

Licensing Sub-Committee

Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **26th March 2024**.

Present:

Cllr. McGeever (Chair).

Cllrs. L. Suddards, Wright.

Cllr. Smith (Reserve).

Also Present:

Mr Pollock, Mrs Matheson-Pollock - Applicants

Ms Flynn, Mr Brock, Mr Witzmann, Ms Stowers, Mr Guy – Interested Parties

Environmental Protection and Licensing Team Leader, Licensing Officer, Principal Solicitor, Democratic Services Officer, Senior Democratic Services Officer.

382 Election of Chair

Resolved:

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

383 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 9th February 2023 be approved and confirmed as a correct record.

384 Nine Oaks Vineyard Ltd, Church Lane, Hothfield – Application for a Premises Licence

Prior to the commencement of the meeting, the Interested Parties were requested to nominate a spokesperson to address the Sub-Committee on their behalf. Those in attendance agreed that five Interested Parties would address the Sub-Committee on behalf of those that had made representations.

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 Environmental Protection and Licensing Team Leader advised that the application (contained within the reports pack) sought to permit the sale of alcohol Thursday to Sunday between the hours of 10am and 6pm at Nine Oaks, Vineyard, Church Lane, Hothfield. The hours proposed were less than the original application of Monday to Sunday and 10am and 10pm, and were subsequently reduced by the applicant based on the feedback received through representations from local residents. No other licensable activities were being sought under the application.

The Environmental Protection and Licensing Team Leader advised that the proposed premises would be a vineyard of 20 acres, with 7.5 acres under vine, with no fixed infrastructure such as buildings. The description also detailed the outline proposal, consisting;

- pre-booked vineyard tours and tastings of 60-90 minutes of twice a day, and,
- pre-booked periodic events for audiences of up to 250 persons, lasting for around 2 hours, throughout summer months.

In line with the application the measures proposed to uphold the licensing objectives and conditions were contained at Appendix D to the report. Following consultations, no representation had been received from any of the responsible authorities, such as Kent Police, Environmental Health, Kent Fire Rescue Service etc. The Council's Environmental Health team had confirmed that in response to three Temporary Event notices in 2023 for events, no complaints were received by Ashford Borough Council, or concerns raised by the responsible authority.

Thirteen representations had been received from interested parties which were detailed in full at Appendix B (page 57 of the report pack) and the supplementary papers. Of these comments, some were not matters in which the Licensing Authority could consider as part of the application, notably;

- The nature of the area as a conservation area and whether this use was desirable within the area – noting that a conservation area is a local Planning designation.
- Future applications for changes to any Premises Licence that may be granted – noting that any such further changes and applications would have to be considered at that time. At this time the Sub-Committee must consider the application before it, and not what applications could be made in future years.
- Planning related controls – such as the permitted use of the land, and planning applications that may or may not be received by the Planning Authority. It was highlighted that the Licensing regime and Planning regimes were separate, and that whilst they may consider some aspects which are closely related (such as public nuisance from noise, and amenity detriments arising from noise) they remained legally separate for the purposes of the application. An applicant was free to apply for a Premises Licence prior to Planning Consent, and visa versa.
- The adequacy of the public notice requirements as specified by the Licensing Act 2003 and subsequent Regulations.

- The failure to directly consult with residents prior to submission of the application – which whilst considered good practice, there was no obligation to consult directly with residents in advance of any application.
- The impact of activities unrelated to the licensable activity

Attention was drawn to the Live Music Act and associated deregulation orders, and the Home Office Section 182 guidance, in relation to music and plays which were clear that conditions directly related to non-licensable activities may only be added to a premises licence at review following problems occurring at the premises. Accordingly, conditions could not be added to control deregulated activity, unless directly related to the licensable activity. Conditions directly related to non-regulated activity on existing premises licences were automatically suspended.

