



LICENSING SUB COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on
Tuesday, 26th March, 2024 at 10.00 am.

The Members of the Licensing Sub Committee are:-

Cllrs. McGeever, L. Suddards and Wright.
Cllr. Smith (Reserve)

Agenda

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1. **Election of Chair**
 2. **Apologies/Substitutes**

To receive Notification of Substitutes in accordance with Procedure
Rule 1.2(iii)
 3. **Declarations of Interest** 3 - 4

To declare any interests which fall under the following categories
explained on the attached document:
 - a) Disclosable Pecuniary Interests (DPI)
 - b) Other Significant Interests (OSI)
 - c) Voluntary Announcements of Other InterestsSee Agenda Item 3 for further details
 4. **Minutes** 5 - 16

To approve the Minutes of the Meeting of the Licensing Sub-
Committee held on 9th February 2023.
 5. **Procedure Note for Licensing Hearings** 17 - 20
 6. **Nine Oaks Vineyard - Application for a Premises Licence** 21 - 112
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12 March 2024

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Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted).

However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency alone, such as:

- Membership of amenity societies, Town/Community/Parish Councils, residents' groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, or having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias and require the Member to take no part in any motion or vote.]

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG's Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution alongside the Council's Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

If any Member has any doubt about any interest which he/she may have in any item on this agenda, he/she should seek advice from the Director of Law and Governance and Monitoring Officer, or from other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.

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Licensing Sub-Committee

Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **9th February 2023**.

Present:

Cllr. Michael (Chair).

Cllrs. Burgess, L. Suddards.

Apology:

Cllr. Wright.

Also Present:

Mr Mogford - Applicant

Mr Vallis – Objector

Licensing Officer (JP), Licensing Officer (AS), Principal Litigator, Senior Member Services Officer.

294 Election of Chair

Resolved:

That Councillor Michael be elected as Chair for this Meeting of the Licensing Sub-Committee.

295 Minutes

Resolved:

That the Minutes of the Meetings of this Committee held on the 26th February 2020 and 21st June 2022 be approved and confirmed as a correct record, subject to noting that the latter took place in Committee Room No. 1 not the Council Chamber.

296 Tudor Peacock, Tudor Lodge, The Square, Chilham – Application for a Premises Licence

The Chairman opened the meeting and welcomed all those present. Everyone introduced themselves and confirmed that they had received and read the papers relating to the application. The Chairman explained the procedure to be followed at the meeting.

The Licensing Officer (JP) introduced the application. He advised that the application for consideration was for a premises licence for The Tudor Peacock, located at Tudor Lodge, The Square, Chilham. The application had been made in the correct manner and was contained at Appendix A of the agenda papers, along with a plan of the premises at Appendix B. The application had been advertised as per regulations, with the blue notice clearly displayed in the correct manner. The proposed premises would be a Wine House, and the property had been approved for change of use. The proposal sought to enhance the locality by providing a venue selling wine and hosting tastings from all seven of Kent's top wine producers in a Grade-II listed heritage building. This was a community project with investors that were local residents eager to revitalise the square. Kent & Medway Business Fund had also provided a £300k loan to help fund the project. A planning application for the proposed change of use of the premises to a wine tasting venue with minor internal alterations to facilitate an ancillary shop and wine bar had been approved. A non-material amendment to conditions 3 and 8 had also been approved.

Drawing attention to the proposed operation of the premises, the Licensing Officer (JP) advised that the licensable hours applied for were 10.00 to 21.00 Monday to Sunday. The information contained within the operating schedule had been converted into conditions, which were contained at Appendix I. Two parties had made relevant representations, these were located at Appendix F. Additionally, two further parties had commented on the interaction of the planning and licensing regimes, as the comments raised no specific concerns in relation to the licensing objectives they were not considered relevant, the comments were contained at Appendix G. The outline of the grounds of objection mainly related to the licensing objectives in general with the main concerns being; potential nuisance related to the consumption of 'off sales' in and around the village square, the presence of primary school children in the square after school during the opening hours of the premises, the doubling of the number of licensed premises in the square and the potential for noise nuisance.

The Licensing Officer (JP) advised that whilst the current planning consent limited the use of the bar and wine tasting facilities to prior booking only, therefore only allowing the shop to be open without prior booking, the application before the Sub-Committee sought to limit only the first floor and basement areas to prior booking. The business operator was restricted to the tighter of two potential conditions, in this case the planning condition. The operator may seek a more 'open' licence with the potential intention to seek further variation to the planning consent to match any licence that may be granted. He counselled the Sub-Committee to consider the application as submitted against the licensing act objectives, and that their decision should not be fettered by the presence of a planning condition, which may or may not be later amended.

The Applicant, Mr Mogford advised that the gist of the business was a community project with 30 investors, 18 of whom lived within the village. The business would centre around the Kentish Wine trade, with The Tudor Peacock only serving Kentish Wines. It was hoped that this venture would breathe new life into the village square. The property had been used as a gift shop which had closed two and half years previously. The building next door had been vacant for over 20 years. They had developed close ties with traders and had joined the Chilham tourism and retail

group with support received from other establishments. The Tudor Peacock would complement rather than compete with establishments in the village. He reiterated that the premises would only serve Kentish Wines. Support had been received from Locate in Kent and an interest free business loan had been provided by Kent & Medway Business Fund. The premises would create additional employment in the village with three full time employees and two part time employees, at least three of those employees would not be linked to investors in the business. Planning permission had been granted and they were comfortable with the conditions attached to this. They were aware that they could not use the premises until the conditions attached had been satisfied.

Further to his additionally submitted paperwork, Mr Mogford advised that they took the concerns of residents seriously. They proposed to install CCTV throughout the premises. Concerns regarding noise would be addressed by the conditions imposed by planning, with an additional internal door being installed. Patrons would have to book before attending the premises, these would be done via online booking and a hard copy diary. In respect of parking in the square he advised that they would encourage parking in the public car park, rather than the square itself. Responding to concerns raised by interested parties, Mr Mogford confirmed that delivery times would be considerate to residents with none taking place before 9.30am, none between the hours of 2.45 to 3.45pm and no deliveries on Sundays. Bins would not be emptied before 9am or after 7pm to respect the local residents and reduce any noise from the operation of the business. He confirmed that there were no plans to use the rear courtyard. There were clear and robust requirements for sound insulation at the premises and the premises could not be used until these were satisfied. He wished to reassure residents that there was no intention to have live or amplified music at the premises. In due course, there may be speakers within the premises but these would not be placed on party walls and would only play ambient music. In respect of the operating hours, the current intention was that these would be 10am to 6pm Sunday to Thursday and 10am to 8pm Friday and Saturdays. The licensing hours applied for were to 9pm each evening, this was intended to allow for the overrun of events. It was not intended for the Tudor Peacock to become a drinking establishment, it was not the purpose of the business. Mr Mogford proposed the introduction of a WhatsApp group or similar to communicate with residents. He was aware that there were concerns and he wished to work with them.

In response to a question, Mr Mogford confirmed that he would be content for the 14 additional submitted points to be converted to conditions on a licence should the Sub-Committee feel it necessary. He further confirmed that the Tudor Peacock Ltd consisted of 28 individuals, 18 of whom lived in the parish of Chilham,

Mr Vallis, an interested party, questioned whether this venture was in fact a community venture and if it was in the best interests of the village. Of the nine households in the square, 5 had registered their objections to the proposals. He had submitted an objection to the application and had also submitted further comments, which the Sub-Committee had sight of. In addition he was speaking on behalf of Mr Howarth, who owned property in the square. Mr Howarth had owned two properties, one of which he had sold and the second which was tenanted. He had been unable to sell the second property as he had wished to do.

In response to a question, Mr Vallis confirmed that if the conditions proposed, and the additional ones agreed by Mr Mogford, were applied to a licence and abided by that would go a long way to easing the concerns he had about the premises.

Mr Vallis questioned what would happen to the licensing hours if the premises were taken over by another party. The Licensing Officer (JP) advised that if the premises were sold then the licence as it stood would transfer to the new owner. If they wished to amend the licence then they would need to apply to do so, and residents would have an opportunity to make representations on this. If the current applicants wished to vary the licence then the same would apply.

In response to questions, Mr Mogford, advised that there was no intention to play music within the premises. There may be speakers installed in the future but this was not a priority. He was happy for conditions to be applied in respect of this. He wished to reiterate that the Tudor Peacock was not intended to be a drinking establishment it would only serve Kentish Wine and patrons would need to book a table.

The Licensing Officer (JP) advised that if there were issues or breaches of the license then the first port of call would be the Licensing Department. They would deal with such matters with Kent Police (if necessary) and would respond quickly.

There was some discussion surround the offer to communicate with residents via WhatsApp group or similar. This had been suggested by Mr Mogford and the Licensing Officers confirmed that such groups, be that WhatsApp or other appropriate messaging service, had been successful and useful for other premises in the Borough. Such groups could help to both parties to address concerns at early stages.

Mr Mogford confirmed that the shop would be ancillary to the tasting rooms and the proposal was a unique mix of on and off sales. It was a condition of the planning permission that the premises operate on a pre-booking basis. There would be an online and physical diary to support these bookings and if there were any concerns they would be able to demonstrate who was on the premises at any given time. Should someone arrive at the premises without a booking they would be asked to make a booking, if there were no tables available then they would be turned away.

Mr Vallis wished to highlight his concerns about the business not supporting the needs of the square itself. He personally would prefer the property to be a residence or a gift shop or similar to service the local community. He felt that the proposal would not benefit local residents.

The Sub-Committee retired to deliberate and make their decision.

On returning, the Chair read the Decision and Reasoning Statement. All Members wished the Applicant well in his new business endeavour.

Resolved

The Premises Licence be granted as applied for.

With the following conditions added to the operating schedule:

- Encouraging customers to arrive and leave the venue with consideration and respect for neighbours both verbally and with appropriate signage – Public Nuisance objective
- Accept no deliveries before 9.30 or between the hours of 14.45 and 15.45 on weekdays, in order to avoid the congestion already caused by school drop off and pick up. In addition, there will be no deliveries on Sundays either – Public Nuisance objective
- Bins will not be emptied before 09.00 or after 19.00, thus reducing disturbance to neighbours – Public Nuisance objective
- Where possible a direct line of communication will be given to local residents as applicable in respect of the premises licence and licensing conditions. This will be updated and maintained as necessary – Public Nuisance objective
- The Licence Holder and appropriate staff will regularly monitor noise levels outside the premises to ensure they are not excessive or likely to disturb neighbours. -Public Nuisance objective
- The Licence holder shall ensure that any complaints will be logged in the incident book (detailing the date, time, person, person recording the complaint, complaint) and any action/advice given. The complaint will be addressed as soon as reasonably practicable. -Public Nuisance objective
- A CCTV system shall be designed, installed and maintained in proper working order. Such system shall be:
 - Operated by properly trained staff.
 - Be in operation at all times that the premises are being used for a licensable activity
 - Ensure suitable coverage of public areas
 - Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained (On disc, hard drive or other immediate retrievable facility) for a period of 30 days, and shall be supplied to the licensing authority or a police officer on request.
 - The system should be checked and maintained to ensure it is in good working order Crime & Disorder objective

The decision notice and formal wording read out by the Chairman is appended to these minutes. A copy of the decision was given to the Applicant at the conclusion of the meeting, and to the Objector.

Queries concerning these Minutes? Please contact Member Services:
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Appendix A

**LICENSING SUB-COMMITTEE
THURSDAY 9TH FEBRUARY 2023**

**APPLICATION FOR A PREMISES LICENCE FOR
TUDOR PEACOCK, TUDOR LODGE, THE SQUARE, CHILHAM**

LICENSING SUB-COMMITTEE DECISION AND REASONINGS

LICENSING OFFICER

Julian Postlethwaite

**REASON FOR
MEETING:**

An application was made for a Premises Licence for Tudor Peacock, Tudor Lodge, The Square, Chilham.

DELIBERATION:

The Licensing Sub-Committee listened to the introduction given by the Licensing Officer in respect of the application made for a premises licence.

