

Subject: FW: SDC Licensing: The Vault - Complaints

From: Michael Moss
Sent: 05 July 2019 17:08
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Dear Mr Kenneth Kirkman

Licensing Act 2003: Prevention of Public Nuisance

I hope this email finds you well?

I needed to speak with you about the Premises Licence for Beverage Bank, which I understand is now called **The Vault**.

The Licensing Authority have started to receive complaints which fall under the Licensing Objective: **Public Nuisance** and I wanted to give you an opportunity to give me some information before I start to investigate this matter further.

At the moment the Licensing Authority has received complaints from two local residents and many of their concerns are the same. The primary concern is the creation of a 'beer garden' in a communal car park. The Licensing Authority would not be concerned with the car park issue (specifically relating to spaces being used by patrons of The Vault) but I would be grateful to you if you could enlighten me as to whether the parking spaces are reserved (i.e. Designated to certain properties by way of land registry contract) – ultimately this would be a civil matter but it is handy to know when speaking with the residents who might claim something different. I would also be grateful to know, what the business intentions & plans were for the external 'beer garden'.

Both complainants has stated that the customers are sitting out of the back, drinking, smoking and talking loudly and this is having a detrimental impact on them. At this point I would direct you to condition (19) which states "Customers temporarily leaving the premises e.g. to smoke ,shall not be permitted to take drinks or open glass containers with them." ; therefore there shouldn't be any drinks outside the rear of the premises. Despite the Premises Licence being awarded the consumption both on and off the premises, you have a specific condition that it my mind prevents the customers from drinking outside.

Under the Licensing Act 2003 I will investigate to ensure that the business is taking steps to **prevent** public nuisances. I note in your Operating Schedule to put a lot of emphasis on respecting neighbours and preventing disturbance. Complaints happen, they are part of running a business, but I am more interested in the way in which they are handled than the overall complaint itself. Given that I am now bringing to your attention the concerns from local residents and taking into account what you would like to achieve with the business – are there any solutions that would abate these problems?

What steps can the complainants take?

The residents have the option to use the Environmental Protection Team to monitor the levels of smoke and noise coming into their property and a determination will be made under the Environmental Protection Act 1990 as to whether a Statutory Nuisance is being caused, which could lead to an Abatement Notice being served... this however shouldn't happen without working with you in the first instance to resolve the matter. However under the Licensing Act 2003 a

nuisance doesn't need to be defined as a 'Statutory Nuisance' in order to call a review of the licence. Residents have the right to call a review of a Premises Licence at any time but they would need to provide some evidence of the nuisances being caused.

I know receiving notification of a complaint is never pleasing, I hope you will working with the Licensing Authority to find a quick and amicable solution to this issue.

I look forward to hearing from you soon.

Kind regards

Michael Moss
Licensing Officer
Sevenoaks District Council