The Environmental Protection and Licensing Team Leader advised that the following comments contained within representations were matters that may potentially link to the Licensing Act objectives of; The Prevention of Crime and Disorder, The Protection of Public Safety, The Prevention of Public Nuisance, and, The Protection of Children from Harm;

- Drunk and disorderly behaviour
- Street drinking
- Litter
- Nuisance arising from patron noise affecting the residents and visitors to the church
- Nuisance from customers walking straying down the nearby private road
- Traffic management and nuisance arising from parking, access, vehicle movements, and emergency vehicle access.
- Drink driving
- The safety of a highway road junction approximately 140m away from the premises entrance/exit, further down the highway.
- Drug taking in the local area

In conclusion, the Environmental Protection and Licensing Team Leader advised that the Sub-Committee needed to consider how the concerns raised related to the licensing application before them (which was limited to the sale of alcohol) and whether the grant of the licence sought would undermine one or more of the Licensing Act objectives. Interested parties addressing the Sub-Committee were advised that in line with the Act, they were permitted to amplify their objections, but could not introduce new matters that were not included in their original representations.

The Sub-Committee heard from one of the Applicants, Mrs Matheson-Pollock, who provided some background as to their relationship with the village of Hothfield. They were familiar with the village, having been raised there and returning with her husband four years previously to live and set up business. Many family events, including weddings and funerals had taken place at St Margaret Church in the village – so she was intimately aware of the important and sensitive location that it

occupied. Through their business they wanted to support the village as much as they could and had done so by attending local events and providing raffle prizes where possible. The application before the Sub-Committee had been amended with the intention of wine tours place on Fridays and Saturdays, with Thursdays and Sundays reserved for expansion. All tours would be booked in advance, with a maximum of two tours a day. The majority of tours would be carried out by a Kent based tours business, that specialised in vineyard tours. The tour company would bring visitors to the site on a minibus thus minimising any impact by reducing the number of vehicle movements generated by such tours. Mrs Matheson-Pollock gave an overview of what a wine tasting consisted of and that whilst wine would be consumed during such tasting, this was of minimal quantities and alcohol would be sold for off-premises consumption. The tours of the vineyard would be guided and a structured tasting would follow the tour. Their intention was to undertake such tours themselves whilst the business developed, with an aim to take on employees in due course. During previous events they had employed local residents and intended to make provision for such employment in the future. Nine Oaks had partnered with Kent Wildlife Trust to increase biodiversity on the site. This work had seen six months worth of surveys being undertaken on the land, and Mrs Matheson-Pollock was pleased to report that the long horn cattle that were present in the area would be on their land within weeks as part of a rotation process. The quality of the land and grapes used in their production was reflected through the end product. It was their intention to make the business their main, and sole, employment. Nine Oaks Vineyard had been approached by the Tourism and Economic Development Team at the Council to take part in the 'On the Map' scheme and to promote tourism in the area.

The Chair reminded all those present of the need to be respectful and quiet whilst proceedings were underway. Any comments or distractions from the public gallery, or elsewhere, would not be tolerated and those repeatedly causing disturbance would be asked to leave.

Mr Pollock, the other Applicant, addressed the comments made surrounding communications that had been raised through the representations. He acknowledged that this area could have been improved and provided some background on the reporting of the matter to the Parish Council. The last notification to the Parish Council had not been intentional, this had occurred due to a misunderstanding regarding the timing of the next meeting, coupled with an exceptionally busy work period and the festive season. Mr Pollock advised that communications moving forward would be done via the Hothfield Newsletter, community events and where required door to door canvassing. The concessions that had been made to the application went a considerable way to addressing many of the objections raised through the consultation period. The hours had been reduced to remove the sale of alcohol at the premises into the evening, with the maximum operating hours being 10:00 to 18:00. Mr Pollock provided details on the wine tastings themselves, advising that a 'flight' of four wines would be provided, consisting of 50ml of each wine. It was also confirmed that only wine produced at the vineyard would be sold at the premises. Sales of alcohol would be for on and off-premises consumption. All off-premises sales would be in a sealed container. If a patron attempted to leave the premises with an open container, they would be asked to dispose of this prior to leaving. Should an attendee be intoxicated, they