The Licensing Officer advised that the proposed premises would be a Wine House, and the property has been approved for change of use. The property sought to enhance the locality by providing a venue selling wine and hosting tastings from all seven of Kent's top wine producers in a Grade-II listed heritage building. This is a community project with investors that are local residents eager to revitalise the square. Kent & Medway Business Fund have also provided a £300k loan to help fund the project

A planning application for the proposed change of use of the premises to a wine tasting venue with minor internal alterations to facilitate an ancillary shop and wine bar was received and approved. The hours that the premises is open to the public, will be the same as the relevant 'Licensed' hours for each day; 10.00hrs – 21:00hrs Monday to Sunday.

Two parties have made relevant representations and additionally two parties have commented on the interaction of the planning and licensing regimes, and as the comments raise no specific concerns in relation to the Licensing objectives they are not considered relevant. The outline of the grounds of objection mainly relate to; Licensing Objectives in General. The main concerns arising from the relevant representations are the potential for nuisance related to the consumption of 'off sales' in and around the village square, the presence of primary school children in the square after school during the opening times of the premises, the doubling of licensed

premises in the square, and the potential for noise nuisance.

Whilst the current planning consent limits the use of the bar and wine tasting facilities to prior booking only, therefore only allowing the shop to be open without prior booking, this Licensing Act application conversely seeks to limit only the first floor and basement areas to prior booking. The business operator was therefore effectively restricted to the tighter of two potential conditions, in this case the planning condition.

In conclusion the Licensing Officer advised that the Sub-Committee should consider the application as submitted, against the Licensing Act objectives, and their decision should not be fettered by the mere presence of the mentioned planning condition, which may or may not later be amended.

The Sub-Committee heard from the Applicant, Mr Mogford, who advised that the gist of the business was a community project with 30 investors, 18 of whom live within the village. The Tudor Peacock would only serve Kentish Wines – it was not going to be a traditional drinking establishment. It was hoped that this would breathe new life into the village square. The property had been used as a gift shop which had closed two and half years previously. The building next door had been vacant for over 20 years. They had developed close ties with traders and had joined the Chilham tourism and retail group with support received from other establishments. The Tudor Peacock would complement rather than compete with establishments in the village. The premises would create additional employment in the village with three full time employees and two part time employees – at least three of those employees would not be linked to investors in the business. Planning permission had been granted and they were comfortable with the conditions attached to this.

Further to his submitted paperwork, Mr Mogford advised that they took the concerns of residents seriously. CCTV would be installed throughout. The concerns regarding noise would be addressed by the conditions imposed by planning. Patrons would have to book before attending the premises, these would be done via online booking and a hard copy diary. In respect of parking in the Square he advised that they would encourage parking in the public car park, rather than the Square itself. Delivery times would be considerate to residents with none taking place before 9.30am and not between the hours of 2.45 to 3.45pm, with no deliveries on Sundays. Bins would not be emptied before 9am or after 7pm. He confirmed that there were no plans to use the rear courtyard. In respect of the operating hours –his current intention was that these would be 10am to 6pm Sunday to Thursday and 10am to 8pm Friday and Saturdays. The licensing hours applied for were to 9pm each evening, this was intended to allow for the overrun of

events. (Just to be clear, the applicant was not amending the hours applied for in his application at the hearing but was explaining how he sought to operate if granted a licence.) He proposed the introduction of a WhatsApp group or similar to communicate with residents.

In response to questions from the Sub-Committee, the Applicant advised that he would be content for the proposed additional points put forward to be added as conditions on his operating schedule if appropriate.

The Sub-Committee heard from Mr Vallis, who had submitted concerns regarding the application. He questioned the value of the wine bar to village, he felt that it was not in the best interests of the village. Five residents of the village had raised objections, out of nine households in The Square. Many of his comments were contained within his submissions. He was also speaking on behalf of Mr Howarth who had been personally affected by the proposal – he had been unable to sell one of his properties.

In response to questions from the Sub-Committee, Mr Vallis concluded that if the proposed conditions on the additional paperwork put forward were added to the licence and they had to adhere to them, they would go some way to addressing the concerns raised.

Mr Vallis questioned how residents could be protected in the future if the premises changed hands. The Licensing Officer advised that if sold, the licence would move to the new owners (if transferred), if any changes were proposed then a variation to the application would be required which would be publically advertised and residents would be able to have their say. A variation could be made by the current premises licence holder if they wished.

The Sub-Committee then retired.

The Sub-Committee considered the following licensing objectives; prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Prevention of Harm to Children and looked to the operating schedule as to how they were being addressed as a whole.

During deliberations the Sub-Committee gave significant consideration to all the representations received, noting that the representations received centred around public nuisance, with many relating to the planning application.

The Sub-Committee felt that both parties had put their cases forward well and they had understood that this was clearly emotive for the residents involved. They were clear that planning matters

were not for consideration as part of the making of this application.

They spent a great deal of time looking over the further submission from Mr Mogford and the 14 areas he had highlighted within. From these the Sub-Committee drew out those that were relevant to the licensing objectives, pertinent to the representations that had been made in respect of the application and where not mere repetitions of planning conditions. The Sub-Committee felt these it was appropriate and proportionate that some of these should be added to the licence as enforceable conditions, and noted that the applicant had consented to these being added if felt appropriate. These were;

- Encouraging customers to arrive and leave the venue with consideration and respect for neighbours (adding the following text) both verbally and with appropriate signage – Public Nuisance objective
- Accept no deliveries before 9.30 or between the hours of 14.45 and 15.45 on weekdays, in order to avoid the congestion already caused by school drop off and pick up. In addition, there will be no deliveries on Sundays either – Public Nuisance objective
- Bins will not be emptied before 09.00 or after 19.00, thus reducing disturbance to neighbours – Public Nuisance objective

In addition to the conditions offered, the Sub-Committee considered that the following were appropriate to be added, which they believed covered in a legally enforceable way what was communicated in the additional list of conditions –

- Where possible a direct line of communication will be given to local residents as applicable in respect of the premises licence and licensing conditions. This will be updated and maintained as necessary – Public Nuisance objective (slightly rephrasing the condition offered about a WhatsApp group and keen to engage with residents)
- A CCTV system shall be designed, installed and maintained in proper working order. Such system shall be:
 - Operated by properly trained staff.
 - Be in operation at all times that the premises are being used for a licensable activity
 - Ensure suitable coverage of public areas
 - Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained (On disc, hard drive or other immediate retrievable facility) for a period of 30 days, and shall be supplied to the licensing authority or a

police officer on request.

- The system should be checked and maintained to ensure it is in good working order Crime & Disorder objective (slightly rephrasing the condition offered CCTV will be installed through the premises –
- The Licence Holder and appropriate staff will regularly monitor noise levels outside the premises to ensure they are not excessive or likely to disturb neighbours. -Public Nuisance objective
- The Licence holder shall ensure that any complaints will be logged in the incident book (detailing the date, time, person, person recording the complaint, complaint) and any action/advice given. The complaint will be addressed as soon as reasonably practicable. -Public Nuisance objective

DECISION MADE:

The licence be ...

Granted as applied for.

With the following conditions added to the operating schedule:

- Encouraging customers to arrive and leave the venue with consideration and respect for neighbours both verbally and with appropriate signage – Public Nuisance objective
- Accept no deliveries before 9.30 or between the hours of 14.45 and 15.45 on weekdays, in order to avoid the congestion already caused by school drop off and pick up. In addition, there will be no deliveries on Sundays either – Public Nuisance objective
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- The Licence Holder and appropriate staff will regularly monitor noise levels outside the premises to ensure they are not excessive or likely to disturb neighbours. -Public Nuisance objective
- The Licence holder shall ensure that any complaints will be logged in the incident book (detailing the date, time, person,

person recording the complaint, complaint) and any action/advice given. The complaint will be addressed as soon as reasonably practicable. -Public Nuisance objective

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 - Operated by properly trained staff.
 - Be in operation at all times that the premises are being used for a licensable activity
 - Ensure suitable coverage of public areas
 - Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained (On disc, hard drive or other immediate retrievable facility) for a period of 30 days, and shall be supplied to the licensing authority or a police officer on request.
 - The system should be checked and maintained to ensure it is in good working order Crime & Disorder objective

Additional notes made by the Sub-Committee to those present at the hearing:

- Interested Parties and Responsible Authorities were reminded that they may apply for a review of this Premises Certificate “after a reasonable interval” pursuant to section 51 of the Licensing Act 2003.
- Entitlements to appeal for parties aggrieved by the decision of the Licensing Authority are set out in Schedule 5 to the 2003 Act.
- An appeal had to be commenced by the giving of a notice of appeal by the appellant to the Designated Officer for the Magistrates’ Court within the 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.
- An appeal must be made to a Magistrates Court.

Right of Appeal

- There is a right of appeal against this decision. An appeal must be commenced by notice of appeal given by the Appellant or anybody affected by this decision to the Magistrates Court within 21 days of the date of this notice.

Dated: 9th February 2023

PROCEDURE NOTE FOR LICENSING HEARINGS

1. Prior to the meeting of the Committee¹, the Committee will have read and familiarised themselves with the Licensing Officer's report and documents referred to in it.
2. The hearing will take place in public, subject to a discretion to exclude the public and/or parties where the public interest in doing so outweighs the public interest in the hearing taking place in public². The Committee may also exclude anyone behaving disruptively.³
3. The parties⁴ are entitled to be assisted or represented by any person, whether or not legally qualified. A party is entitled to withdraw any of their representations orally at the hearing or at least 24 hours before the day or the first day of the hearing.⁵
4. The Committee may extend any time limit in the Regulations for a specified period where it considers this to be necessary in the public interest, but must state the period of the extension and the reason for it.⁶ For example, the Committee may extend the time for making a request to call a witness (see paragraph 16- below).
5. Where a party has notified the authority that he does not intend to attend, the Committee will proceed with the hearing in his absence. Where he has not so notified the authority but does not attend, the Committee may adjourn the hearing to a specified date where it considers it necessary in the public interest to do so. Otherwise, it will proceed with the hearing.⁷
6. Before proceeding in the absence of a party who has not indicated that they do not wish to attend, the Licensing Officer will attempt to ascertain the reason for that party's non-attendance.
7. The Committee may adjourn the hearing to a specified, or extra, date where it considers this to be necessary for the determination of the case.⁸ There are limitations on the ability of the Committee to adjourn the case beyond the time limits for determination during the transitional period and on reviews following closure orders by the police.⁹
8. At the outset of the meeting, a Chair will be elected and any personal and/or prejudicial interests declared.¹⁰
9. Except where the Regulations make specific requirements, the procedure will be in the discretion of the Committee.¹¹

¹ In this Note the expression "the Committee" includes a sub Committee.

² Reg 14 Licensing Act 2003 (Hearings) Regulations 2005

³ Reg 25.

⁴ Reg 2(1) "a person to whom notice of the hearing is to be given under Reg 6(1)" – includes objectors and responsible authorities, such as the Police.

⁵ Reg 10

⁶ Reg 11.

⁷ Reg 20.

⁸ Reg 12.

⁹ Reg 13.

¹⁰ Model Code of Conduct

10. At the beginning of the hearing, the Committee will explain to the parties the procedure it proposes to follow.¹²
11. The Chairman will indicate that all the papers before the Committee have been read and that the Committee is familiar with the issues. He will ask the parties to avoid repetition.
12. The Chairman will indicate the order of presentation.
13. If there are a number of objectors present, the Chairman may request that a spokesperson be appointed. He will make it clear that any party¹³ who wishes to speak will be able to do so, and that the appointment of a spokesperson does not mean that the objections of any interested party will be given less weight.
14. The Chairman may also indicate how the Committee intends to deal with conditions proposed by the parties or by the Committee itself. He may ask the parties to attempt to agree a schedule of conditions for use if the Committee is minded to grant the application. This will not mean that the Committee has formed any view of the merits. It will only come to its decision at the end.
15. A party is entitled to be represented or assisted by another person, whether or not that person is legally qualified.¹⁴
16. If a party wishes a person (other than himself or his representative) to appear at the hearing he must have made a request to do so prior to the hearing within the times prescribed in Reg. 8. The request must name the person and give a brief description of the point(s) on which that person may be able to assist. In such a case, the Committee will determine the application for permission at the outset of the hearing.¹⁵ In determining that request, the authority will consider the representations of all parties upon the matter and may consider the relevance of the proposed evidence, the assistance it will in fact offer to the Committee and the prejudice to the parties, if the evidence is admitted or excluded.¹⁶
17. Each of the parties has a right to:
 - a. address the Committee;
 - b. give clarification of any point, where such clarification has been sought by the Council in its notice of hearing;
 - c. question any other party, but only where this is expressly permitted by the Committee (see para 21 below).¹⁷
18. The Committee must allow an equal maximum time for the parties to exercise their rights as set out in para 17 above.¹⁸

¹¹ Reg 21.

