

(Report of the Licensing Officer, Samantha Potts 7364)

Application – Variation to Premises Licence

Premises – The Phoenix Tavern, Abbey Street, Faversham

Requested Licensable Activities	Days	Requested Hours	Agreed Hours	Comments
Live Music (in the garden)	Monday - Sunday	12.00 - 20.00		April-Sept only
Recorded Music (in the garden)	Monday - Sunday	12.00 - 20.00		April-Sept only
Dancing (in the garden)	Monday - Sunday	12.00 - 20.00		April-Sept only
Plays (in the garden)	Monday - Sunday	12.00 - 20.00		April-Sept only

Background

The Licencee of The Phoenix Tavern, Faversham has applied to vary the existing Premises Licence for the premises in Abbey Street, Faversham. The Phoenix Tavern is a public house Circa 1300 situated just off the town centre of Faversham in the residential area of Abbey Street. The garden is to the rear of the property and is accessed either through the premises or via Vicarage Street, which runs behind it. To the side of the premises is a small car park. There is no front garden.

The premises licence was granted in June 2005 under Grandfather Rights. The licensee at the time operated a 'food led' business and did not utilise the outside space. The current licensee purchased and took over the premises two years ago, he now seeks to licence the rear garden for 'English Garden Music', primarily on a Sunday afternoon during the summer months although he also wishes to have music in conjunction with festivals such as the Hop Festival each September. Temporary Event Notices could be applied for each time, however as members are aware TEN's cannot be conditioned or refused and it was the opinion of the Councils Licensing Enforcement Officer that a full variation should be applied for.

Consultation

The application was served by the applicant on Kent Police, Kent Fire and Rescue, the Councils Pollution Team, Planning, Child Protection Services and Weights and Measures.

The application was advertised in the local paper and on the premises for a period of 28 days, in line with the requirements of the Licensing Act 2003. Although not a requirement of the Licensing Act, the applicant also sent out a letter to local residents giving further details of his application (see attached).

Eight objection letters were received from local residents the letters cite concerns over potential noise nuisance from the garden over the summer each year. Six letters of support have also been received.

The Environmental Pollution Team have also raised concerns over potential noise (see attached report)

Swale Police did not raise any objection to the application as there is no history of problems with crime and disorder at the premises.