would be asked to leave the premises and would not be served any alcohol. The revised application had also seen the removal of any music or amplified noise which was hoped would quell some of the concerns raised by local residents. In respect of events at the church they would ensure that any tours or other events taking place at the vineyard would not clash, and alterations be made to the schedule where necessary. The need to be respectful and sensitive to events in the Church was clear and in the running of their business they intended to respect this. In relation to parking, all vehicles would be parked within the vineyard with the majority arriving via minibus as part of the Kent tours previously mentioned. The official website was not yet live; however, it would contain details of parking arrangements, taxi firms and other local businesses. Furthermore, details regarding not parking on grass verges along the road would also be included. Mr Pollock undertook to explore increased signage on the roads, along with the installation of a mirror, at their expense, which he would discuss with Hothfield Parish Council. Nine Oaks Vineyard had a zero-tolerance approach to drug taking and should this occur on the site then they would be removed from the site and reported to the Police. A number of events had taken place during 2023 via the use of Temporary Event Notices (TENs) during which time there had been no complaints. There were a number of events scheduled to take place during 2024, which would be done using a TEN. Mr Pollock assured the Sub-Committee and those present that Nine Oaks Vineyard would not be take bookings for weddings, they had been approached to host a wedding however had turned this down. In conclusion, Mr Pollock detailed the expansion in production that had taken place during the past four years, with 2024 seeing the production of four still wines and their first sparkling variety.

In response to questions from the Sub-Committee, Mr Pollock confirmed that the lack of communication had not been deliberate. During 2023 they had held three events, each with 200/250 capacity with no concerns being raised during or after these events. Throughout the process it was considered that they had been open with the Parish Council. It was acknowledged that the strength of feeling within Church Lane had not been anticipated, and this was regrettable.

The Sub-Committee heard from Ms Flynn, an Interested Party, who raised concerns regarding the suitability of the access road. Between themselves, Ms Flynn and Mr Rogers had 62-year experience working for highways authorities, although not based in the Ashford borough. Church Lane was a quiet no through road with 12 dwellings running along it. The Church was also access via the road. It was Ms Flynn's belief that Church Lane had a high proportion of vulnerable road users – including mobility impaired residents, dog walkers and residents from Hothfield Brain Injury Rehabilitation and Neurological Care Centre. Attention was drawn to the photographs contained within the supplementary agenda papers and the difficult for two cars to pass without mounting the privately owned, and maintained, verges. Ms Flynn gave a detailed explanation on the lack of visibility splays when accessing the main road, noting that these were 15m to the left and 30m to the right, with the Department for Transport design manual stating that these should be 90m. It was questioned whether Kent Highways should have been consulted as part of the application process and whether there was remit for this to occur. Crossing points in the vicinity were mentioned, with potential improvements awaited by the Parish Council. Ms Flynn had marshalled several of the events held in 2023 and confirmed that marshalls had only been located on the premises not on the main road.

Attention was drawn to the number of visitors should theatre events take place in addition to the proposed tours and the level of car journeys that would occur as a result. Concerns were raised regarding vehicle conflict with people using the road – particularly those that were based at Hothfield Brain Injury Rehabilitation and Neurological Care Centre.

The Environmental Protection and Licensing Team Leader instructed that issues relating to planning were not for consideration during the determination of the application. The application before the Sub-Committee was for the sale of alcohol and any concerns raised should be related to the impact that the sale of alcohol would have on the Licensing Act objectives.

Mr Brock, an Interested Party, addressed the Sub-Committee and spoke on behalf of the Local Church Team also. Having worked at the vineyard in previous years Mr Brock had become disillusioned by what was considered to be a disconnect between how the applicants acted and what they said. The consultation process should have been better, and concerns were raised that there had not been genuine interest from the applicant regarding consultation with the local community. Mr Brock had attended the Parish Council meeting and noted the only information given was that from the Blue Notice and would have welcomed more information, in addition to discussion in open forum at a Parish Council meeting. There was an area along the Southern boundary located less than 10m from the graveyard where burials currently took place. Alarm was raised regarding the prospect of enthusiastic wine tasters being seen and heard at the same time as burials were taking place. Furthermore, it was felt that it would be inappropriate for mobile toilets and any marquee to be installed near the burial area. A strip of land adjacent to the Church was currently also used for parking and Mr Brock asked that remained solely for church users, and pondered whether this could be inserted into the conditions. Preference was that the application was rejected, or if it was granted then conditions were applied including a limit on numbers and only the Vineyards own wine sold.

The Chair advised that he empathised with the speaker regarding the communication issues and spoke about the possibility of future conversations between the applicant and interested parties. He advised that the meeting was solely to consider the effect of granting the sale of alcohol licence.

Mr Brock noted that the lack of consultation had stirred emotions and welcomed the possibility of mediation going forward.