¹² Reg 22

¹³ see footnote 4

¹⁴ Reg 15.

¹⁵ Reg 22

¹⁶ Reg 22

¹⁷ Reg 16.

19. The Committee will set the time of the hearing at the outset, having regard to its view of the length reasonably required for the hearing. It may hear the parties briefly before setting the maximum time. It may extend the time where circumstances require.¹⁹
20. The hearing is to take the form of a discussion led by the Committee.²⁰ The Chairman will ensure that within the discussions, all parties are given an opportunity to state their case as set out in their written application/representations and to meet the case of opposing parties.
21. Cross-examination will not be permitted unless the Committee considers that it is required for it to give proper consideration to the case.²¹ Any application to cross-examine will be heard and dealt with at the hearing.
22. The Committee may consider cross-examination to be required, for example, where there is a genuine issue of fact, which can only be resolved fairly through cross-examination.
23. The Committee may question any party or other person(s) appearing.²²
24. The Committee may take into account documentary or other information provided by a party before the hearing. Information produced at the hearing may only be taken into account with the consent of all other parties.²³ The parties are therefore strongly recommended to exchange documentary evidence and brief summaries of any proposed witness evidence at least 5 days before the hearing, otherwise they may be restricted in the information they can put before the committee. Any material exchanged should also be given to the licensing authority at the same time.
25. The Committee must disregard any information given which is not relevant to the application, representations or notice of the party giving the information. The Committee must also disregard any information which is not relevant to the promotion of the licensing objectives.²⁴
26. In certain circumstances, the Committee is required by law to make its determination at the conclusion of the hearing. This includes certain applications made during the transitional period, counter-notices following police objections to temporary events notices, and reviews of premises licences following closure orders. Otherwise the Committee is required to determine the application within five working days of the day or the last day on which the hearing was held²⁵.
27. The Committee will give reasons for its decision and will confirm the decision in writing to the parties.

¹⁸ Reg 24.

¹⁹ Reg 11

²⁰ Reg 23.

²¹ Reg 23.

²² Reg 17.

²³ Reg 18.

²⁴ Reg 19.

²⁵ Reg 26.

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Agenda Item 6



ASHFORD
BOROUGH COUNCIL

Agenda Item No:

Licence Reference **WK/202400700**

Report To: **LICENSING SUB COMMITTEE**

Date: **26 MARCH 2024**

Report Title: **Licensing Act 2003 - Application for a premises licence for:
Nine Oaks Vineyard Ltd, Church Lane, Hothfield, Kent,
TN26 1EL.**

Report Author: Alison Simmonds

Summary:

The report advises Members of a licence application under the provisions of the Licensing Act 2003.

Application type: **Application for a premises licence**

Applicant: **Nine Oaks Vineyard Ltd**

Premises: **Nine Oaks Vineyard, Church Lane,
Hothfield, Kent, TN26 1EL.**

Members are asked to determine whether to grant the premises licence, with or without additional conditions pursuant to the Act

Key Decision: NO

Affected Wards: Downs West

Recommendations: **The Committee is asked to determine the application and decide whether to grant the premises licence, with or without additional conditions pursuant to the Act.**

Policy Overview: The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

Financial Implications: The costs associated with processing the application are taken from licensing fee income.

Other Material Implications: **HUMAN RIGHTS:** In considering this application the Sub Committee will balance the competing Human Rights of the various parties including the right to respect for private and family life, the protection of property and the right to a fair hearing.

LEGAL: Under the Licensing Act 2003 the Council has a duty to exercise licensing control of relevant premises.

Exemption Clauses: Not applicable

Background Papers: None

Contacts: alison.simmonds@ashford.gov.uk

Agenda Item No.

Report Title: **Licensing Act 2003 - Application for a premises licence:
Nine Oaks Vineyard, Church Lane, Hothfield, Kent, TN26
1EL.**

Purpose of the Report

1. The report advises Members of a licence application under the provisions of the Licensing Act 2003.

Application type: **Application for a premises licence**

Applicant: **Nine Oaks Vineyard Ltd**

Premises: **Nine Oaks Vineyard, Church Lane, Hothfield, Kent,
TN26 1EL.**

Issue to be decided

2. Members are asked to determine whether to grant the application for a premises licence, with or without additional conditions pursuant to the Act.

Background

The Licensing Objectives

3. The licensing authority must carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm (LA 2003, s4 (1)).

Application details

4. **Appendix A** contains the application for a premises licence.
5. **Appendix B** details the representations.
6. **Appendix C** contains an updated premises licence application document, reducing licensable days/hours following representations.
7. **Appendix D** contains the schedule of proposed conditions.
8. **Appendix E** Human Rights considerations.

Representations from Responsible Authorities

9. There are no representations from the relevant Responsible Authorities.

Representations from other persons.

10. Under section 35(5) of the Licensing Act 2003, representations are relevant if they are about the likely effect of the grant of the licence on the promotion of the licensing objectives and (subsection 6) are made by an interested party or responsible authority within the prescribed period, are not withdrawn or, in the opinion of the licensing authority, frivolous or vexatious
11. The prescribed period for the receipt of such representations in this case is, by Regulation 22(b) of the Licensing Act 2003 Regulations 2005 "during a period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant".
12. During this period 13 representations were received (**Appendix B**).
13. Following the close of representations, the applicant re-considered the original application and made the decision to reduce the days and hours of the proposed licensable activity in order to mitigate the concerns of the interested parties. This was confirmed via a revised application form (**Appendix C**). That reduction was communicated to the interested parties.
14. Taking specific points raised in the representations, the Licensing team would like to provide the following guidance;
 - a) No representation has been raised by any responsible authority for this application.
 - b) No noise complaints have been received by Ashford Borough Council in relation to noise from the three events held under Temporary Event Notices during 2023, however noise issues have been referenced in the submitted representations.
 - c) The representations raise a wide variety of issues, however for the most part they relate to matters including, but not limited to;
 - Drunk and disorderly behaviour
 - Street drinking
 - Litter
 - Nuisance arising from customer/patron noise affecting residents, and visitors to the church
 - Nuisance arising from customers straying onto a nearby private road
 - Traffic management - Nuisance arising from parking, access, and additional vehicle movements, including impacts on emergency vehicle access
 - Drink driving
 - The safety of a road junction further along the public highway.
 - Drug taking in the local area

- d) Some points that do not relate directly to this application, or the licensing objectives, and cannot be considered by the Sub-Committee include;
- The adequacy of the public notice requirements prescribed by the Licensing Act 2003
 - Lack of advance consultation, prior to the application.
 - The provisions of plays – this activity is, for the most part, a deregulated activity not requiring a licence.

Additionally, included in some of the representations are comments relating to planning matters, applications, or development.

Licensing and Planning are separate regimes and an applicant may apply for one prior to the other - however the two regimes do consider some similar areas, in terms of loss of amenity and public nuisance.

It should be noted that concern about a lack of planning consent, future potential development, or local area designation (i.e. conservation area) would not ordinarily be relevant to the licensing objectives as defined.

- e) The application has been submitted and administered by the applicant correctly and in accordance with the Licensing Act 2003.

Relevant premises operating hours

15. The application, following a reduction in the days/hours originally applied for, proposes to permit:

Supply of alcohol (Off and On sales)	Thursday – Sunday (inclusive) 10:00 -18:00
Hours premises open to the public	Thursday – Sunday (inclusive) 10:00 – 18:00

General

16. Members attention is drawn to the following matters:
- All applications are to be considered on their merits as well as against the relevant policy and statutory framework.
 - Due regard should be given to the provisions of the Human Rights Act 1998, Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 and Section 17 of the Crime and Disorder Act 1998 and, so far as possible, reflect local crime prevention strategies.

- The operating schedule forms part of the completed application form for a premises licence. The operating schedule should include information, which is necessary to enable any responsible authority or other party to assess whether the steps to be taken to promote licensing objectives are satisfactory.
- The licensing authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the appropriateness to impose conditions due to the representations raised. It may then only impose such conditions as are appropriate to promote the licensing objectives arising out of the consideration of the representations. However, in order to minimise problems and the necessity for hearings, it would be sensible for applicants to consult with responsible authorities when schedules are being prepared. This would allow for proper liaison before representations prove necessary.
- Where problems have occurred, the application for a premises licence will afford an opportunity for responsible authorities and other parties to raise the issue through representations and for conditions addressing any nuisance previously caused to be attached following a hearing where necessary. The views of local residents will be important in establishing the extent of any history of problems.
- The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- Public nuisance is not narrowly defined in the 2003 Act and retains its broad common law meaning for the Act's purposes. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity of other parties living and working in the area of a licensed premises. Public nuisance may also arise as a result of artificial light, dust, odour and insects or where its effect it's prejudicial to health.
- Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise may also prove necessary to address any disturbance anticipated as customers enter and leave the premises and therefore, in the immediate vicinity of the premises.

- In the context of preventing public nuisance, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, or premises management cannot be justified and will not serve to promote the licensing objectives in relation to the licensing activities carried on at the premises. Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in his own right. However, it would be perfectly reasonable for a licensing authority to impose a condition it considered appropriate following relevant representations from an interested party that requires the licence holder to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living near-by to a peaceful night. After a licence has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence.
- The Guidance states “the conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.”
- It is perfectly possible that in certain cases, because the test is one of appropriateness, where there are other legislative provisions, which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

Decision options

17. The steps an authority may take are:

- a) Grant the licence as applied, subject to
 - i) Such conditions as are consistent with the operating schedule accompanying the application modified to such an extent as the authority considers necessary for the promotion of the four licensing objectives, and
 - ii) any conditions which must under section 19, 20, or 21 of the Licensing Act 2003 be included in the licence (the mandatory conditions).
- b) Exclude, or limit, the scope of any of the licensable activities to which the application relates.
- c) Reject the application.

Consultation

18. All relevant parties have followed the consultation procedures required under the Licensing Act 2003.

Implications Assessment

19. The decision should be made with regard to the Secretary of State's Guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.

Human Rights

20. While all Convention Rights must be considered, those which are of particular relevance to the application are:
 - Article 8 - Right to respect for private and family life
 - Article 1 of the First Protocol - Protection of Property
 - Article 10 – Freedom of Expression

Please see **Appendix E** for Human Rights considerations.

Handling

21. The timings for handling the application are set out in the Licensing Act 2003 and related regulations.

Conclusion

22. Members must ensure that the application is considered on its merits, as well as against the relevant guidance, policy and statutory framework.

Appendix A

Nine Oaks Vineyard

Application and Plans

Application for a premises licence to be granted under the Licensing Act 2003

Please read the following instructions first

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Nine Oaks Vineyard
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Nine Oaks Vineyard Church Lane Hothfield Kent			
Post town	Ashford	Postcode	TN261EL

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ 100

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** Please tick as **appropriate**

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
i	as a limited company/limited liability partnership	X	please complete section (B)
ii	as a partnership (other than limited liability)		please complete section (B)
iii	as an unincorporated association or		please complete section (B)
iv	other (for example a statutory corporation)		please complete section (B)

c)	a recognised club	please complete section (B)
d)	a charity	please complete section (B)
e)	the proprietor of an educational establishment	please complete section (B)
f)	a health service body	please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	please complete section (B)
h)	the chief officer of police of a police force in England and Wales	please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) individual applicants (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

--

Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes X	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(B) Other applicants

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Nine Oaks Vineyard
Address The Old Rectory Hothfield Kent TN261EP

Registered number (where applicable) 12416619
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	1	0 4 2 0 2 4

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1):

The premises is a vineyard comprising 20 acres in total, of which 7.5 acres are currently undervine. The premises will run various events such as open-air theatre periodically throughout the summer months as well as running vineyard tours and tastings, predominantly, but not exclusively on Fridays, Saturdays and Sundays during daytime hours with each performance lasting c. 120 mins. Events will have up to 250 persons and will be ticketed through a formal box office. Tours and tastings will also be booked online and will comprise c. 10-30 persons per session. We intend to have c. two sessions per day, each lasting 60-90 mins.

