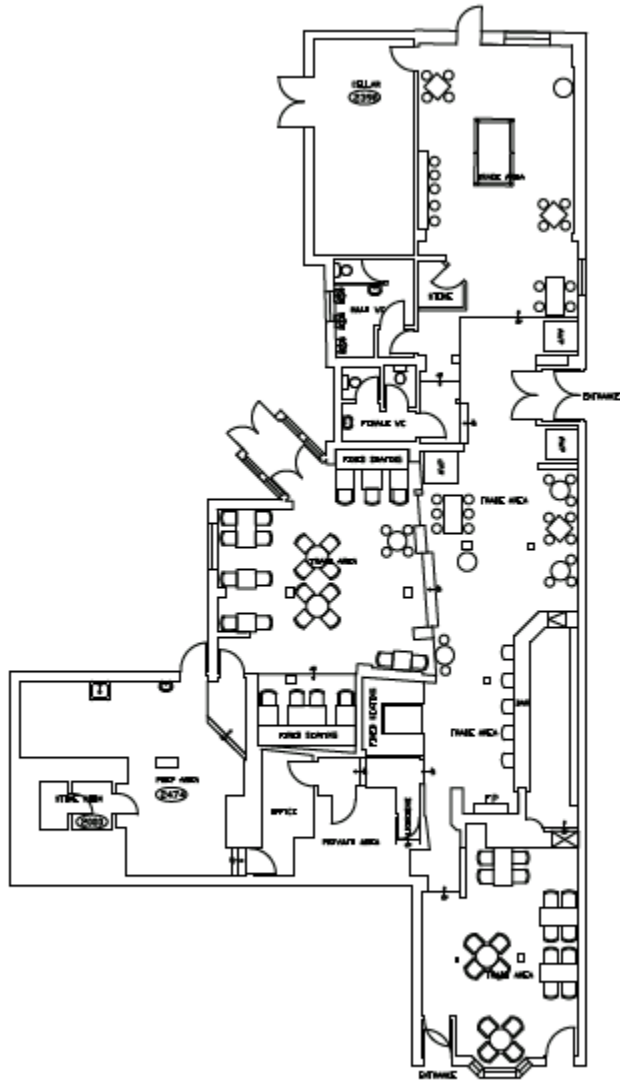
All staff will be fully trained in the 'Challenge 21' scheme and will be instructed to ask for identification from any person attempting to buy or consuming alcohol who appears to be under the age of 21. The forms of identification that will be acceptable will be photographic ID such as a passport, photographic driving licence or a 'PASS' approved proof of age card

Conditions attached after a hearing by the licensing authority in 2005

• **Conditions applied after a committee hearing:**

- No drinking outside the front of the premises.
- Door staff to wear regulation armbands when they become available.
- All fire exits must be kept clear, at all times.
- CCTV to be in operation both internally and externally, the existing system to be upgraded in accordance with police guidelines.
- Swale Safe Radio Scheme to be in operation.
- Removal of internal lobby to be looked into, in accordance with planning law.

Annex 4 – Plans



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Objection No. 1



Licensing (SBC)
To Jo Thomas



Tue 15:42

-----Original Message-----

From:

Sent: 05 October 2022 22:07

To: Licensing (SBC) <Licensing@swale.gov.uk>

Subject: OLD WINE VAULTS

Dear sirs

it was with surprise and some horror that I saw the sign regarding the application to extend the license at the above mentioned pub to 1am and 1.30 on Friday and Saturday nights.

We live in close proximity to this pub and the noise from the music is often deafening. To the extent there is no room in our house where we can enjoy open windows.

The appalling behaviour of their clients as they leave the premises has escalated again to the levels not seen since it was the Hole in the Wall some years ago.

The clients are not from houses in the near proximity in the main as they rampage down pavements, through the car park and street, shouting and swearing on their way home. Also this noise emanates from the garden and becomes unbearable when they play football matches either on the outside tv or with the doors open.

I was surprised that I had not seen this extension posted in the window for the month I believe it has to be in evidence. Behind glass it was also nearly impossible to see. Which is surprising as I walk past so often. It would I think also be important to post to local houses as we are so badly affected by the behaviour.

We have had to recently install CCTV following an incident of drunken vandalism to our property.

There has not been sufficient time to inform all our neighbours of this application and I would request an extension if there is even a consideration of approving this.

My neighbours and I experience clients from the pub urinating in the alley and next to our houses, fights, and noise. As the police presence dwindles it does not seem prudent to extend the ability to drink to excess.

It is completely unacceptable to consider ensuring that neighbours would have an increased effect of noise pollution. The noise levels need to be monitored as I have measured extraordinary levels on a Decibel app. This is obviously not a professional one but if you are licensing the premises I would urge that spot checks occur.

None of us can enjoy the use of our gardens.