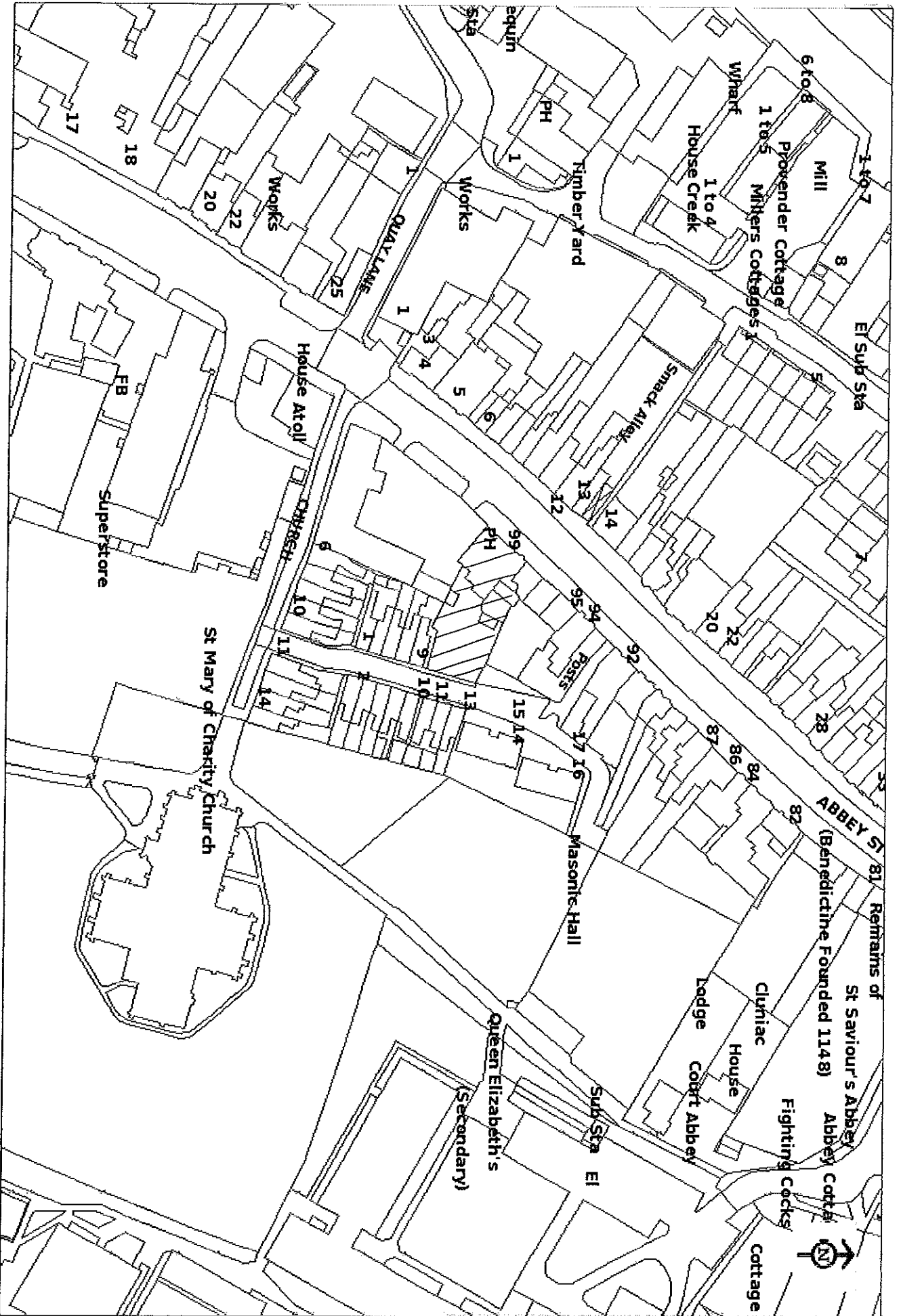
Conclusion

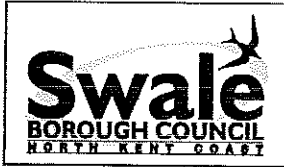
The licensee of the Phoenix Tavern has applied to vary the existing premises licence to include regulated entertainment in the garden during summer months (April – September) each year. Eight local residents and the Environmental Pollution Team have raised objections. Six local residents have sent letters in support.

Councillors must decide if any of the following are appropriate:

- *Grant the variation as applied for.*
- *Grant the variation with conditions and/or changes.*
- *Refuse the variation.*

Attachments: Plan of area and current licence
Letters from residents and letter sent out by applicant.
Environmental Services Report





Premises Licence number: FAV/SWALE/189/0066

Part 1 – Premises Details

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

Phoenix Tavern
98/99 Abbey Street

Post Town: Faversham, Kent.

Postcode: ME13 7BH

Telephone number: 01795 591462

Where the licence is time limited, the dates:

No limitation.

Licensable activities authorised by this licence:

Sale of alcohol.
Provision of films.
Provision of indoor sporting events.
Provision of Live/recorded music.
Provision of late night refreshments

The times the licence authorises the carrying out of licensable activities:

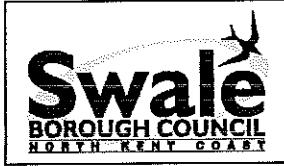
Sale of alcohol, Monday – Sunday 10.00 – 01.00
New Years Eve, Christmas Eve, Bank Holidays 10.00 – 02.00
Live Music, Monday – Sunday 10.00 – 23.00
Recorded music, throughout opening hours
Indoor Sporting events, Monday – Sunday 10.00 – 23.00
Films, Monday – Sunday 10.00 – 23.00
Late night refreshments, 23.00 – Close each day
30 minutes 'wind down period'

The opening hours of the premises:

Monday – Sunday 10.00 – 01.30

Where the licence authorises supply of alcohol, indicate whether for consumption on or off the premises:

On and off the premises.