It is important to note that currently we do not have infrastructure on site, however, we do have plans for an agricultural building which will be built in the next few years.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	
b) films (if ticking yes, fill in box B)	
c) indoor sporting events (if ticking yes, fill in box C)	

d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	Both
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed					
Thur			State any seasonal variations for the performance of live music (please read guidance note 5)		
Fri					
Sat					
Sun			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take <u>place indoors or outdoors or both –</u> <u>please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
Mon				Both	
Tue			Please give further details here (please read guidance note 4)		
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

1

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	
Day	Start	Finish		Both	x
Mon	1000	2200	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	1000	2200			
Wed	1000	2200			
Thur	1000	2200	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	1000	2200			
Sat	1000	2200			
Sun	1000	2200			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name		[REDACTED]
Date of birth		[REDACTED]
Address		[REDACTED]
Postcode	[REDACTED]	
Personal licence number (if known)		[REDACTED]

Issuing licensing authority (if known) [REDACTED]

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
 NIL

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	1000	2200	
Tue	1000	2200	
Wed	1000	2200	
Thur	1000	2200	
Fri	1000	2200	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

Sat	1000	2200	
Sun	1000	2200	

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

We take the licencing objectives seriously and will ensure that at all times we are working within UK licencing law. We are committed to a challenge 25 policy for all sales of alcohol and will work to prevent/disburse any incidents of disorder. Training will be provided to staff both informal through in house training and also formal personal licence training for more permanent employees. A record of staff training will be kept on site when we are operating, as will an incident book.

b) The prevention of crime and disorder

We take the prevention of crime very seriously and to minimise the risk of crime we ensure that all our events (including tours and tastings) must be booked in advance via our online booking system. This ensures we have control of the numbers of participants attending site. All our events are properly marshalled, and a full event application will be submitted for each to ABC at least six weeks in advance to allow for engagement with the relevant police and other services if required.

In the unlikely event that there is any crime or disorder resulting from one of our events. We will contact Kent Police and other agencies in the first instance whilst also working to contain and minimise the incident through the cessation of the sale of alcohol to those involved.

c) Public safety

All events (including tours and tastings) will have a rigorous risk and fire risk assessment carried out for them with measures put in place to mitigate risks identified. For larger events marshalling will be in place and a full events plan will be developed and shared with ABC that details site layout, emergency plan, key individuals etc.

The premises will hold an up to date incident plan that details the actions that will be carried out in the event of an incident occurring.

d) The prevention of public nuisance

For our open-air theatre and other events we have a strict ticketing system to ensure that we are able to accurately control the number of guests who attend site. We also provide barriers, signs, and adequate marshalling to ensure that guests remain in designated areas throughout their time with us. We have a PROW that runs through the site, and this will be clearly marked off to ensure the public and paying guests are in separate areas. Our events/sessions will start/finish at pre-agreed times to ensure that guests enter and exit the premises on time and within licencing guidelines.

e) The protection of children from harm

Children are welcome at both our tours and tastings, and theatre events, however, we operate a challenge 25 rule to ensure that under no circumstances any persons under the age of 18 can be served alcohol. All alcohol sales for consumption on the premises are done in designated areas and with a staff member present at all times to ensure no persons under the age of 18 years are able to consume alcohol. If there are any children who we deem to be at risk of harm either through alcohol or any other means then our staff would immediately contact the most appropriate service; police, ambulance etc.

Checklist:

Please tick to indicate agreement

• I have made or enclosed payment of the fee.	
• I have enclosed the plan of the premises.	
• I have sent copies of this application and the plan to responsible authorities and others where applicable.	
• I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	
• I understand that I must now advertise my application.	
• I understand that if I do not comply with the above requirements my application will be rejected.	
• [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	

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.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	[REDACTED]
Date	05/02/2024
Capacity	Director

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	[REDACTED]
Date	05/02/2024
Capacity	Director

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Martyn Pollock The Old Rectory Hothfield Kent			
Post town	Ashford	Postcode	TN261EP
Telephone number (if any)	07867971958		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. 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.
2. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.

- 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:
 - 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.
 - 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.
 - 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.
 - 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give 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.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give 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 or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.


To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.


In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.



PREMISES PLAN: NINE OAKS VINEYARD

 PREMISES BOUNDRY

 PRIMARY LICENSABLE AREA



PREMISES PLAN: NINE OAKS
VINEYARD

-  PREMISES BOUNDRY
-  PRIMARY LICENSABLE AREA



Appendix B

Nine Oaks Vineyard

Representations

Representation 1 - Interested party

From: Karen Brock

Sent: 29 February 2024 09:30

To: Licensing <Licensing@ashford.gov.uk>

Subject: RE: Licensing Nine Oaks Vineyard -Hothfield

Re Alcohol Premises Licence Application for Nine Oaks Vineyard at Hothfield TN26 1EL

To whom it may concern

I would like to raise some issues regarding the above application.

PUBLIC NUISANCE - Noise

The vineyard adjoins the Grade 1 listed Hothfield Parish Church where weddings, baptisms and funerals happen, along with the regular Sunday services. The church still has an open churchyard meaning that burials still take place there.

The current area for new burials is extremely close to the vineyard land. There is a wooden bench against the hedge where people come to sit for quiet contemplation and remember their loved ones.

My concern is that the applicant has asked for a licence for seven days a week between the hours of 10am and 10pm. If events are held in the vineyard during morning and afternoon hours there could be a funeral and/or burial or wedding taking place. These events are very important to people and loud voices/music/plays etc would be upsetting for the families attending.

PUBLIC SAFETY

Another concern is access. Church Lane is narrow, one car width, with the verges owned by the people who live either side, with Land Registry documentation in their possession. It is a difficult and dangerous junction when turning into or out of Church Lane onto Bethersden Road (sometimes called Fridd Lane) either turning left or right. With the predicted numbers of visitors coming and going there will be potential traffic problems in the lane and on Bethersden Lane.

There is only a five barred gate into the vineyard field for entrance and exit. The only parking would be in the field, if wet and muddy there is another safety issue in getting cars out and leaving Church Lane covered in slippery mud. Beyond this gate the lane is a private lane leading only to the church, its own parking strip and seven houses.

How will emergency services get down the lane with this build-up of traffic?

A strip of land down the side of the vineyard within their boundary, has recently been on the market with a Sale Agreed sign having gone up and taken down when the blue notices went up. The entrance to this land is through the same five barred gate, a safety concern for the prospective new owners as well as a noise nuisance. Have the new buyers been informed?

The Brain Injury Rehabilitation Centre and Cedars Bungalow patients have walking access on Church Lane, some are in wheelchairs or walk with sticks, some have no road sense, heavy traffic on the lane poses a safety risk for them, and all who walk down it, particularly in the summer months which is when events are mostly likely to take place.

Can we request a site visit from members of the sub committee before the representation meeting?

This is a representation not a comment and I give my permission for Simon Brock to represent me at any future meeting.

Kind Regards
Karen Brock
The Granary, Church Lane, Hothfield. TN26 1EL

Representation 2 - Interested party

From: Jennifer Boorman

Sent: 28 February 2024 21:53

To: Licensing <licensing@ashford.gov.uk>

Subject: Nine Oaks Vineyard situated at Church Lane, Hothfield, Kent. TN26 1EL
Notice of an Application of a Premises Licence (Licensing Act 2003)

I hereby wish to register my objection to the granting of a Premises Licence at the above location as follow:

As I understand, the vineyard is subject to the restrictions of agricultural use.

It is situated in a Conservation Area on the boundary of a small hamlet; the only access is via a narrow lane, it is a no through road totally unsuitable for the amount of traffic proposed of 250 vehicles attending an event . The grass verges are privately owned therefore making the lane too narrow for cars to pass without encroaching onto them the road will become blocked when cars struggle to leave all at the same time hence blocking the road and stopping residents gaining access to their homes. This would also restrict essential services .

The exit onto the Bethersden Road is extremely difficult to negotiate as vehicles approaching from the village round a blind bend make exiting extremely dangerous .

The village itself would struggle to cope with the amount of extra traffic as it is hard to negotiate round all of the local cars parked outside peoples homes therefore the village would be affected. Hothfield common would suffer from the extra traffic passing through this would be hazardous to all the walkers that cross the roads to reach the common.

The proposed site situated on the boundary next to the churchyard is incongruous . Families visiting graves would be greatly disturbed by people drinking, laughing and generally making a lot of noise. Also this would be offensive to the residents especially as the proposed time for these events are from 10am to 10pm seven days a week giving the residents of a very quiet community no peaceful time.

This email is a representation and at the hearing myself or Simon Brock will speak on my behalf.

Jennifer Boorman

Greensands

Church Lane, Hothfield

TN26 1EL

Representation 3 - Interested party

From: Will Storr

Sent: 28 February 2024 18:14

To: Licensing <Licensing@ashford.gov.uk>

Subject: Representation re. Nine Oaks Vineyard at Hothfield
To whom it may concern.

I hope you can help me.

I'd like to formally express a number of concerns over the proposed alcohol license, currently under application by Nine Oaks Vineyard at Hothfield in Kent.

My concerns are as follows:

Public nuisance.

The vineyard is situated in a quiet, countryside area. It is surrounded on three sides by housing. Hundreds of people live close to it. The serving of alcohol until late at night will negatively impact the quality of life of local residents by dramatically increasing the likelihood of public nuisance. There will be raised voices and increased traffic. There will also potentially be nuisance caused by entertainments. I am aware that no "regulated entertainments" are being sought under the application. However, my understanding is that the law permits the "performance of live music or playing of recorded music between 8am and 11pm at a premises that is licensed to sell alcohol on the premises before an audience of no more than 500 people." In other words, a license to sell alcohol automatically grants permission to put on noisy events for hundreds of people, including discos, concerts and weddings. This will constitute a major nuisance for anyone living near the vineyard.

The licenable area is also situated in a conservation area, which will be degraded by the opening of a drinking establishment, and the commencement of regular events in which alcohol is consumed and live or recorded music is played, the right of which the alcohol license appears to grant automatically.

Residents on Church Lane already have daily problems with people getting lost and coming down the private road. It's common for us to have strangers knocking on doors, sometimes at all hours, reversing over lawns, reversing into walls and fences and causing significant damage. These problems led us to having the postcode of the neighbouring Head Injury Unit changed, in order to reroute traffic. It's highly likely that we will have much increased nuisance from lost people, or vineyard visitors seeking somewhere to turn their cars around, if this license is granted

I also have concerns about the prevention of crime and disorder. At Church Lane, we already have a problem with people gathering outside the church taking drugs and leaving litter, which has necessitated repeated contact with the police. This problem could worsen significantly when people are drawn to events in the vineyard.

I thank you sincerely for your help and attention. It is my intention to attend a representation with other neighbours. However, should I be out of the country when

the representation takes place, I give permission for Simon Brock and/or Terence Witzmann to represent me.

Thanks again,

Will Storr
Manor Cottage
Church Lane
Hothfield
Kent
TN26 1EL

Representation 4 - Interested party

From: Rob & Rose Bowman

Sent: 27 February 2024 15:58

To: Licensing <licensing@ashford.gov.uk>

Subject: Alcohol premises licence application for Nine Oaks Vineyard at Hothfield

This proposed alcohol licensable area is in a conservation area which has no retail activities so would degrade the quality of the area and go against the expectations of conservation.

Church Lane for most of its length is a narrow one car width road with the verges owned by us and other residents (see attached title deed)

The junction of Church Lane with the busy Bethersden Road is on a bend with a limited line of vision making it a difficult/dangerous exit therefore it can take some time for each car to exit. So with the increased traffic from a potential 250 people the Lane would be blocked for a considerable amount of time and as traffic could not enter would also cause a blockage in the busy Bethersden Road.