Objection No.2



Licensing (SBC)
To Jo Thomas



Tue 15:40

From:

Sent: 05 October 2022 22:47

To: Licensing (SBC) <Licensing@swale.gov.uk>

Subject: The Vaults Faversham

Dear Sir / Madam,

I write to object to the proposed application for an extension to opening hours at The Vaults, Preston Street Faversham. My property backs onto Gatefield Lane and since the change of the pub into a sports bar we have seen a significant increase in anti social behaviour. I have personally witnessed a young person openly taking a line of coke in public, the regular use of the alley way as a public toilet and even people brawling in the street having left the pub in day light hours. When the pub was under previous management no such problems occurred and door staff were never required due to the good management of the clients. Sadly that cannot be said for the current company. I dread to think what further local misery would be caused if later nigh opening was permitted.

Yours sincerely,

Objection No.3



Licensing (SBC)
To Jo Thomas



Tue 15:43

From:

Sent: 06 October 2022 11:33

To: Licensing (SBC) <Licensing@swale.gov.uk>

Subject: Re: The Vaults Pub, 75 Preston Street, Faversham - application to extend licensing hours

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognize the sender and know the content is safe.

U R G E N T

I am writing on behalf of all the residents of Gatefield Lane, Faversham (details below) and we STRONGLY OPPOSE any idea of a proposed extension to the licensing hours at the above premises.

I could write pages on what we are currently having to endure in the Lane since the Vaults reopened as a Sports Bar pub, suffice to say a definite increase of anti-social behaviour, with frequent vomiting, urinating and drugs (both consuming and dealing) being the main issues. Some of these incidents have been witnessed as emanating from clients of the pub. Jo Thomas from your department, along with Tina Grafton, Swale's anti-social behaviour officer and our PCSOs, Sharron Rees and Dennis have all been helpful with their advice and support.

In view of the above, all the residents feel that the Vault's application to extend the current licensing hours to include Friday and Saturday nights with music to 0100 / 0130 should be rejected.

Thank you.

Yours sincerely,

Objection No. 3 - Confirmation from resident 1



Licensing (SBC)
To Jo Thomas

From:

Sent: 08 October 2022 08:35

To: Licensing (SBC) <Licensing@swale.gov.uk>

Cc:

Subject: [UNAUTHENTICATED SENDER]The vaults

CAUTION: This email originated from outside of the organisation. Do not click links or open attachm

Please find my signed letter as requested confirming I am happy for my neighbour to represent me!

[REDACTED]

[REDACTED]

Signed Letter from Resident 1

Swale House, East Street,
Sittingbourne, Kent ME10 3HT
DX59990 Sittingbourne 2
Phone: 01795 417567
www.swale.gov.uk



Residents
Gatefield Lane
Faversham
Kent
ME13 8NX

Please ask for: Licensing
☎ Telephone: (01795) 417286
E-mail: licensing@swale.gov.uk
Ref: FAV/SWALE/189/0401
Date: 7th October 2022

Full Variation of a Premises licence application – The Old Wine Vault, The Old Wine Vaults 75 Preston Street Faversham Kent ME13 8PA

Dear Resident,

I am writing to you with regard to the above application made under the Licensing Act 2003.

Your neighbour [REDACTED] has made representations on your behalf. Please can you confirm in writing that you consent to [REDACTED] making objections to this application on your behalf. Confirmation can be sent by email to Licensing@swale.gov.uk or by letter to Licensing Team, Swale Borough Council, Swale House, East Street, Sittingbourne, Kent ME10 3HT

If we do not receive a response, we cannot include you as party to the representation. Please reply by no later than Friday 14th October.

Please note that the consultation period has ended so no new objections can be made at this point that were not included in [REDACTED] original representation.

[REDACTED] stated the following:

I am writing on behalf of all the residents of Gatefield Lane, Faversham (details below) and we STRONGLY OPPOSE any idea of a proposed extension to the licensing hours at the above premises.

I could write pages on what we are currently having to endure in the Lane since the Vaults reopened as a Sports Bar pub, suffice to say a definite increase of anti-social behaviour, with frequent vomiting, urinating and drugs (both consuming and dealing) being the main issues. Some of these incidents have been witnessed as emanating from clients of the pub. Jo Thomas from your department, along with Tina Grafton, Swale's anti-social behaviour officer and our PCSOs, Sharron Rees and Dennis have all been helpful with their advice and support.

In view of the above, all the residents feel that the Vault's application to extend the current licensing hours to include Friday and Saturday nights with music to 0100 / 0130 should be rejected.



Are you registered to vote?
www.swale.gov.uk/all-about-voting



Swale House, East Street,
Sittingbourne, Kent ME10 3HT
DX59990 Sittingbourne 2
Phone: 01795 417567
www.swale.gov.uk



As relevant representations were received during the consultation, the decision as to whether the variation is granted or not, does not fall to licensing officers and will instead be determined by a hearing of the Licensing Sub-Committee where 3 councillors, specifically trained in licensing law will hear from all parties and will adjudicate on this matter.