The Environmental Protection and Licensing Team Leader confirmed that any conditions added to a license must be necessary. Rhetorical questions were posed to those present including – why would the presence of 20 people at a wine tour not impact the Licensing Act objectives but 25 would.

Mrs Matheson-Pollock added that a piece of land was currently in the process of being sold, which was a 6m track and would provide a boundary between the Church and the Vineyard. This would be fenced off and would provide a formal degree of separation.

Mr Pollock acknowledged that more communication would have been beneficial and apologised to all those present.

Mr Witzmann, an Interested Party, advised that the main objection was that the location was not suitable for such a business especially taking into consideration the traffic issues highlighted by other speakers. The idea for tours was not unwelcome but it was questioned what would occur should people just turn up at the premises and expect a tour without pre-booking. Mr Witzmann felt that the application and operating schedule were not complete and further detail should be provided. Concerns were raised over how the presence of crowds would be controlled and how they would be served given there was no building onsite to undertake such task. In relation the Public Rights of Way (PROW) crossing the site Mr Witzmann questioned what would stop a passerby using such routes from joining a tasting session and how this could be discouraged. Furthermore, it was questioned how the PROW would interact with the premises and other users of the land. The benefit of the application on the village was unclear. Mr Witzmann also noted that an alternative access would resolve many of the issues raised thus far.

The Environmental Protection and Licensing Team Leader advised that the application was valid and should be determined by the Sub-Committee. The benefit of the application was not a matter for this Sub-Committee. The measures set out in the operating schedule were converted into conditions, which were contained within Appendix D to the report and included a requirement for advance booking. Any conditions had to be enforceable.

Mr Pollock advised that they were in the process of fencing the part of the PROW that was within the vineyard to ensure that those using the PROW were going in the right direction. There would be clear layouts on site to ensure that those attending the vineyard were in the correct areas.

Ms Stowers, an Interested Party, addressed the Sub-Committee and advised the main concerns were around public nuisance. No mention of toilet facilities had been made in the application and noted that water must legally be available when alcohol was being served – this also was not mentioned as part of the application. Litter was an issue in the area, and disposal of litter emanating from events at the vineyard should be considered. Church Lane had no turning points and therefore vehicles could only turn around by reversing onto private residential land. The additional vehicle movements that would result from the application, by way of refuse vehicles, minibuses and private motor car would cause damage to privately owned land. A further concern was the weight of such vehicles using the road, which was only partly adopted highway. Ms Stowers confirmed that the previous events carried out under TENs had not been objected to, there had been some belief that these would remain family events. Ongoing drug use within the area was also highlighted.

The Licensing Officer advised that the provision of potable water was a mandatory condition of the grant of any premises license. The provision of toileting facilities was covered by environmental health regulation and the application process did not directly require any detail on this matter.

Ms Stowers considered that conditions relating to the provision of toileting facilities and waste disposal be considered. In addition, it was proposed that should the application be granted this be for a period of one to two years with a review taking place after that time to assess crash incident data in the vicinity.

Mr Brock questioned whether the hours for TENS could be limited also.

The Environmental Protection and Licensing Team Leader advised that TENS were dealt with under separate provisions, and any TENS would have to be considered in the context of their own legal provisions if TENS were received.

Mr Pollock confirmed that a number of events were planned for 2024 using TENS. Theatre events were not integral to the business and the concerns raised regarding increased traffic movements had been noted.

Mr Guy, an Interested Party, had concerns regarding the turning of the premises into an entertainment venue. The potential impact on the quality of life of residents was highlighted to the Sub-Committee. The explanations put forward thus far were not accepted. Mr Guy was of the opinion that what the applicants said and did oppose one another. Residents of Church Lane took pride in maintaining their verges and did not wish for these to be ruined by occasional users of the road.

The Environmental Protection and Licensing Team Leader concluded that the application was valid and must be determined by the Sub-Committee, and re-highlighted that conditions should only be applied if justified and necessary to promote the licensing objectives.

In conclusion, Mr Pollock advised that they would liaise with Hothfield Brain Injury Rehabilitation and Neurological Care Centre regarding the use of the road and events taking place to ensure that residents using the road were protected. Those attending events would be notified to exercise caution when using Church Lane. In respect of references made to an alternative access to the site – this had not been used for over 50 years and the reinstallation of the access would require significant groundworks which was unviable. Mr Pollock acknowledged that the communication regarding the application was lacking and would address this moving forward.