Premises Licence number: FAV/SWALE/189/0066

Part 2

Name (registered) address, telephone number and e-mail of holder of the premises licence:

Team Selves Pubs Limited
Phoenix Tavern
98/99 Abbey Street
Faversham
Kent, ME13 7BH

Registered number of holder, company number or charity number:

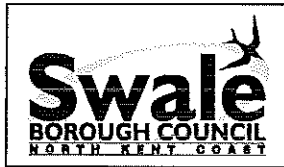
5872022

Name, address and telephone number of the Designated Premises Supervisor, applicable in premises where the sale of alcohol will take place:

David Robert Selves
The Margins
95 Abbey Street
Faversham
Kent ME13 7BH

Personal licence number and issuing authority of the personal licence, held by the named designated premises supervisor:

Licence No: SWALE-PL-1181
Issued by: Swale Borough Council
Swale House
East Street
Sittingbourne
Kent ME10 3HT



Premises Licence number: FAV/SWALE/189/0066

Part 3

Mandatory Conditions:

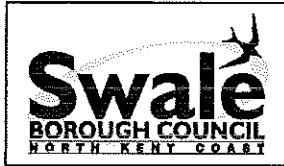
- No sale of alcohol can take place where the designated premises supervisor is not a personal licence holder.
- Any door supervisors must be trained and SIA registered.
- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.

- The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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 a holographic mark.

- The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

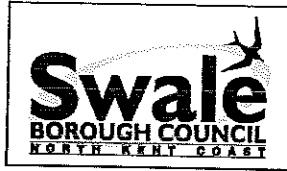


Premises Licence number: FAV/SWALE/189/0066

Part 4

Conditions consistent with the operating schedule:

- 'Proof of age' Scheme to be in operation.
- No children allowed on the premises unless accompanied by an adult
- Doors and windows at the front of the premises to be closed when entertainment takes place.
- Consideration to be given to noise nuisance, bottle bins not to be emptied after 23.00

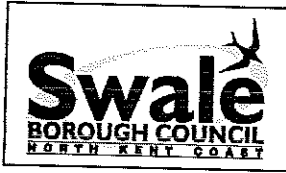


Premises Licence number: FAV/SWALE/189/0066

Part 5

Conditions applied after a committee hearing:

N/A



Premises Licence number: FAV/SWALE/189/0066

Part 6

Authorisation.

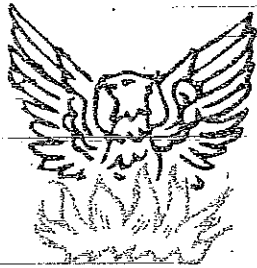
This licence is granted this day *Monday 15th August 2005*

On behalf of Swale Borough Council

A handwritten signature in black ink, appearing to be "S. Potts". The signature is written in a cursive style with a large initial "S" and a dot at the end.

Licensing Officer

LETTER SENT TO LOCAL RESIDENTS BY APPLICANT



The Phoenix Tavern
REAL ALE - REAL FOOD - REAL ATMOSPHERE
GREAT BRITISH PUB AWARDS - BEST NEWCOMER SOUTH EAST ENGLAND 2010

12th November 2011

As you know we have a policy of by and large not being a music pub and have no intention to change that. We have introduced Jazz in the bar on Sunday lunch times which has proved very popular which includes many of you and I'm grateful for your kind words on it.

When we have music in the garden twice a year, our Beer Festival on the May Bank Holiday and Hop Festival we finish by 9.30 pm Friday and Saturday and 8.30 pm on Sunday though sitting in my garden I can still hear bands all over town! We don't intend to change though as a foil to the Jazz for the summer we are thinking about gentle English garden music, stripped blazers and boaters maybe, and have therefore made an application to vary our licence to be able to do this.

Our policy of no fruit machines, no juke boxes, no mass sport on large screen TVs around the bars, no computer games and no alcopops helps us to maintain what we are and even in this difficult trading times this is not something we wish to change and hope you will be willing to support the proposed extension so that we may continue as we are and look forward to seeing you continue to enjoy the style of pub that we run.

Thanks for your continued support and if you wish to add your support for the application, please contact the Council direct on 01795.417850 or write to them at Swale House, East Street, Sittingbourne, ME10 3HT



The Phoenix Tavern Faversham

@PhoenixFav

CASK MARQUE ACCREDITED -- FEATURED IN THE "GOOD BEER GUIDE"

The Phoenix Tavern, Abbey Street, Faversham, Kent ME13 7BH.