Apart from the public nuisance caused to the residents there would be a safety issue should an emergency requiring the attendance of a fire engine or ambulance ect.arise.

There has been problems with drug use in the private section of Church Lane and the availability of alcohol nearby can only increase the likelihood of more problems. Another concern would be the noise especially late at night as invariably with the serving of alcohol you get people in high spirits leading to raised voices, banging of car doors and revving of engines.

It must also be noted that in the churchyard where recent and future graves are situated, is on the boundary with the planned drinking area. There are often friends and relatives attending their loved ones graves expecting quiet to be able to show respect to the departed as well as actual burials taking place.

This email is a representation and at the hearing myself or Simon Brock will speak on our behalf.

Rob & Rose Bowman
Edenview, Church Lane, Hothfield
TN261EL

Representation 5 - Interested party

From: Jacqueline Hull
Sent: 01 March 2024 09:43
To: Licensing <licensing@ashford.gov.uk>
Subject: Nine Oaks Vineyard, Hothfield

To whom it may concern:
Please would you acknowledge receipt of this email.

Jackie Hull
Tamarisk,
Church Lane
Hothfield
TN26 1EL

Representation:
I give my permission to Terence Witzmann to represent me at any licensing meeting.

Application for a premises licence to be granted under the Licensing Act 2003

Nine Oaks Vineyard
Church Lane
Hothfield
Kent
TN26 1EL

I wish to object most strongly to the application for a premises licence above.

Firstly I am saddened that so few people seem to be aware of this, given the impact this potentially could have on the village.

Secondly there is very little by way of specifics on proposed events and how these are to be managed. Reading through the general description it says; *'open-air theatre periodically throughout the summer months'*

And *'vineyard tours, tastings, predominantly, but not exclusively on Fridays, Saturdays & Sundays during daytime hours'*

This has not been ticked in the box below under 'plays' on page 4, nor have any details been given on page 6, presumably because it conforms according to the guidance notes. But with so very little clarity and reading as a lay person, this license application not only gives very liberal scope to the provision of alcohol, but also to the entertainment side. And though unlikely, as it stands at the moment, there is no limit on activity every day of the week throughout the summer months from 10am to 10pm and beyond, potentially for around 500 people (event dependant) every day.

If this is allowed it would be totally unfair and unacceptable to place this kind of burden in this very small community. The vast majority of residents in this lane,

have, both past and/or present worked extremely hard, given our time freely and pulled together to keep the church going and functioning in good repair for the community. This is aside our involvement within the village.

People have generally been open to the idea of this venture and actively encouraged it, freely giving their time to help with requests to pick the harvest in September. But with this, I see little to encourage further good feeling from Church Lane residents when we have very little evidence to show otherwise.

Public Nuisance

This is a small, quiet and peaceful community within a conservation area with many elderly and sick residents. The latter could require unfettered access to and from their properties from emergency services.

The proximity, size and location of the 'Primary Licensable area' is as close to the church and churchyard as is possible. Drinking and revelry this close to bereavement and mourning is unsuitable and wholly inappropriate.

The huge potential traffic increase to and from the site along a lane which is not wide enough to take two cars without the use of the verges is already damaged by delivery, utility lorries and usual traffic. Coaches would only compound this. These privately owned verges are fragile at the best of times but more especially during winter and wet weather with residents struggling to maintain them. Many of the utilities which serve the residents are under both sides of these verges. This is aside the extra wear and tear on the very potholed lane.

The applied for licensing hours would potentially mean disturbance every day of the week not only during the events but after the 10pm deadline and beyond if guests linger, drinking outside the site? There would be increased noise, litter and probable defecation.

Crime and Disorder

We have already had problems with drug use near to the church, alcohol will increase the chances of this reoccurring.

Public safety

Given that the topic in question is licensing and by its very nature would involve alcohol, I've grave concerns about giving such broad reach with the long hours without president. Last year was the first year events were held which involved a very small number and nothing coming close to indicate how something of this nature would have to work. I have not seen or been given anything to reassure me that within this limited space, 250 people including children, all the vehicles (cars, minibuses and coaches), access in and out of a single width gate to be used for the entrance and exit, with manoeuvring/turning round can actually be achieved. This

together with the Primary Licensable Area sited next to the entrance/exit where the main activity of people will be. This will be further compounded if the field is wet.

The junction onto the Bethesden Road is notoriously dangerous to turn either left or right as most in Church Lane will attest. My parents had a car 'written off' there. The road is fast and the line of sight to the right is no more than 40 metres.

The footpath from the church along the top vineyard boundary leads to a gate on the Bethesden Road. This already lethal crossing point on a blind bend, with no visual view to the right, where one has to rely on hearing to cross, will be further disadvantaged by the increase in traffic, into and out of Church Lane. Many from the Brain Injury Unit and elderly use this path and this is only route to reach the footpath to the village from the church.

There is no street lighting at all in Church Lane, onto the Bethesden Road/The Street and beyond.

Compromises

Relocate the Primary Licensable Area

Use an alternative entrance, off the Bethesden Road with traffic calming measures, in which the footpath would be taken into consideration.

Greatly reduced hours especially for Sundays if not that day off. A much more limited license to see how this year works out for us all.

Advance notification and liaison especially the bigger events with the church, local and village residents. This gives the community the ability to work with these proposals to mitigate creating bad feeling.

Gate control/footpath crossing attendant and road junction management

Absolutely NO turning or parking outside the site.

Street lighting for events

CCTV installed within the grounds

All litter to be removed inside and surroundings.

Representation 6 - Interested party

From: Nicholas Wheat
Sent: 01 March 2024 11:15
To: Licensing <licensing@ashford.gov.uk>
Subject: Nine Oaks Vineyard

Dear Sir or Madam,

As a neighbour of Nine Oaks Vineyard I would like to make a representation in respect of the Vineyard's recent application for a license covering the hours of 10am to 10pm for every day of the week.

I have the following concerns :

1. Public Nuisance

The application refers to up to 250 people attending events at the Vineyard. Church Lane is not suitable to provide access for such numbers, quite apart from the proximity of the primary licensable area to the churchyard of St Margaret's Church. I am also concerned that if alcohol can be purchased up to 10pm that inevitably consumption will stray further into unacceptably late hours with disruption to neighbours. I would hope that the Vineyard owners would address these concerns by considering using other access points to the Vineyard on The Street, restricting the number of attendees below 250 and agreeing not to sell alcohol after a time earlier than 10pm.

2. Public Safety

The junction between Church Lane and Bethersden Road is already dangerous, particularly for drivers leaving the former. The additional numbers envisaged by the Vineyard in its license application will only serve to exacerbate the level of danger and disruption.

3. Crime and Disorder

Public transport facilities for the village are poor with the nearest bus stop over half a mile from the Vineyard, even if the restricted service is operating at the time of events. Consequently the expectation is that the vast majority of visitors will drive, raising the spectre of drink driving.

The Vineyard owners have used the monthly village newsletter as a vehicle to publicise their activities and update residents. It is disappointing that they have failed to mention the planning application for a barn submitted in 2022 and their plans for vineyard tours and wine tastings, which form the basis of their license application. Hopefully the representation process will give them the opportunity to be

much more transparent and serve to allay the residents' concerns. I can confirm that I would like Messrs Witzmann, Starr & Brock to represent me at this meeting.

Yours faithfully,

Nicholas Wheat

Thanet House
Bethersden Road
Hothfield
KENT
TN26 1EP

Representation 7 - Interested party

From: S G Brock

Sent: 01 March 2024 15:01

To: Licensing <Licensing@ashford.gov.uk>

Subject: Nine Oaks Vineyard Alcohol Premises Licence

Dear Alison,

Thank you for helping my wife with this matter.

I would like to make a formal representation against the granting of this licence.

Several of my neighbours have asked me to represent them should this application come to a hearing.

My reasons for objecting are below.

Yours Sincerely

Simon G Brock

The Granary, Church Lane

07973 119462

Validity of the Application

The area marked on the plan as "Premises" does not match the Title Plan and seems to include land that is in the process of being sold.

The blue public notice has not been displayed along the boundary with The Street.

One of the notices was displayed some distance within the premises so could not be read from outside of the premises.

Public Nuisance

- The area proposed for the "primary licensable area" is in a conservation area, which currently has no retail activities so would degrade the quality of the conservation area.
- The public section of Church Lane varies between 3.2 and 4.5metres, so is not suitable for the traffic that would be generated by 250 visitors.
- The likely increase in litter including broken glass.
- Raised voices and traffic noise as people depart. Events held last year caused disturbance but were reluctantly accepted as they were not expected to repeat.
- Noise during any events, especially due to its proximity to an active church & churchyard.
- Customers may not respect the privacy of the private section of Church Lane and carry on drinking outside of the vineyard or use the private road to turn vehicles.
- The potential purchasers of the strip of land adjacent to the "primary licensable area" may not be aware of the application and its likely detriment to their access and amenity.

Public Safety

- The restricted access to the road has led to issues with Fire Engines and ambulances.

Crime and Disorder

- There have been problems with drug use in the private section of Church Lane that has been reported to the police. Alcohol available nearby can only increase the likelihood or recurrence.

- Although drinking and driving is not recommended, it is likely that some customers will, especially as public transport to the village is poor. In combination with the dangerous/difficult junction to Bethersden Road, traffic accidents are more likely.
- The junction is difficult/dangerous because the line of sight to the right as you exit Church Lane is no more than 40metres. Government guidance suggest this far from ideal. According to <https://www.planninggeek.co.uk/planning/glossary/s/splays/> it should be 100metres or more depending on the estimated speed of traffic.

Representation 8 - Interested party

From: Pamela Howard

Sent: 01 March 2024 15:04

To: Licensing <Licensing@ashford.gov.uk>

Subject: Licensing Application Nine Oaks Vineyard, Hothfield

To whom it may concern:

REPRESENTATION ON BEHALF OF THE CHURCH OF ST MARGARET, HOTHFIELD LOCAL CHURCH TEAM

We understand that an application has been lodged by Nine Oaks Vineyard for a 7 days per week, 10am to 10pm Premises Licence.

PUBLIC SAFETY

The entrance to the Vineyard is sited along Church Lane and after the vineyard entrance Church Lane is a private road with the Church and 12 properties using the lane.

Church Lane is narrow with barely room for two cars to pass. There is no parking allowed on the private verges on either side of the lane and very limited parking on only one side for church users. When there is a large function at the church - for example a wedding or funeral - parking is already a major problem with no space to turn around especially for larger vehicles like a hearse. The Church and the property owners maintain this section of Church Lane themselves. On leaving Church Lane the sight line along Bethersden Road is limited with traffic travelling at speed from both directions and is already a problem for Residents and Church visitors. The extra traffic generated by functions at the Vineyard would increase the danger to all road users and pedestrians as there is no pavement on either side of the road and with the present speed limit being 60mph. A large number of vehicles arriving and leaving will be a significant safety hazard.

PUBLIC NUISANCE

The Vineyard is proposing a Primary Licensable Area on land close to the boundary of the Churchyard for their wine tastings and the parking of cars. There will be a significant increase in noise from the vineyard which could impinge on Funeral participants and seem inappropriate to the grieving families. The Churchyard is visited very regularly by families tending their graves and access for them and those attending church services will be made more difficult by the large numbers of extra vehicles using such an unsuitable entrance. The proposed hours of 10am to 10pm, seven days a week seem excessive and do not appear to take into consideration the needs of those already living in the area and the users of the Church. Local enterprise should be encouraged but not to the detriment of local residents.

Pamela Howard - Secretary to the Church of St Margaret Local Church Team.

Representation 9 – Interested party

Park Cottage
Church Lane
Hothfield
TN26 1EL

Licensing Section
Ashford Borough Council
Civic Centre, Tannery Lane
Ashford, Kent
TN23 1PL
FAO: Alison Simmonds – Licensing officer
By email: licensing@ashford.gov.uk

1 March 2024

Dear Sirs

Re: Nine Oaks Vineyard TN26 1EL – Premises Licence Application

We confirm we wish to make a formal ‘representation’ to the above application and object to it in its entirety.