Mr Brock, concluding for all the Interested Parties, requested that the Sub-Committee considered all the evidence before it in the making of their decision.

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

On returning, the Senior Democratic Services Officer read the Decision and Reasoning Statement.

Resolved

The Premises Licence be granted as applied for.

With the following recommendation added

- Where possible a direct line of communication (email, telephone number, or similar) 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 decision notice and formal wording read out by the Senior Democratic Services Officer is appended to these minutes. A copy of the decision was given to the Applicant at the conclusion of the meeting and was sent by email to the Applicants and all Interested Parties after the meeting.

Queries concerning these Minutes? Please contact Democratic Services:
Telephone: 01233 330499 Email: democraticservices@ashford.gov.uk
Agendas, Reports and Minutes are available at - <http://ashford.moderngov.co.uk>

**LICENSING SUB-COMMITTEE
TUESDAY 26TH MARCH 2024**

**APPLICATION FOR A PREMISES LICENCE FOR
NINE OAKS VINEYARD LTD, CHURCH LANE, HOTHFIELD, KENT, TN26 1EL**

LICENSING SUB-COMMITTEE DECISION AND REASONINGS

LICENSING OFFICER Trevor Ford

**REASON FOR
MEETING:**

An application was made for a Premises Licence for Nine Oaks Vineyard Ltd, Church Lane, Hothfield.

DELIBERATION:

Prior to the commencement of the meeting, the Interested Parties were requested to nominate a spokesperson to address the Sub-Committee on their behalf. Those in attendance agreed that five Interested Parties would address the Sub-Committee on behalf of those that had made representations.

The Licensing Sub-Committee listened to the introduction given by the Environmental Protection and Licensing Team Leader in respect of the application made for a premises licence. The application (contained within the reports pack) seeks to permit the sale of alcohol Thursday to Sunday between the hours of 10am and 6pm at Nine Oaks, Vineyard, Church Lane, Hothfield. These hours are less than the original application of Monday to Sunday and 10am and 10pm, and were subsequently reduced by the applicant based on the feedback received through representations from local residents. No other licensable activities are being sought under the application.

The Environmental Protection and Licensing Team Leader advised that the proposed premises would be a vineyard of 20 acres, with 7.5 under vine, which has no fixed infrastructure such as buildings etc. The description also details the outline proposal to have;

- pre-booked vineyard tours and tastings of 60-90 minutes of twice a day, and,
- pre-booked periodic events for audiences of up to 250 persons, lasting for around 2 hours, throughout summer months.

In line with the application the measures proposed to uphold the

licensing objectives and conditions were contained at Appendix D to the report. Following consultations, no representation had been received from any of the responsible authorities, such as Kent Police, Environmental Health, Kent Fire Rescue Service etc.

The Council's Environmental Health team had confirmed that in response to three Temporary Event notices in 2023 for events, no complaints were received by Ashford Borough Council, or concerns raised by the responsible authority.

13 representations had been received from interested parties which are detailed in full at Appendix B (page 57 of the report pack) and the supplementary papers. Of these comments some were not matters in which the Licensing Authority may consider as part of this application, notably;

- The nature of the area as a conservation area and whether this use is desirable within the an area – noting that a conservation area is a local Planning designation.
- Future applications for changes to any Premises Licence that may be granted – noting that any such further changes and applications would have to be considered at that time. At this time the Sub-Committee must consider the application before it, and not what applications may or may not come in future years.
- Planning related controls – such as the permitted use of the land, and planning applications that may or may not be received by the Planning Authority. It was highlighted that the Licensing regime and Planning regimes were separate, and that whilst they may consider some aspects which are closely related (such as public nuisance from noise, and amenity detriments arising from noise) they remain legally separate for the purposes of the application. An applicant was free to apply for a Premises Licence prior to Planning Consent, and visa versa.
- The adequacy of the public notice requirements as specified by the Licensing Act 2003 and subsequent Regulations.
- The failure to directly consult with residents prior to submission of the application – which whilst considered good practice, there is no obligation to consult directly with residents in advance of any application.
- The impact of activities unrelated to the licensable activity

The Live Music Act and associated deregulation orders, and the Home Office Section182 guidance, in relation to music and plays

made it clear that conditions directly related to non-licensable activities may only be added to a premises licence at review following problems occurring at the premises. Accordingly conditions could not be added to control deregulated activity, unless directly related to the licensable activity. Conditions directly related to non-regulated activity on existing premises licences were automatically suspended.