Team Selves Pubs Limited registered in England 5,872,022 trading as The Phoenix Tavern

www.thephoenixtavernfaversham.co.uk 01795 591462

Swale Borough Council

Licensing

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

Licensing Act 2003 : Application For Premises Licence Variation :
Ref:FAV/SWALE/189/0066 : The Phoenix Tavern , Abbey Street, Faversham

I understand from an anonymous letter delivered recently to my door that the Landlord of the above Public House has applied for a variation to their premises licence.

While I am disappointed that my attention was not drawn to this matter as part of 'consultation' by Swale Council as the pub is almost opposite my house, I wish to make a comment on the application.

The Landlord of the Phoenix has produced and delivered a letter (attached) in which he explains the reasons for the application and how he intends to operate any future music performance. I must say that any music events to date have been quite acceptable and well managed in accordance with the position stated in his letter.

I therefore have no objection to the proposed variation/extension to the licence and would welcome the opportunity for additional musical events, which must also help his business continue successfully in these difficult times. I am sure you are well aware of the number of failed and boarded up public houses in the Swale area. However I recognise that some of my neighbours are naturally concerned with the unknown but in this respect I am sure that as a Council you would be able to agree to the variation as requested, while at the same time setting down any conditions which you consider may be necessary.

When the nearby Swan and Harlequin applied for a similar licence some years ago, after some awful uncontrolled events which went on to the early hours, the Council granted a licence but laid down conditions for the times and performance of music, which worked very well.

Yours faithfully

Dear Samatha Potts.

Re the application for
a 'Premises Licence Variation'
for the Phoenix Tavern, Abbey
Street, Faversham.

I have lived at 14
Church Street, Faversham, for
the last fifteen years, which
is a short distance from the
back gate of the above
tavern. I have NO objection
for live music to be played in
the garden, when music has
been performed on a few occasions
in the past, it has always
been at an acceptable level
and stopped at an
acceptable time, it has
been a pleasure to
listen to

Yours faithfully

~~_____~~

Samantha Potts

From: [REDACTED]
Sent: 21 November 2011 09:59
To: Licensing
Subject: Phoenix Tavern, Abbey Street, Faversham

Dear Sir/Madam,

Please note our support of The Phoenix Tavern's notice of proposal to vary its licence for outdoor extension.

Thank you.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Clare Thornby

From: [REDACTED]
Sent: 22 November 2011 12:04
To: Licensing
Subject: Ref: FAV/SWALE/189/0066

Dear Sirs

I would like to support Mr Selves in his proposal to have more music at the Phoenix.

To date, his events have been pretty much trouble-free, finishing on time and the choice of music unexceptionable.

He has improved the pub and continues to operate in a very supportive way to the Abbey Street community as a whole. We can hear his events from our house especially on warm summer evenings, and I have in the past rung the pub to ask if music in their garden could be quieter, but that was during his absence with a manager in charge, and since then things have been much better.

It seems to me to be important to support local businesses especially if the owners are going out of their way to act responsibly and with benefit to their surroundings.

So I vote yes to the plan.

yours

[REDACTED]
[REDACTED]

Samantha Potts

From: [REDACTED]
Sent: 19 November 2011 19:37
To: Licensing
Cc: [REDACTED]
Subject: License variation FAV/SWALE/198/0066

Dear Sir / Madam,

I write in support of David Selves' application for a 'premises license variation'. We have had an anonymous letter through our door (4 Abbey Street) asking us to object to his plans on the grounds that it would degrade our quality of life. I couldn't disagree more.

David has turned the Phoenix from a dark, dirty, empty room, into a thriving community pub.

He makes extraordinary efforts to make visiting the place a varied, enjoyable, and wholesome experience: chess, debating, poetry, plays. At the same time he goes to great lengths to ensure that the establishment isn't a burden on its neighbours. Witness the smoking ban after 23:00 so that residents aren't disturbed by smokers talking loudly in the street. He would be well within his rights to let people smoke in the garden at any time whilst he is open but he doesn't. This isn't the act of someone unconcerned about his business' impact on Abbey street.