We are duly mindful of the guidance notes detailed in the Ashford Borough Council’s Statement of Policy for the Licensing Act 2003 (Licensing Policy). We believe the grant of a licence to supply alcohol on and off the premises will significantly undermine all four of the ‘Licensing Objectives’ in some manner or another. However, we have focused our principal objections here specifically with regard to the licensing objectives of:

- The prevention of public nuisance; and
- The prevention of crime and disorder

Summary of the key objections

- The applicant has failed to consult or engage with the Hothfield residents in any way with respect to its application. Many people in the village remain entirely unaware of the application as a result.
- The fact that the applicant has not seen fit to collaborate in any way with those within close proximity to the Premises (which includes ourselves) or even with the landowners physically adjoining the area is concerning, and worryingly indicative of a callous attitude towards those who will feel the brunt of the impact of the inevitable nuisance and increased criminal activity generated by the applicant’s new commercial endeavours;
- The application is short on details, and does not appear to follow the guidance issued in the Licensing Policy, and as such it does little to allay our fears;

- It is reasonably foreseeable that unreasonable and disproportionate nuisance will be caused to residents in the vicinity arising from the facts that:-
 - access to the premises is proposed to be via Church Lane. It should be noted that Church Lane is a quiet single lane which serves principally to provide direct access to five residential properties, and indirect access to St Margaret's Church and seven further residential properties via a private road which continues from the end of Church Lane. The Kent County Council Highways department would undoubtedly be best placed to comment on the suitability of the applicant's proposed access to the Premises, and we welcome their comments, but there is general consensus by all the residents and St Margaret's Church that the proposed access is entirely unsuitable for any retail use of the applicant's Vineyard;
 - the Premises are situated in a field directly adjacent and adjoining to the historic St Margaret's Church, and the application's plan shows the main congregating area of the 'Primary Licensable Area' to be within a few metres of the churchyard;
 - the operating hours applied for are unreasonable and excessive on any account, and particularly out of alignment with the proposed use for the licence as depicted in the Operating Schedule – i.e. for wine tastings, open air theatre and other 'events' planned to occur only in the summer months on weekends;
- The proximity of alcohol being sold and consumed so close to the churchyard will inevitably bring new crime and disorder, caused by reasonably foreseeable anti-social behaviour, noise, litter, and other unnecessary disturbance, to an area which is currently very quiet, and within an historic area designated as a Conservation Area;
- The extensive operating hours of the premises as currently applied for (7 days a week and each day from 10 am to 10pm) with a view to catering to up to a max of 250 persons at any one time would, if granted, substantially change the nature and feel of the vicinity, unduly and unreasonably impact the neighbouring residents, and thereby merit a full risk analysis to be undertaken now by the applicant together with a full explanation of the steps to be taken to address such adverse impacts within the operating schedule as envisaged by the Licensing Policy.
- The extensive operating hours are an unreasonable request by an applicant with no track record as operating a licensed premises and exceed the operating hours of all the established pubs in at least a five mile radius of the vicinity. As a first step, we would urge the applicant to apply for a licence limited to one day a week, and covering Saturday afternoons only. In our opinion, any 'event' should be limited to once a day to minimise the inconvenience to St Margaret's Church and the residents of the area.
- The location of the premises is quite simply unsuitable both for the supply of alcohol on and off the premises, and for enabling entertainment with alcohol to take place. Any gain to be made by the applicant's licence will be unreasonably disproportionate to the loss and damage to be suffered by the residents in the vicinity of the premises, and thereby contrary to the Licensing Objectives.
- The applicant concedes that the premises is currently devoid of any infrastructure, but makes reference to a future planned agricultural building. It is unclear how commercial premises serving alcohol on and off the premises will be able to be serviced by an agricultural building. The applicant will also be anticipating strong resistance from the residents in the area to any planned change of use of the land to retail activity.
- If any grant of licensing permission is to be seriously considered by the Council, we would respectfully submit that it be limited to the sale of wine produced by the vineyard, and not a general licence permitting effectively an open bar venue so as to maintain consistency with the Licensing Objectives and due consideration to the special nature of the area.

We have set out below our concerns in more detail based on the content of the Applicant's application and specifically the Operating Schedule within.

A. General - all four licensing objectives

While we would normally welcome the applicant's aspirational and general statement that it "takes the licensing objectives seriously", we were very disappointed to come to know of the applicant's plans only after seeing the notice posted by the council regarding the Premises Licence Application. Bearing in mind the obvious impact a premises licence would have on this historic and quiet location in the Conservation Area and the neighbouring residents within, we would like to have had the opportunity to hear more about the applicant's plans directly from the applicant before the application was submitted.

It appears to us that the level of detail provided in the Operating Schedule is remarkably brief, non-specific and as such indicative of a very different reality to someone taking the licensing objectives 'seriously'. To our knowledge, the applicant has no prior experience of operating a licensed premises. There is no offer to explain, for example, how the applicant feels qualified to be offering 'in-house training' to staff. We are concerned that the applicant has not given serious and due regard to the potential risks associated with operating premises where alcohol is to be sold, nor the disproportionate and unreasonable impact of doing so upon the nearby quiet residential vicinity.

B. Prevention of Crime and Disorder (caused by irresponsible licensed premises)

The applicant has applied for operating hours which extend to every day of the year and from 10am to 10pm. The Operating Schedule makes reference to handling 'events', but makes no mention of how the licence is to be used between 'events'. If only seasonal and periodic sales of alcohol are anticipated, we would contest the need to apply for such extensive operating hours. The operating schedule makes no mention of how it will take steps to prevent crime and disorder between events, and therefore any licence should, in our opinion, be duly restricted to operating hours as applied for from time to time to accommodate 'events' and not on a general and permanent basis (i.e. Saturdays only – which should be more than sufficient). It is impossible to assess the adequacy of the steps to be taken to prevent crime and disorder when the full extent of the planned operations have not been specified.

We note the absence of any risk assessment considerations in the Operating Schedule that address this important licensing objective, including:

- Anti-social behaviour - (protection therefrom) – e.g.:
 - Physical safety measures installed (storage of alcohol and waste, glass bottles, use of wine glasses, CCTV)?
 - Prevent supply and consumption of illegal drugs?
 - Staff awareness for drug use?
 - Member of pub watch scheme?
- Likelihood of any violence, public order or police problems (if licence granted);
- Likelihood of crime and disorder being introduced/enhanced to the neighbouring residential community, the historic churchyard and the nearby site of a special-needs hospital (i.e. the Brain Unit);

The applicant will be aware (with the directors living so close to the premises) that Church lane and the private road beyond is a location where there are already existing problems caused by unauthorised persons accessing the area and using this quiet remote location, particularly the Churchyard, to drink or indulge in drug use. Persons exiting any 'event' held at the Vineyard will invariably be tempted to 'carry on the party' in the Churchyard, or in their cars outside the church, or within one of the nearby resident's gardens. Some customers of the applicant may wish to explore the area (with their bottle of wine in hand) after visiting the vineyard and stray into the private road. The operating schedule should address these known and easily foreseeable risks.

C. Public Safety (Physical safety of those attending the premises)

We note the operating schedule states that each 'event' will be preceded by risk assessments. The operating schedule does not state what will happen between 'events'. If no alcohol is to be served or supplied between 'events' occurring, the operating schedule should state this. As it doesn't, we would submit there are large gaps in the operating schedule which need to be addressed to avoid the use of any premises licence posing enhanced risks for public safety.

During the 'events', we would like to know the following by way of amendment to the operating schedule:-

- Prevention of injury – will there be a policy not to serve alcohol in glass bottles at certain times/occasions?
- What precautions will be taken to ensure the safety of cyclists and pedestrians to the premises, especially in dark evenings?
- What measures will be taken to ensure litter does not cause nuisance or health hazard to the public (as generated by the activity at or near the premises)
- What measures will be taken to promote the safety of women and vulnerable persons - especially bearing in mind that neither public services or taxis are readily available near the premises.
- If these considerations are deemed irrelevant by the applicant, then it should specify why in the operating schedule. Residents should then have the reasonable opportunity to follow up with further representations if they deem fit to do so.

It is surprising to note the operating schedule makes no mention of the fact that any access or egress via Church Lane would involve visitors having to exit Church Lane onto the Bethersden Road (aka Fridd Lane) where it is within a zone of the National Speed Limit applying, and which exit is further challenged by limited visibility (particularly to the right-hand turning direction). The Premises have the option of being accessed by another gate directly off The Street which is within a 30 mph restricted speed limit which we would encourage the applicant to consider very seriously.

We welcome the inputs of the Police and the Kent CC Highways Authority on this application.

Prevention of Public Nuisance

Any grant of a Premises Licence to the applicant, no matter what conditions might be imposed, will inevitably give rise to disproportionate and unreasonable nuisance to the village of Hothfield, and the residents close to the vicinity of the premises, and of course, the users of St Margaret's Church. We would like to draw your attention to the following facts in particular:-

- The Vineyard currently has no vehicular access other than by a farm track suitable only for farm vehicles. The occurrences of 'events' which will cause cars/bikes and other domestic vehicles to drive across farmland and cause visible damage to the area, litter, and unreasonable nuisance and noise;
- The hosting of 'events' with the supply of alcohol will inevitably give rise to noise nuisance, light pollution, noxious smells (from any hot food being served) and litter;
- As stated above, nuisance will be suffered by persons living locally in particular as it will lead to the reduction of their living and working amenity and environment. The residents in the area have chosen Hothfield because of the tranquillity it offers;

- The operating schedule fails to specify any proposed measures to be taken to prevent public nuisance, including any of the following:
 - Measures to prevent noise and vibration escaping from the premises, including especially music and human voices.
 - Measures to prevent disturbance by patrons/customers arriving at or leaving the premises;
 - Measures to prevent queuing or, if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise to manage the queue to prevent disturbance or obstruction;
 - Measures to ensure that customers/patrons and staff leave the premises quietly;
 - Arrangements for parking by patrons/customers, and minimisation of the effect that parking will have on local residents;
 - Measures to reduce the impact that the use of the open-air areas will have on local residents;
 - The positioning of external lighting, including security lighting that is installed appropriately;
 - Measures to minimise the impact of refuse storage or disposal (including noise associated with bottle delivery and disposal), or additional litter (including fly posters and unauthorised placards) in the vicinity of the premises;
 - Measures to minimise noxious smells omitting from the premises (e.g. the cooking of hot food to be served at any event).
- The grant of any premises licence will inevitably lead to increased unauthorised use of the private road which continues after Church Lane ends. It should also be noted that as Church Lane is too narrow for vehicles to pass one another, or even to attempt a three point turn, owners of the private road will face increased inconvenience whenever ‘events’ occur.
- The premises location, being so proximate to an active church and quiet residential neighbourhood, is not suitable for hosting any regular drinking and outdoor entertainment.

Protection of Children from Harm

The premises have the Greensand Way, a well-known and major public footpath/recreational route (PROW), running through the middle of it. There is another public footpath which borders the Premises. The Greensand Way leads to an area where there is easy access to a pond and a river. There is ample scope for children to get lost during ‘events’ where parents are busy wine tasting. The fall of darkness makes rescue and search missions quite challenging. Children accessing ‘events’ on foot or bicycle with or without parents would face risks.

The applicant’s directors have previously arranged open air theatre evening events at the Vineyard at which a few youths (presumably from the village of Hothfield, or nearby) sought to access the Premises by bicycle (from along the Bethersden Road and Church Lane). The applicant has made no mention of this in its application, nor taken any steps to address the safety of such individuals from future events.

General further comments

The details provided in the application are brief and leave a lot of unanswered questions for us.

There is currently no barrier between Church Lane and the private road and this arrangement is principally designed to give free access to St Margaret’s Church, an historic and listed building. Much of the properties accessed by Church Lane and the private road are listed properties.

The countryside around Hothfield is bucolic. There are many rural footpaths, a large nature reserve and small country lanes providing access. There are no commercial amenities currently in this area, and the nearest retail site is the Hothfield village shop along The Street (where the applicant's wine is already on offer for sale).