The Environmental Protection and Licensing Team Leader advised that the following comments contained within representations were matters that may potentially link to the Licensing Act objectives of; The Prevention of Crime and Disorder, The Protection of Public Safety, The Prevention of Public Nuisance, and, The Protection of Children from Harm, as follows;

- Drunk and disorderly behaviour
- Street drinking
- Litter
- Nuisance arising from patron noise affecting the residents and visitors to the church
- Nuisance from customers walking straying down the nearby private road
- Traffic management and nuisance arising from parking, access, vehicle movements, and emergency vehicle access.
- Drink driving
- The safety of a highway road junction approximately 140m away from the premises entrance/exit, further down the highway.
- Drug taking in the local area

In conclusion, the Environmental Protection and Licensing Team Leader advised that the Sub-Committee needed to consider how the concerns raised related to the licensing application before them (which was limited to the sale of alcohol) and whether the grant of the licence sought would undermine one or more of the Licensing Act objectives. Interested parties addressing the Sub-Committee were advised that in line with the Act, they were permitted to amplify their objections, but could not introduce new matters that were not included in their original representations.

Interested parties were asked, when speaking on each concern, to be clear on how the sale of alcohol at this premises would undermine the Licensing Act objectives in the context of this application and the locality. For example how, if this licence were granted for this premises, the sale of alcohol at the premises as part of vineyard tours and tastings would exacerbate existing issues with drug taking in the locality as referenced in the representations.

The Environmental Protection and Licensing Team Leader highlighted that this licence application was limited to the sale of alcohol - The impact of other unregulated activities, such as occasional plays and the traffic from such events, is not something that may be considered or controlled by the Sub-Committee unless it can be demonstrated that one or more of the Licensing Act objectives would be undermined as a result of the sale of alcohol authorisation being sought. The application should be considered on its merits, and against relevant Licensing Act Policy and guidance. Then the Sub-Committee's attention was drawn to the options open to them in determining the application.

The Sub-Committee heard from one of the Applicants, Mrs Matheson-Pollock, who provided some background as to their relationship with the village of Hothfield. As a business they wished to support the village as much as they could and have done so by attending local events and providing raffle prizes. The application had been amended with the majority of tours taking place on Fridays and Saturdays, with Thursdays and Sundays reserved for expansion. All tours would be booked in advance, with a maximum of two tours a day. Mrs Matheson-Pollock gave an overview of what a wine tasting consisted of and that whilst wine would be consumed during such tasting, this was of minimal quantities and alcohol would be sold for off-premises consumption. Kent Wildlife Trust had undertaken some biodiversity work on the land and the long horn cattle that were present in the area would be on their land within weeks as part of a rotation process. They aimed to make the business their main, and sole, employment. The business had been approached by the Tourism and Economic Development Team at the Council to take part in the 'On the Map' scheme and to promote tourism in the area.

Mr Pollock, the other Applicant, addressed the matters surrounding communications that had been raised through the representations. He acknowledged that this area could have been improved, and provided some background on the reporting of the matter to the Parish Council. Concessions had been made to the application. He confirmed that only wine produced at the vineyard would be sold at the premises. Sales of alcohol would be for on and off-premises consumption. All off-premises sales would be in a sealed container. Should an attendee be intoxicated they would be asked to leave the premises and would not be served any alcohol. In respect of events at the church they would ensure that any tours or other events taking place at the vineyard would not clash, and alterations be made to the schedule where necessary. In respect of parking, all vehicles would be parked within the vineyard with the majority arriving via minibus as part of the Kent Wide Tours. Their website was not yet live, but would contain details of parking arrangements, taxi firms and other local businesses. Mr Pollock undertook to explore increased signage on the roads, along with

the installation of a mirror, at their expense, which he would discuss with Hothfield Parish Council. They took a zero tolerance approach to drug taking and should this occur on the site then they would be removed from the site and reported to the Police. A number of events had taken place during 2023 via the use of TENs during which time there had been no complaints. He assured the Sub-Committee that they would not be taking bookings for weddings.