I am excited that David hopes to host some musical events at the Phoenix and think that this will only add to the draw of Abbey street. Music at the Anchor has been a regular feature for some time now, and it's difficult to see what the differences from a licensing perspective would be between the 2 venues.

Please feel free to contact me by return of mail if I can provide any further input on the subject. Suffice to say, I have full confidence that David would handle the introduction of musical entertainment at the Phoenix with the same sensitivity (to the environs and neighbours) that he has to running the pub generally.

Your sincerely,

[REDACTED]
[REDACTED]

Samantha Potts

From: [REDACTED]
Sent: 19 November 2011 11:07
To: Licensing
Subject: Phoenix tavern, Faversham

Your ref: FAV/SWALE/189/0066

Samantha Potts:

I write in support of The Phoenix application to extend live performance times.

The David Selves team runs a well-managed hostelry, is conscious of residents at all times, and, as often happens, there are always people who live nearby who fear any additional 'noise' will be a constant and disruptive presence, when in fact a carefully considered programme will be scheduled.

Most of the neighbours sit in their own gardens thoroughly enjoying the sharing of performers in the pub garden; inside in the bar, sound does not trouble anyone, on one side there is the Phoenix car park and attached on the north side is David Selves' own home.

The residents at the rear of the Phoenix will of course have their silence disturbed occasionally but by professional and appropriate music. This will only be in good summer weather, when they have their own gardens at the rear of their houses.

Having lived here for 38 years, we have witnessed the stopping of the church clock chiming, complaints about church bells and weekly rehearsals, and endless phobias. If you live in a town centre street you can be thankful for some good entertainment going on....

Please do not discourage good landlords.

[REDACTED]
[REDACTED]

21/11/2011

20 November 2011

The Licensing Department
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent. ME10 3HT

LEGAL

22 NOV 2011

DEPT

Dear Sir or Madam,

**Re: Public Notice regarding Team Selves Pubs Limited, The Phoenix Tavern, 96/98
Abbey St**

We are responding to your Public Notice regarding the application by Team Selves Pubs Ltd to vary their licence to include outdoor activities such as Plays, Live Music, Recorded Music & Dancing between April and September from 12.00 to 20.00 hours.

We object strongly to this proposed variation to their Licence due to the disturbance – and particularly to the noise nuisance – that we experience when outdoor or late evening activities take place at the Phoenix Tavern. During hot summer evenings when outdoor events are staged, we find that noise continues at the back of the pub well beyond the finish of the event itself. We find that it is difficult to sleep with our windows open and are forced to live in the back part of our house. Whilst we do not object to events on rare but special occasions such as the Hop Festival, frequent outdoor events will cast a blight on the quality of our everyday lives and our ability to work proficiently if our sleep is disturbed.

Yours faithfully,

Dear Sir,

I am writing to OBJECT to the application of Team Selves Pubs Limited. The Phoenix Tavern, 96/98 Abbey Street, Faversham, Kent, ME13 7BD.

You will be aware by my previous correspondence in the past two years of the impact the Phoenix Tavern has had upon my home life in Vicarage Street.

In accordance to being neighbourly in a Built up Highly Populated Residential area which is also a CONSERVATION AREA a Music and Dancing Licence if to be granted would be without the full consideration of the local residence.

All other premises with such licences are on the outer perimeters of Faversham itself and where the gardens are enclosed and not over looked. There is no such luxury for the residential area surrounding the Phoenix Tavern.

The Phoenix boasts of a secluded garden which is strictly untrue, if you look at photographs of the Phoenix Tavern in Camera beer gardens and advertising you can see clearly the houses directly opposite which are literally 6 ladies strides away, with no shrubs etc to barrier the noise or view.

Our homes are supposed to be a place of harmony and certainly without noise pollution.

My BIGGEST OBJECTION is as a Mother to a Ten Year Old Son and his right to an education and peace to study. I do not wish his education to suffer, he has the Human Right to study and be in a safe secure environment without drinking and partying over spilling.

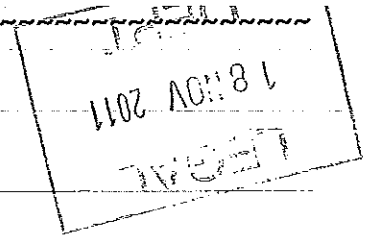
As you are aware I have previously complained about the loudness, behaviour and bad language of the garden drinkers.