The verges to both sides of Church Lane (which are privately owned) and the private road beyond it are maintained by the residents of the area, and the Church of England maintains its property and the Church burial grounds. The Church holds services on a regular basis, including for worship, weddings, funerals and other religious celebrations.

It is not clear why, as per the plans submitted with the application, the congregational area needs to be so close to the very area which is likely to be most impacted by the nuisances referred to above arising from the sale and consumption of alcohol at the premises. Re-locating the access point to the premises from The Street (where an access gate already exists) and moving the main congregational area to the opposite side of the site would have less negative impact for the local community. Banning access by vehicle entirely to the premises would also be helpful.

We could cite a number of other likely impacts and suffice it to say that the residents are very concerned about the lack of cooperation from the applicant and their ostensible disregard of these easily foreseeable impacts, none of which have yet been addressed in the Operating Schedule.

The application seeks to obtain permission to sell alcohol every day, and all day from 10am to 10pm, and starting from next month. The request seems to be very excessive and unreasonable for an applicant who has only stated that it needs the licence for 'events' like wine tastings and vineyard tours. It is not difficult to imagine the substantial (negative) impact this would have to the area. Sunday operations at the vineyard in particular would substantially and negatively impact the use of St Margaret's Church and bring unnecessary and increased crime and nuisance to its doorstep. With no infrastructure in place at the premises, it is unclear why the start date of the licence needs to be so soon. It seems the applicant is nowhere near ready to start serving alcohol.

While we note that planning matters are stated in the ABC Licensing Policy as being separate to the considerations for Premises Licensing, it is not clear to us how the owner of a field (which is designated for agricultural use only and which has no infrastructure to cater to retail activity) can apply for a Premises Licence prior to the applicant detailing how, what, when and where the infrastructure will be put into place, and/or having that infrastructure in place. It seems to be the cart before the horse in our opinion.

As per the operating Schedule, it can be noted that the applicant's commercial plans will ostensibly have no benefit whatsoever to the residents of Hothfield. Nothing is mentioned to the contrary in the Operating Schedule. The applicant has made no commercial case for the need to sell alcohol from the vineyard at all, other than to cater to theatre goers, wine tasters and vineyard tourists. As such, we regard the proposal for having a Premises Licence to be unreasonably disproportionate to the negative impact that such commercial operations would cause for the residents of Hothfield.

Accordingly, and for all the other reasons mentioned herein, we respectfully request the Application be refused, or at the very least substantially curtailed.

Yours faithfully

Laura Witzmann and Terence Witzmann

Representation 10 - Interested party

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

From:

To: Licensing@ashford.co.uk

Sent: Wednesday, February 28th 2024, 10:48

Subject: Application of a Premises Licence(LicensingAct 2003) Nine Oaks Vineyard, Church Lane, Hothfield, Kent.TN26 1EL

Good morning

We hereby wish to register our objections to the granting of a Premises Licence at the above location as follows:-

The vineyard, as we understand it, is classified as an agricultural operation and is situated on land which is included within an area which is subject to agricultural and Conservation Area restrictions on its use.

The granting of this licence will facilitate the applicants' stated plans to open the vineyard as an entertainments venue which will result in several concerns for us and our neighbours.

We are extremely concerned that the hours of 10.00am to 10.00pm 7 days a week represent an unacceptable risk of both noise pollution and possible light pollution as well as an increased risk of crime and disorder and/or public nuisance, potential littering resulting from the consumption of alcohol on these premises. Although such events may be completed by 10.00pm, we are also concerned that the dispersal of customers and the clearing up of the site will carry on after the 10.00pm time closure.

In addition to this, we are also extremely concerned that if they fulfil their plans to hold open air theatres involving up to 250 people, the volume of traffic using Church Lane will be very great and will provide a serious traffic problem, with all the noise and pollution risk, to all of us who live on the edge of this Lane.

The junction of Church Lane with Bethersden Road is at the best of times extremely difficult to negotiate and we have personally witnessed a number of accidents resulting from people exiting the Lane on to a fast road, as a result of a limited view of traffic emerging from the right.

Church Lane itself is also not always wide enough to allow two-way traffic without vehicles sometimes using the grass verges on either side of it. It is worth noting that both verges are not part of the highway and are indeed privately owned by the three properties bordering the Lane, which can be verified by examining the Land Registry numbers for each of the three properties concerned. Our own Land Registry reference is K512571.

We are also very concerned that in the event of problems for visitors parking on the grass of the vineyard, vehicles may try to park on the Lane itself or even worse, park on the privately owned verges which will possibly cause unsightly damage to the

ground. This may well also make the passage of vehicles (including emergency ones) extremely difficult or even impossible.

It is also worth noting that Church Lane is not a through road and that the continuation from the entrance gates to the vineyard is in fact a private road. This fact is not always realised by visitors, who will then attempt to turn round on private premises further along the Lane.

Would you please treat this submission as a Representation as I will be attending any hearing convened.

Alan & Patricia Guy
Garden House,
Bethersden Road,
Hothfield, Ashford,
Kent.TN26 1EP.

Representation 11 - Interested party

Sian Cottage

Church Lane

Hothfield

TN26 1EL

Licensing Section
Ashford Borough Council
Civic Centre, Tannery Lane
Ashford, Kent
TN23 1PL

For the attention of Alison Simmonds – Licensing officer
4th March 2023

Dear Sirs,

Re: Nine Oaks Vinyard TN26 1EL – Premises Licence Application

First and foremost, we would like to completely object to the Licence Application for Nine Oaks Vineyard, TN26 1EL.

We personally feel that not enough of the residents of Hothfield will have seen the council notices as they appear to be only up at the vineyard and not in the village area, so only dog walkers on the public footpaths will have seen them!

This is a small community nestling in a 'Conservation Area' just outside of the village of Hothfield. We are privileged to live here, next to our beautiful 13th century church St. Margaret's. This small quiet area consists of seven houses next to the church, of which three of them are 'listed properties' plus one house at the bottom of Church Lane and four more in the 'Walled Garden.'

We have grown used to the vineyard being our 'neighbours' but never thought that they would apply for such a ridiculous licencing application for the 'supply of alcohol, 'on and off' the premises, seven days a week from 10 am until 10 pm in the evening. Even public house 'open hours' are not that long.

With regards to the four 'Licensing Objectives' we feel that in this case that a licence will cause a public nuisance to everyone around this area including the church.

We are also concerned about anti-social behaviour as we already have a problem with youths in cars that park outside the church and take drugs and drink as the evidence is found after they have driven off, in the form of beer cans and empty drug packets.

Whilst we understand that Nine Oaks Vineyard wish to advertise their wines and sell them, the area does not lend itself to 'wine tasting' as this vineyard can only be accessed via Church Lane.

Another very important point to make, is that Church Lane is a very narrow single lane which mainly serves the first seven houses next to the church and is privately owned from the 90 degree bend. The first section of Church Lane is owned by the

council and we cannot afford to have cars parked on this lane at any time, day or night as access would be difficult for ambulances, fire engines etc. We also have to consider that the Brain Injury Unit and Cedar Bungalows that have people (admittedly under supervision) walking along Church Lane plus wheelchair users. To have extra traffic driving up and down from the vineyard, will endanger these people, especially in the summer months when the trees are in full bloom and hide the 90 degree bend. Also, due to the amount of people arriving here for events, wine tastings, plus the sale of alcohol, the amount of traffic will increase considerably as we are lead to believe that they can cater for up to a maximum of 250 people at any one time, and leaving Church Lane and turning right to go back to the village of Hothfield is already very dangerous because of the speed of traffic coming over the brow of the road and not realising that there is a lane on their left, can only cause major accidents. We already know how bad this lane is for the residents, let alone extra traffic involving people that don't know the road.

The owners of Nine Oaks Vineyard have not made contact with any of the owners of the properties up here to discuss what they plan to do, which we feel is very disappointing, especially as the vineyard is 'on our doorstep' and we all feel that they should have made an effort to speak to us. They never did last year, when they started putting on events during the summer which went on into the evening and were quite noisy.

We would just like to state again, that this location is not suitable for the sale of alcohol to drink on site as it is far too close to our Church, graveyard and residents of Church Lane.

Yours faithfully,

Lesley and Christopher Miles

Representation 12 - Interested party

The Dovecote
Church Lane
Hothfield
Ashford
TN26 1EL

Alison Simmonds
Ashford Licensing Team
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford TN23 1PL

sheila.flynn@hotmail.co.uk

5 March 2024

Dear Ms Simmonds

Alcohol Premises Licence: Nine Oaks Vineyard, Church Lane, Hothfield TN26 1EL

We would like to make a representation in relation to the Alcohol Premises Licence application at Nine Oaks Vineyard, Church Lane, Hothfield. We live in the quiet, unlit, rural Conservation Area close to St Margaret's Church. We are one of 12 properties accessed from Church Lane: five properties are accessed from the adopted section of the lane between the junction with Bethersden Road and the entrance to the vineyard; seven properties (including ours) and St Margaret's church are accessed from the private, unadopted section of Church Lane. We live in one of the three Grade 2 listed properties close to the Grade 1 listed church.

Last year's four open air theatre events with wine bar occurred over three days during the summer, and attracted between 10 and 20 cars per event (20 to 40 visitors per event). The PA system was used for some incidental music, for actors' voices to be amplified and for announcements to be made. Our property is approximately 140m away from the temporary stage. All three evening events ended by 10pm. The sound could be heard at our property but was limited in duration, was for just three days and, in our opinion, was not overly intrusive. There were no problems with any intoxicated visitors.

However, we would not wish to be subjected to more than this low level of intrusion on a frequent basis. The Alcohol Premises Licence application notice in the vineyard states "the supply of alcohol, Monday to Sunday from 10am to 10pm". I enquired directly with the applicant as to what the proposals were for this year. He informed me that there would be a small number of open air theatre events - five plays over three days which I was aware of as they had already been advertised. He also stated there would be some organised vineyard tours and wine tasting which, on the face of it, sounded innocuous. He confirmed that no large scale events were being proposed and that his wine would be the only alcohol on sale. I accepted this information in good faith and confirmed that on the basis of what he had verbally told me, we would not be making an objection to this application.

We do not object to a small number of open air theatre events (five) with relatively small audiences like last year's, or a small number of occasional vineyard tours or wine tasting. We do not know the applicant's intentions for growth but if the number of visitors and events swelled to that which is potentially applied for, we would, however, express some concerns. We are aware that the Alcohol Premises Licence, if granted, would be valid indefinitely (unlike the Temporary Events Notices issued last year) and that the application is for 250 people per event, 12 hours per day, seven days of the week. This is apparently to give the applicant flexibility to alter events if needed but, we consider this gives the applicant too much lee-way, to the potential detriment of local residents and road users, thereby having implications for public safety and public nuisance.

1/3

Any increase in the volume or duration of amplified noise beyond what we experienced in relation to last year's licensed events would be intrusive and a nuisance.

The implications of the vineyard events on the highway safety aspect of public safety have not been addressed. If visitor numbers increased significantly and/or occurred over many days, this is likely to result in appreciable problems for Church Lane and the junction with Bethersden Road, to the detriment of highway safety of all road users. Church Lane is a relatively lightly trafficked road serving 12 properties and a church. The lane is frequently used by cyclists, pedestrians, dog walkers and also by pedestrians from Hothfield Manor Acquired Brain Injury Centre who can access Church Lane via a locked gate. Their clients can be in wheelchairs, walking with aids, carers or family members to assist them, and they can have slow reactions to car traffic. It is not uncommon to see mobility impaired pedestrians and other vulnerable road users on the lane.

Church Lane is an unclassified single carriageway and is a public highway for a distance of around 150m from the junction with Bethersden Road (up to the 90° bend just beyond the access to the vineyard), and thereafter is a private road. Bethersden Road is a C-Class rural road with a derestricted speed limit, and the junction of Church Lane and Bethersden Road is situated very close to a bend. From visual observations, we estimate that the average 85th percentile vehicle speed is approximately 40mph. Automatic speed surveys undertaken on behalf of Hothfield Parish Council in September 2021 on The Street (not far from the junction with Church Lane and inside the 30mph speed limit) showed an average 85th percentile speed of 39.4mph. The Design Manual for Roads and Bridges states that with a design speed of 70kph, the visibility splays should measure 90m x 2.4m x 90m. The actual sight lines at the junction are approximately 15m to the left x 2.0m x 30m to the right (and at 2.4m are significantly reduced) and are clearly substandard. If a driver pulls forward beyond the give-way line and leans forward in the driver's seat, visibility is improved to the left, but is still substandard. As inter-visibility between road users on the main road and Church Lane is poor, any increase in slowing, stopping or turning movements at this junction would be hazardous and would prejudice the safety of users on the public highway.