In response to questions from the Sub-Committee, Mr Pollock confirmed that the lack of communication had not been deliberate. They had been open with the Parish Council and at no point during the events during 2023 had any concerns been raised.

The Sub-Committee heard from Ms Flynn, an Interested Party, who raised concerns regarding the suitability of the access road. She gave detailed explanation on the lack of visibility splays when accessing the main road. The road itself was narrow in places and there were not places for passing without using the existing verges. She had marshalled several of the events held in 2023 and confirmed that marshalls had only been located on the premises not on the road. She was concerned about the number of visitors should theatre events take place in addition to the proposed tours. Concerns were raised regarding vehicle conflict with people using the road – particularly those that were based at the Hothfield Brain Injury Unit.

The Environmental Protection and Licensing Team Leader advised that issues relating to planning were not for consideration during the determination of the application.

Mr Brock, an Interested Party, addressed the Sub-Committee and spoke on behalf of the Local Church Team also. He raised concerns that there had not been genuine interest from the applicant regarding consultation with the local community. He had attended the Parish Council meeting and noted the only information given was that from the Blue Notice and would have welcomed more information. He spoke about an area along the Southern boundary that was less than 10 m from the graveyard where burials currently took place. His concern was that enthusiastic wine tasters would be seen and heard at the same time as the burials were taking place. He felt it would also be inappropriate for mobile toilets and any marquee to be installed near the burial area. A strip of land adjacent to the church was currently also used for parking and Mr Brock asked that remained solely for church users, and pondered whether this could be inserted into the conditions. Preference was that the application was rejected, or if it was granted then conditions were applied including a limit on numbers and only the Vineyards own wine sold.

The Chair advised that he empathised with the speaker regarding the communication issues and spoke about the possibility of future conversations between the applicant and the respondents. He advised that the meeting was solely to consider the effect of granting the sale of alcohol licence.

Mrs Matheson-Pollock added that a piece of land was currently in the process of being sold, which was a 6 m track and would provide a boundary between the Church and the Vineyard. Mr Pollock spoke and acknowledged that more communication would have been beneficial and apologised to the community.

Mr Witzmann, an Interested Party, then spoke and his main objection was that the location was not suitable for alcohol and in his opinion the application and operating schedule was not complete. He raised concerns over how the presence of crowds would be controlled. In relation the Public Rights of Way (PROW) he questioned what would stop a passerby using such routes from joining a tasting session and how this could be discouraged. He questioned how the PROW would interact with the premises and other users of the land. He felt that it was unclear how the application would benefit the village. Mr Witzmann also noted that an alternative access would resolve many of the issues raised thus far.

The Environmental Protection and Licensing Team Leader advised that the application was valid and should be determined by the Sub-Committee. The benefit of the application was not a matter for this Sub-Committee.

Mr Pollock advised that they were in the process of fencing the part of the PROW that was within the vineyard to ensure that those using the PROW were going in the right direction. There would be clear layouts on site to ensure that those attending the vineyard were in the correct areas.

Ms Stowers, an Interested Party, then spoke and her main concerns were around public nuisance, no mention of public toilets and said that as they understood, water must legally be available when alcohol was being served. Church Lane had no turning points and so vehicles could only turn around by reversing onto private residential land. A further concern was the weight of minibuses using the road. Additionally, the previous TEN notice events had not been objected to, and she commented that she believed that they were family events. She said that she was also aware of drug use within the area. Disposal of litter was a major concern and she felt that this should be addressed.

Mr Guy, an Interested Party, had concerns regarding the turning of

the premises into an entertainment venue. He felt that what the applicants said and did oppose each other.

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 safety, vehicle access and other transportation issues.

The Sub-Committee felt that all parties had put their cases forward well and they had understood that this was clearly emotive for the residents involved.

They spent a great deal of time considering the representations made at the meeting. From these representations the Sub-Committee drew out concerns that were relevant to the licensing objectives and pertinent to the representations that had been made in respect of the application. The Sub-Committee felt the conditions contained within Appendix D were appropriate and proportionate.

In addition to the conditions contained within Appendix D to the report the Sub-Committee considered that the following recommendation was appropriate to be added –

- Where possible a direct line of communication (email, telephone number, or similar) 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.

ALL DECISION MADE:

The licence be ...

Granted as applied for.

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. Any 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: 26th March 2024