We have accepted during the Hop Festival and occasions music as part of the Phoenix business which as courtesy the Phoenix has always notified us prior to these events and times.

But to extend the licence would be a Step to Far and detrimental to the local residence and community.

Yours Faithfully

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



15th November 2011

Dear Sir/Madam,

Re Premises licence variation
The Phoenix Tavern, 96/98 Abbey Street,
Faversham, Kent, ME13 7BH

I am writing with regards to the above license, objecting very strongly to the proposed request. I feel the organisation is taking liberties of the good nature of their neighbours that live close by these premises. I have no objection to the odd music event which runs along the side of festival events in Faversham town but I do object to the proposed plan to have music six months of the year during the summer, Monday to Sunday 12.00pm – 8.00pm, this is unacceptable – there would be no respite for the local people. I sometimes work from home, I also like to sit in my garden, I don't want to be bombarded by music that I have no interest in listening to.

My experience of living opposite the gardens to the pub can be very noisy when there is music, especially if they use large speakers, not only does it drown out one's own TV but it also sends vibrations through our homes.

I don't think the owner has taken in the needs of the local people that live in the immediate vicinity to the Phoenix Tavern; it would be very inconsiderate of the council if this licence variation was to be granted; this is not in keeping with the conservation area.

Yours faithfully,

The Licensing Department, Swale Borough Council

RE: Application for a premises licence variation

Name of applicant: Team Selvo Pubs Limited

Premises: The Phoenix Tavern, 96/98 Abbey Street, Faversham,
Kent, ME13 7BH.

Sirs,

We wish to bring to your attention our strongest objections to the above application.

Our house, 7 Vicarage Street is next to the outdoor premises but one, which will be the venue for plays, live music, recorded music and dancing.

Under the above pub's existing licence, over the past two summers when sessions are in full swing...

- 1) Due to excessive noise, it's been impossible to relax in the back garden (it's the only one we have), let alone use as a venue in which to entertain.
- 2) Again, because of the noise, we cannot open any windows, and bear in mind this would be spring/summertime. We've also found sleep impossible.

- 3) The alleyway between our immediate neighbour and the pub's outdoor premises has served as a public toilet, along with our front door, and wall.
- 4) We've been subjected to verbal abuse from unruly clients directly in front of our house, simply when having the temerity to interbre.

Even though we know there are others out there who share our feelings and are experiencing similar difficulties, we appreciate that perhaps we might be lone voices appealing for balance and above all else, this country's inherent ability to compromise and show consideration. The Phoenix Tavern sits slap-bang in the middle of a densely populated residential area, an area part of a town which if memory serves me correctly, is demarcated conservation.

Therefore, we humbly appeal to you not to grant the licence, as the existing one results in situations and events which are a heavy enough burden.

Mine sincerely,

The Licensing Department
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent ME10 3HT

Dear Sir/Madam,

Re: Application for a premises licence variation
Team Selves Pubs Ltd.
The Phoenix Tavern, 96/98 Abbey Street, Faversham, Kent Me13 7BH
Date of Notice: 5th November 2011

I wish to record my objection to granting the above application.

Having been subjected to loud Rock & Roll on a warm Sunday afternoon/evening played at maximum volume, I would be adverse to this being repeated on any week day during the months of April to September. The back of my house in Church Street directly overlooks the garden at the pub and by 8.30pm, I really had had more than enough.

I have no objection to open air "music" on special occasions (Hop Festival/Beer Festival) and no objection to music played indoors. But the pub is situated in a residential area which is subject to regulations regarding building changes. Also it is in a conservation area of Faversham, a jewel in Faversham's crown of which the town can be justifiably proud so how can this licence variation be even contemplated.

Having been a resident in the area since 1962 (then residing in Arden's House), I can see no advantage to destroying the quality of life for all in the vicinity of this historic part of the town.