If you respond confirming you are party to the representation you will be invited to attend this meeting where [REDACTED] or her representative will be able to speak to the committee if she would like to do so. The comments [REDACTED] has submitted will be included in the report that will be presented to Members for them to consider (any personal details are redacted).

The Council Offices are currently closed due to building work, it is therefore likely that the meeting will be held remotely via Microsoft teams, please can you include in your response whether you have any objection to the meeting being held in this way.

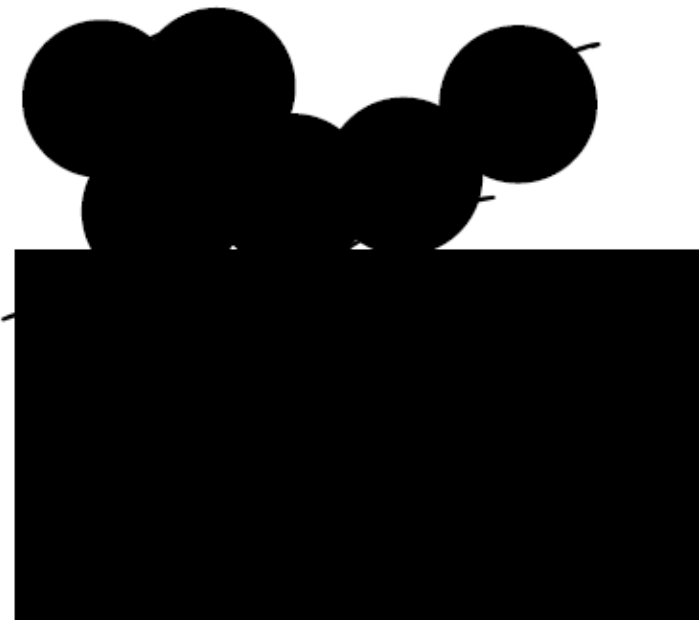
If you confirm that the representation has been made on your behalf, I will contact you again when I know what arrangements have been made for the meeting.

If you have any questions, please do not hesitate to contact Licensing on 01795 417286

Kind regards

A handwritten signature in black ink, appearing to read 'J Thomas', is written over a light grey rectangular background.

Johanna Thomas
Licensing Officer



Are you registered to vote?
www.swale.gov.uk/all-about-voting



Objection No. 3 - Confirmation from resident 2



Licensing (SBC)

To Jo Thomas



19:10

From:

Sent: 07 October 2022 19:30

To: Licensing (SBC) <Licensing@swale.gov.uk>

Cc:

Subject: Full Variation of a Premises licence application – The Old Wine Vault, The Old Wine Vaults
75 Preston Street Faversham Kent ME13 8PA

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern;

I hereby authorise [REDACTED] to include me into the complaint as per the letter attached.

Kind Regards

[REDACTED]

Sent from my iPhone

Objection No. 3 - Confirmation from resident 3



Licensing (SBC)
To Jo Thomas

Reply

Reply All

Forward



Thu 20/10/2022 19:33

> Good afternoon [REDACTED]
>
> Thank you for your email. My apologies for being pedantic, but please can you confirm that you are happy for [REDACTED] to make representations on your behalf.
>
> Kind regards
>
> Johanna
>
>
> Johanna Thomas
> Licensing Officer
> Tel: 01795 417286 | Email: licensing@swale.gov.uk or
> taxis@swale.gov.uk | Website: www.swale.gov.uk Swale Borough Council |
> Swale House | East Street | Sittingbourne | Kent | ME10 3HT
>
> This email and any files transmitted with it are confidential and
> intended solely for the use of the individual or entity they are
> addressed. If you have received this email in error please notify
> postmaster@swale.gov.uk
>
>
>
> -----Original Message-----
> From:
> Sent: 08 October 2022 09:17
> To: Licensing (SBC) <Licensing@swale.gov.uk>
> Subject: Extension to opening hours
>
> CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognize the sender and know the content is safe.
> Please accept this note as my objection to the extending opening hours for The wine vaults in Faversham.
>
> Best regards,
> [REDACTED]
> [REDACTED]
>
> This email and any files transmitted with it are confidential and
> intended solely for the use of the individual or entity they are addressed. If you have received this email in error please notify postmaster@swale.gov.uk

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity they are addressed. If you have received this email in error please notify postmaster@swale.gov.uk

Objection No. 3 - Confirmation from resident 4

[REDACTED] ME138nx
Mrs THOMAS
Thank you for your letter and I wish
[REDACTED] to make representation
on my behalf and objecting to the Vaults
application for live music 1am and 1:30
Saturday nights. [REDACTED]

Objection No. 3 - Confirmation from resident 5

[REDACTED]
Faversham ME138nx
11th Oct, '22
Dear Mrs Thomas,
This is to confirm I consent to
[REDACTED] making representations on
my behalf. and making objections to Vaults
application for live music 1am to 1:30 am
Friday and Saturday nights. [REDACTED]

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