Church Lane and the adjacent section of Bethersden Road are unlit; last year's evening performances finished after dark with pedestrians and vehicles manoeuvring on the lane and in the unlit vineyard, including children and a large party of special needs visitors.

The adopted section of Church Lane is narrow, and varies in width from 4m, narrowing to around 3m for about one third of the length of the lane with insufficient room to allow two vehicles to pass (the grass verges are privately owned). Church Lane is a lightly trafficked road, and so even small increases in traffic would represent a significant proportionate increase on normally low levels.

Most people would presumably arrive at the vineyard events by car, with some sharing a car. We were marshals at three of last year's outdoor theatre events and observed that most visitors arrived by car, with typically two people per vehicle. The Licence application states there would be two wine tasting/ vineyard tours per day, of up to 30 people. Assuming two people per car, this could be expected to result in around 30 vehicle movements per tour (15 in/15 out) and around 60 vehicle movements per day (for two tours). Whilst this number may sound low, it represents a significant increase in existing levels on a substandard lane with a substandard junction.

If there were high numbers of visitors leaving the site by car at the end of an outdoor theatre event this may block Church Lane as sections of the lane are too narrow to allow two vehicles to pass. This could affect the ability of emergency services to access our properties as well as impeding residents' access. The application refers to 250 people per event for the outdoor theatre events, so when there are two events per day this would equate to 500 people per day. This would represent an inappropriate and unacceptable number of vehicle movements on a substandard lane with a substandard junction.

Church Lane is a sensitive location in terms of the presence of nearby dwellings in a Conservation Area, the existing road users (including vulnerable road users), the substandard width of the lane and the substandard visibility at the junction with Bethersden Road. Therefore, we would respectfully request appropriate restrictions and enforceable conditions on the Licence to minimise nuisance to local residents and to minimise the increased risk to the safety of road users, specifically to:

1. Reduce the number of operational days of the week (from seven to, say, three days) and/or a maximum number of events annually;
2. Reduce the number of hours of the day of operation (from 12 hours to, say, 6 hours);
3. Limit the number of permitted visitors at any open air theatre event (from 250 visitors to, say, 80 visitors);
4. Limit the number of visitors for wine tasting and vineyard tours (to, say, 20 visitors per event);
5. Set appropriate decibel limits for amplified sound (voice) and to have a noise limiter, with no amplification of music.
6. Ensure that any floodlights are directed downwards and shielded in order to reduce light spill and any nuisance to nearby dwellings.

Hopefully these restrictions would represent a reasonable compromise to prevent public nuisance by protecting the amenity of local residents, and protect the public safety of all road users, whilst not unreasonably obstructing the business plans for the vineyard.

Yours sincerely

Sheila Flynn & Christopher Rogers

Representation 13 - Interested party

From: Brenda Stowers

Sent: 06 March 2024 21:00

To: Licensing <Licensing@ashford.gov.uk>

Subject: Nine Oaks representation

Dear Licensing Team,

Please accept my representations as they relate to Nine Oaks Vineyard.

- PUBLIC SAFETY
 - Lack of local taxi information provided to Nine Oaks customers to reduce drunken driving
 - Shared road with residents and church goers has not been risk assessed to accommodate and determine the amount of traffic which impacts ambulance access local residents, mass at church and funeral processions
-
- THE PREVENTION OF PUBLIC NUISANCE
 - The Application is adjacent to St. Margaret's Churchyard. I have concerns about:
 - People attending funerals and church services will be disrupted and disturbed by those consuming alcohol in the lot next door.
 - Lack of activity management; Vineyard customers parking in the Churchyard parking lot and no active road guard supplied by Nine Oaks during planned activities directing its customers to not park at the Church which is on a private road.
 - No public toilets at Nine Oaks thus increasing the likelihood of defecating and urinating in the Churchyard, local yards of residents and nearby woodland.
 - No duty of care to dispose of bottles, litter or waste by Nine Oaks Vineyard
 - The hours of operation from 10 to 10 are excessive as the vineyard is surrounded by residential homes on 3 sides, one of which is Hothfield Village.
 - No communication or signage by Nine Oaks Management encouraging its customers to be respectful of the vineyard's residential location and to be quiet.
 - No planning of regularly scheduled professional trash collection service and times that do not create a noise nuisance
- THE PREVENTION OF CRIME
 - Criminal drug related activity has been historically reported on the Church grounds. Nine Oaks makes no mention of CCTV on it premises to deter anti-social behaviour and further crime. Without it, crime in the area may likely increase.

Thank you,
Brenda Stowers

Appendix C

Nine Oaks Vineyard

Amended application

Application for a premises licence to be granted under the Licensing Act 2003

Please read the following instructions first

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.


I/We Nine Oaks Vineyard

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Nine Oaks Vineyard Church Lane Hothfield Kent			
Post town	Ashford	Postcode	TN261EL

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 100

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as appropriate**

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i	as a limited company/limited liability partnership	X please complete section (B)
	ii	as a partnership (other than limited liability)	please complete section (B)
	iii	as an unincorporated association or	please complete section (B)
	iv	other (for example a statutory corporation)	please complete section (B)

c)	a recognised club		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)
f)	a health service body		please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)	the chief officer of police of a police force in England and Wales		please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or X
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) individual applicants (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

--

Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes X	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(B) Other applicants

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Nine Oaks Vineyard
Address The Old Rectory Hothfield Kent TN261EP

Registered number (where applicable) 12416619
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1 1	0 4	2 0 2 4

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1):
 The premises is a vineyard comprising 20 acres in total, of which 7.5 acres are currently undervine. The premises will run various events such as open-air theatre periodically throughout the summer months as well as running vineyard tours and tastings, predominantly, but not exclusively on Fridays, Saturdays and Sundays during daytime hours with each performance lasting c. 120 mins. Events will have up to 250 persons and will be ticketed through a formal box office. Tours and tastings will also be booked online and will comprise c. 10-30 persons per session. We intend to have c. two sessions per day, each lasting 60-90 mins.

It is important to note that currently we do not have infrastructure on site, however, we do have plans for an agricultural building which will be built in the next few years.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	
b) films (if ticking yes, fill in box B)	
c) indoor sporting events (if ticking yes, fill in box C)	

d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	Both
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	
Day	Start	Finish		Both	x
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue					
Wed					
Thur	1000	1800	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	1000	1800			
Sat	1000	1800			
Sun	1000	1800			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Martyn Pollock
Date of birth	██████████
Address	██████████ ██████████ ██████████
Postcode	██████████
Personal licence number (if known)	██████████

Issuing licensing authority (if known) Ashford Borough Council

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NIL

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur	1000	1800	
Fri	1000	1800	
Sat	1000	1800	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

Sun	1000	1800	

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

We take the licencing objectives seriously and will ensure that at all times we are working within UK licencing law. We are committed to a challenge 25 policy for all sales of alcohol and will work to prevent/disburse any incidents of disorder. Training will be provided to staff both informal through in house training and also formal personal licence training for more permanent employees. A record of staff training will be kept on site when we are operating, as will an incident book.

b) The prevention of crime and disorder

We take the prevention of crime very seriously and to minimise the risk of crime we ensure that all our events (including tours and tastings) must be booked in advance via our online booking system. This ensures we have control of the numbers of participants attending site. All our events are properly marshalled, and a full event application will be submitted for each to ABC at least six weeks in advance to allow for engagement with the relevant police and other services if required.

In the unlikely event that there is any crime or disorder resulting from one of our events. We will contact Kent Police and other agencies in the first instance whilst also working to contain and minimise the incident through the cessation of the sale of alcohol to those involved.

c) Public safety

All events (including tours and tastings) will have a rigorous risk and fire risk assessment carried out for them with measures put in place to mitigate risks identified. For larger events marshalling will be in place and a full events plan will be developed and shared with ABC that details site layout, emergency plan, key individuals etc.

The premises will hold an up to date incident plan that details the actions that will be carried out in the event of an incident occurring.

d) The prevention of public nuisance

For our open-air theatre and other events we have a strict ticketing system to ensure that we are able to accurately control the number of guests who attend site. We also provide barriers, signs, and adequate marshalling to ensure that guests remain in designated areas throughout their time with us. We have a PROW that runs through the site, and this will be clearly marked off to ensure the public and paying guests are in separate areas. Our events/sessions will start/finish at pre-agreed times to ensure that guests enter and exit the premises on time and within licencing guidelines.

e) The protection of children from harm

Children are welcome at both our tours and tastings, and theatre events, however, we operate a challenge 25 rule to ensure that under no circumstances any persons under the age of 18 can be served alcohol. All alcohol sales for consumption on the premises are done in designated areas and with a staff member present at all times to ensure no persons under the age of 18 years are able to consume alcohol. If there are any children who we deem to be at risk of harm either through alcohol or any other means then our staff would immediately contact the most appropriate service; police, ambulance etc.

Checklist:

Please tick to indicate agreement


•	I have made or enclosed payment of the fee.	
•	I have enclosed the plan of the premises.	
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	
•	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	
•	I understand that I must now advertise my application.	
•	I understand that if I do not comply with the above requirements my application will be rejected.	
•	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	

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.


It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.





Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	07/03/2024
Capacity	Director

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	07/03/2024
Capacity	Director

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
			
Post town		Postcode	
Telephone number (if any)	0 		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. 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.
2. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.

- 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:
 - 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.
 - 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.
 - 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.
 - 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give 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.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give 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 or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Appendix D

Nine Oaks Vineyard

Schedule of proposed conditions

General

1. The Licence Holder will ensure that staff training relevant to the responsible retailing of alcohol will be conducted, either through informal in house training and/or formal personal licence training.
2. The License Holder will ensure that a record of staff training will be available on site whilst operating, or supplied upon request by the Licensing Authority or Kent Police.
3. The Licence Holder will maintain an incident record book. All incidents of crime/disorder, refusal of sales, antisocial behaviour etc. will be detailed in this book and retained at the licensed premises whilst operating, or be supplied upon request by the Licensing Authority or Kent Police.

The prevention of crime and disorder

4. The Licence Holder will ensure that all event bookings (including tours, and tastings) must be booked in advance of the event.
5. The Licence Holder will ensure that in the event of incidents of crime or disorder arising from events, the Licence Holder will ensure a relevant report is made to Kent Police, and where relevant to the attire of the incident alcohol sales ceased to aid the immediate management/control of the incident.

Public Safety

6. The Licence Holder will ensure that a Safety Advisory Group application (or application to a similar group where operated locally) is submitted for each event (excluding tours, and tastings) in order to engage with relevant safety and emergency services.
7. The Licence Holder will ensure that for large events, a full events plan (including; site layout, emergency plan, key contacts, etc.) will be shared with Ashford Borough Council, via the Safety Advisory Group submission, and a copy of the incident plan held on site during the event.

The prevention of public nuisance

8. The Licence Holder will ensure the suitable erection of barriers, signs, and use of marshalling as relevant to the nature and scale of event being conducted.

The protection of children from harm

9. The Licence Holder will, through the operation of a recognised Challenge 25 'proof of age' scheme, ensure that anyone who appears to be under 25 and is attempting to buy alcohol or is consuming alcohol on the premises will be asked to provide adequate and accepted proof of age.

10. The Licence Holder will ensure that alcohol consumption on site will only take place within designated areas, which will be supervised by staff members.
11. The Licence Holder will ensure that any incident where a child considered to be at risk of harm through alcohol or other means, will be reported to the relevant authority (i.e. Kent Police, or Kent County Councils Children's Social Service)

Appendix E

Nine Oaks Vineyard

Human Rights

HUMAN RIGHTS

Article 8

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws, as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 10

3. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
4. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.