Yours faithfully,

14 NOV 2011

The Licensing Dept.
Swale Borough Council
Swale House, East St
Sittingbourne, Kent. ME10 3HT

Dear Sir/Madam

Re: The Phoenix Tavern, 96/98 Abbey St. Faversham - regarding
Noise Pollution, emitting from their rear garden.

Living where I do, close to the Phoenix Tavern and the Noise that emits from the Pub Garden, I have already sent two letters of strong complaint to Swale Borough Council. These letters dated 6-9-2010 and 5-9-2011, plus several telephone calls to Mr Michael Moss, who has been most helpful. My letters should be on file, if not, I can supply copies. From the dates of my written complaints, it will be apparent that these followed the Annual Faversham Hop Festival, that I of course make allowance for, and Faversham being a Brewery Town. It is the Noise levels that I feel are unnecessary, more suited to an out of Town "Rave". In addition to the Hop Festivals there have been several other occasions when the Phoenix has had "Music", blaring from their garden - some without legal permission. On one or two such events, the noise levels were acceptable, as they were seemingly purely Instrumental, with softer solo Artists and I think a Jazz Band. I would think that on these occasions that the music/sound was unamplified and even so, went on until later than I would have wished. It is the amplified Rock type music, with the loud announcements and increased screaming & shouting

as patrons imbibed more alcohol, that was unbearable to me, with my little house actually vibrating at times.

Thus, it is with horror that I view the current Application, by the Phoenix Tavern for a Premises License Variation. Namely that they are given permission to have Plays, Live Music, Recorded Music and Dancing, outdoors during the Summer months. April to September, Monday to Sunday from mid-day until 8pm. (1200-2000 hrs). I can only pray that such "Carte Blanche" permission is NOT granted, or the lives of residents, hereabouts will be made a misery, possibly every day for 6 months. The Phoenix is located in the midst of a closely concentrated Residential area, and prior to the present ownership/management of the Pub, there was no noise or troublesome behaviour from it. It changed ownership, I believe about the end of 2009/ beginning 2010. It is now of increased status & I would imagine increased profits - all to the good, being a successful business. However, I do not feel it ethical that they should further persue this at the expense of their neighbours. ME !!

My small 2 up 2 down in Vicarage St was built circa 1890 and of single wall brick and even my double-glazing does not shut out the noise. Also I do not want to be compelled to keep my windows shut during the Summer months. I retired here to what was a peaceful area and I resent the selfish actions of the Phoenix Tavern, thus I earnestly trust that you will take my considerations into account, when deciding their Application to "do as they please" in varying the Pub's License.

Yours sincerely

cc. to Mr Michael Moss, Swale Borough Council

The Licensing Dept.

Swale Borough Council

Swale House, East St

Sittingbourne, Kent. ME10 3HT

FAO: Mrs S Potts. FAV/SWALE/189/0066

Dear Mrs Potts

Ref: Licensing Act 2003 & The Phoenix Tavern, Faversham.

Following my 11-11-2011 letter of objection, regarding the current application by The Phoenix Tavern to vary their Premises License, I now enclose a copy letter, from The Phoenix, and put through my door on 12-11-2011. My comments relating to this letter, follow and I ask that you please append these to my 11-11-2011 objections.

In their letter to their "Neighbours", dated 12th November, the Phoenix states that " by and large, they are not a music pub and no intention to change this" Why? then are they now seeking permission to have music in their rear garden, April to September, Monday to Sunday. 12.00 to 20.00. I see this as a contradiction. The writer then states, that on Hop Festival dates, whilst sitting in the Pub's garden, he/she can hear "bands all over town" - after music at The Phoenix has ended. Well, here in Vicarage St. - it is noise coming from the Phoenix that affects me, and as previously said, I make allowance for the Hop Festival. It is the incremental steps being taken by The Phoenix, to change it, very apparently to a "music venue". that concerns me.

They then describe, their contemplating "gentle English garden music, striped blazers and boaters maybe" I see this as far-fetched, would that it were not. The Phoenix, then make great play of what they do not do. "No fruit machines, no juke boxes, no mass sport on large

screen TVs around the bars, no computer games & no alcopops. Were such activities in place, these would not concern me, being INSIDE their Premises. (Indeed, whatever difference, does not selling "alcopops make ? They are a Pub and as to be expected retail all manner of strong spirits, and liquor.) I am perplexed as to how, by making these irrelevant points, The Phoenix might be enabled to increase the amount and frequency of offensive noise, from OUTSIDE their Premises ?

