



**LICENSING AUTHORITY: SWALE BOROUGH COUNCIL**

**LICENSING ACT 2003  
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**NOTICE OF DETERMINATION**

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Applicant: THE CRAFT UNION PUB COMPANY LTD

Regarding **VARIATION OF PREMISES LICENCE – The Old Wine  
Vaults, 75 Preston Street, Faversham, Kent ME13 8SU**

Date(s) of hearing: 01 November 2022

Date of determination: 01 November 2002

Committee Members: Councillor Derek Carnell (Chair)  
Councillor Lee McCall  
Councillor Mike Dendor

Legal Advisor in attendance at hearing(s): Helen Ward

Licensing Officer in attendance at hearing(s): Chris Hills

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

This was an application for:

X Variation     Grant     Review     Other .....

of a

X Premises Licence     Club Premises Certificate     Personal Licence  
 Temporary Event Notice

**A: Representations, evidence and submissions:**

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

**Applicant**

- Alex Green, Solicitor for the Applicant
- James Vann, Regional Manager, Craft Union Pub Company

**Responsible Authorities**

None

**Other Persons**

- Victoria Beecher

**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 Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto in particular:

Section 4 relating to the general duties of licensing authorities and sections 34 - 36 which relate to the variation of a premises licence

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives  
Chapter 8 & 9 which relates to premises licences & determinations  
Chapter 10 which relates to conditions attached to licences;

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

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

Paragraphs and reasons (state in full):

N/A

## **C: Determination:**

### **The Committee has decided to:**

Grant the application as applied for, with the addition of the conditions offered as part of the application, the agreed conditions with the Police as set out on pages 5 and 6 of the agenda and the following two additional conditions:

1. A noise limiter must be fitted to any musical amplification system that is used after 23:00hrs and set at a level specified by a suitably qualified Acoustics Consultant who is a member of the Institute of Acoustics, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
2. The door leading to the alleyway adjacent to the premises shall not be used for access or egress after 23:30 hours, save for in an emergency

### **Reasons for determination:**

#### ■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee had regard to the representations made in writing and comments made at the hearing in respect of this licensing objective. The Sub-Committee noted that there was no representation from Kent Police although additional conditions had been agreed with the Police and these were endorsed by the Sub-Committee.

The Sub-Committee recognised that their decision must be evidence led and carefully considered the information that had been included in representations and in submissions at the hearing in respect of this licensing objective. They accepted that the behaviour of people in the vicinity was not clearly evidentially linked to this premises. As such, the Sub-Committee were satisfied that the application as amended to include the additional conditions promoted this licensing objective.

#### ■ **Public Safety**

Reasons (state in full):

The Sub-Committee were satisfied that the existing premises licence is sufficient to promote this licensing objective and no representations were made to the application regarding public safety.

■ **Prevention of public nuisance**

Reasons (state in full):

The Sub-Committee had regard to the representations made in writing and raised during the hearing.

In respect of concerns raised regarding dispersal, the Sub-Committee recognised that there were a number of licensed premises in the vicinity and there was no evidence to link the disorder mentioned in the representations to this premises. They noted that there were no objections from Environmental Health. To assist with the concerns raised on dispersal, and following discussion at the hearing, the Sub-Committee considered it appropriate to restrict the dispersal to the front entrance after 11.30pm and as such a new condition was imposed to deal with that.

In respect of music from the premises, the Sub-Committee considered the concerns of the interested party that music noise was causing a disturbance in her premises. On questioning, the applicant explained that they were seeking recorded music beyond 11pm as this was central to the style of operation and people would attend for the music. They said that if recorded music was not granted they would not open the later hours. The Sub-Committee were mindful of the concerns relating to recorded music however they were confident that the request for recorded music would not impact on this licensing objective if a condition were added requiring a noise limiter to be set with the advice of a properly qualified acoustician. This will apply for all music played at the premises beyond 11pm, as the Committee recognised that the premises could have recorded music until 11pm without condition by way of de-regulation in any event. The Sub-Committee noted that Environmental Health had not objected on this ground and also that suitable provision for enforcement exists if concerns are evidenced in the future.

■ **Protection of children from harm**

Reasons (state in full):

The Sub-Committee were satisfied that the existing premises licence is sufficient to promote this licensing objective and no representations were made to the application regarding the protection of children from harm.

■ **Other Relevant Considerations**

Reasons (state in full):

N/A

**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 to the Magistrates' Court within a period of 21 days beginning on the day on which the appellant was notified by the licensing authority of the decision to be appealed against. Parties should be aware that the Magistrates' Court may make an Order as to costs in any Appeal.

Cllr Derek Carnell (CHAIR):

Signed:

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

A copy of the original document is held on file

Date: 01 November 2022