

**Swale Borough Council**  
**Licensing Sub-Committee**

Tuesday 5<sup>th</sup> April 2010

Application by Shepherd Neame Ltd. for Premises Licence Variation  
relating to The Park Tavern, Sittingbourne

**DECISION**

Sub-Committee;      Cllr. R. Barnicott (Chairman)  
                             Cllr. Lesley Ingham  
                             Cllr. Anita Walker

This is an application to vary the terms of the Licence by the addition of live music and dancing from 1900 until 0000 on Friday or Saturday from 1900 until 0100 on New Years Eve. We have listened to the statements of Mr. Mike Davies for the Applicant and to Madeleine Bean the designated premises supervisor. We have also heard from Sharon Honey of the Council's Environmental Protection Section, who had suggested conditions which had been readily accepted by the Applicant. She was therefore not objecting. We have also heard from 3 neighbours, Mr. Wells, Mrs. Buddle and Mr. Morgan. We have read the Licensing Officer's report and all the letters and other exhibits attached to it (including the representations made by neighbours). We have not taken account of views not delivered within the period of public consultation. We have now given this matter full consideration.

Objections to Licence Applications must be based on one or more of the 4 Licensing Objectives in the Licensing Act 2003, which are:-

1. the prevention of crime and disorder
2. public safety
3. the prevention of public nuisance
4. the protection of children from harm.

There are no Kent Police or Kent Fire and Rescue objections to the application. The objection in this case falls clearly within number 3, the prevention of public nuisance caused by live music emanating from the public house and from customers.

The pub is in the centre of a large residential area of mainly terraced housing The DPS and her family have occupied the premises and run the pub for two years, and have in that time laid on karaoke and live bands once a month (with the benefit of Temporary Event Notices). This has caused some problems for close neighbours who say that the noise is causing them to lose sleep. Mr. Wells has lived next door for nearly 50 years. He complains that his grandchildren can no longer stay with him when music is on; he has been verbally abused by customers. Mrs. Buddle says that her garden backs on to the pub garden; she is disturbed by a ball being continually kicked against the wall until 2am, and

bottles and glasses being thrown over; she can't have friends in the garden because of people looking over the wall; people climb over to retrieve balls. Mr. Morgan says he has lived in a house nearby for 60 years. All say they had good relations with previous landlords but the music has brought in a different clientele. They drive over the footpath and park in front of the pub, obstructing pedestrians. Photographs of this were produced. All say they appreciate that Mrs. Bean is trying to run the business and they don't wish to prejudice this provided they can have some consideration.

Mr. Davies says that the person who owns the large parked vehicle on the photograph has been given a penalty notice and will not do it again. He is prepared to erect a notice pointing out that it is unlawful to park on the area in front of the pub. He also accepts the conditions proposed by the EHOs. (Windows/doors closed, twice per month non-consecutive). He will also agree to no ball games in garden after 11pm.

**We have found this decision very difficult. We have agreed to grant the application but only until 2230 hours, Only on two occasions per calendar month on non-consecutive night, and subject to the following conditions:-**

- 1. Doors and windows are to remain closed (except for customers normal access and egress) during performance of regulated entertainment.**
- 2. No ball games permitted in the garden after 2100 hours.**
- 3. The notice as to illegality of parking be prominently displayed.**

We expect this to preclude the need for using Temporary Event Notices for the purposes covered by this consent. We would urge the applicant to investigate with the neighbours the possibility and advisability of raising the height of garden dividing walls with a small fence for better privacy and possible sound attenuation.

In reaching this decision the sub-committee has considered everything we have heard and seen today, the 2003 Act, the Regulations and Guidance thereunder, and the Council's published Licensing Policy.

These decisions have been taken with the intention of preventing public nuisance, but should nuisance occur, a neighbour can apply to the sub-committee to review the licence under Section 53 of the Licensing Act 2003, where the sub-committee would have power:-

- a) to modify the conditions of the licence,
- b) to exclude a licensable activity from the scope of the licence,
- c) to remove the Designated Premises Supervisor,
- d) to suspend the licence for up to three months, or
- e) to revoke the licence.

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Cllr. R Barnicott