I therefore ask that you please take both my letters into account, when considering this current application by The Phoenix to vary their Premises License.

Yours sincerely

The Licensing Department
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent ME10 3HT

15 November 2011

Dear Sir/Madam

Re: Application for a premises licence variation
Team Selves Pub Limited
The Phoenix Tavern 96/98 Abbey Street Faversham ME13 7BH
Date of Notice 5 November 2011

I raise objection to the above Application on the following grounds:

Vicarage Street is a narrow residential street and the comings and goings of people in and out of the Beer Garden Gates from Vicarage Street during every day continual outdoor musical activities for 6 months of the year would be very disruptive to the residents in Vicarage Street.

The present arrangements at the Phoenix Pub we have been able to accept. Notices have been put up by the Phoenix to remind their clientele that this is a residential area. Beer Garden gates are shut on a Fri and Sat evening and there is no longer the noise incidents in our street that the residents were subjected to in the previous year.

I object to the above Application dated 5 November 2011 because it is asking too much an everyday outdoor music licence for 6 months of the year and would effect the quality of life for the residents living in the proximity.

Yours faithfully

10-11-11
Tel. 11

Dear Sir, Mr.

I read the application of the Phoenix Pub in Alley St for a licence to have bands in his garden.

We had to put up with this several times during the summer, and it literally had an effect on my health giving me headaches. I live in one of two blocks of flats opposite and certain people like myself, elderly and or -

disabled, find it incredible that he was allowed to have those rock bands in his garden at any time.

We also had to put up with people drinking in the street and subsequently also many instances and walls.

to me as well. I must protest most strongly about this as we live in what was a quiet area, and our quality of life will be severely affected. If the licence is granted I will have to take the matter up with my MP.

I am Yours Sincerely

Internal Memorandum

To: Sam Potts, Licensing Manager
Date: 28th November 2011
Location: The Phoenix Tavern, 99 Abbey Street, Faversham.

Application for outside live amplified music, Monday to Sunday in summer months from Midday to 20.00 hours

We wish to formally object to this application. The garden is in close proximity to a number of houses and if not suitably controlled could cause a lot of problem from both amplified music and behavioural noise. The application is very wide in its times and days and if granted, could allow disturbance to neighbours on a daily basis all through the summer months. We certainly could not support this.

Any music would be clearly audible in neighbouring properties and there are no measures given in the operating schedule to mitigate for or minimise the potential noise. Playing live music outside in this location is likely to give rise to justifiable noise complaints.

Four noise complaints have been received concerning this premises in 2010 and two in 2011, some of these complaints related to music at festivals being played in the rear garden.

We therefore object to a licence that allows for the use of the outside area for the playing of live and recorded music on the grounds of public nuisance and recommend the variation is **refused**.

We do recognise that Members may wish to grant the variation once all the evidence has been put before them. If this is the case we strongly urge that strong control measures are put in place.

It is noted that there is a letter circulated to residents referring to only having jazz concerts on a Sunday lunchtime and a festival in May and at the Hop Festival weekend. The letter also points out the current operation of The Phoenix. Whilst the premises may be run well and with concerns for the neighbours, we would be worried about the premises changing hands if the variation was too wide open and permanent.

Thus it is recommended that any variation and conditions should be applied to the present Licence Holder only. If the Licence Holder leaves, the variation ceases to operate. Any future variation can then be considered on its own merits.

The question of having every Sunday for live amplified music has been considered and due to the audibility of music and announcements, it is recommended that this should be reduced to just four events per year and only take place outside on one per month between 1st May and 1st weekend of September. This should be non consecutive Sundays i.e. not the last of one month and first of the next. This arrangement could include two outside festivals on single days in any one year.

Which ever days are chosen, residents and the Environmental Protection Team are to be advised in writing at least 21 days prior to any event. Also, it is strongly recommended that no amplified music should be played before Midday and finish not later than 18.00 hours.

It must again be emphasised that any amplified music will be audible in the neighbouring properties and the residents must be protected.

David Ledger
Environmental Protection Team Manager