

Licensing Sub-Committee

Minutes of meeting held remotely on 14 August 2020 at 3.00 pm.

Present:

Councillors Liz Boorman, Isabelle Linington and Sean MacLeod.

Officers in attendance:

Paul Thornton (Specialist Advisor - Licensing), Michele Wilkinson (Lawyer (Housing & Regulatory)) and Nick Peeters (Committee Officer).

Also in attendance: none

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10 Election of chair of the sub-committee for this meeting

Councillor Liz Boorman proposed Councillor Isabelle Linington as Chair and this was seconded by Councillor Sean Macleod.

Councillor Isabelle Linington was elected Chair for the duration of the meeting.

11 Apologies for absence/declaration of substitute members

There were none.

12 Declarations of interest

There were none.

13 Determination of a Premises Licence Application - Artelium Wine Estate

The Chair of the Licensing Sub Committee welcomed all parties to the hearing. Those attending introduced themselves and the procedure for the hearing was explained

The Licensing Officer presented the Report to the committee and summarised the Report as follows:

- The Sub Committee had been convened to determine the review of a Premises Licence at Artelium Wines Estate, Streat Lane, Streat. The applicants were Julie Bretland and Mark Collins.
- Following the initial application, the applicants submitted a new Plan and a revised application had been submitted on the morning of the meeting in relation to the hours of opening.

- When submitting an application for a new premises licence the applicant is required to describe any steps they intend to take to promote the four licensing objectives, as defined by the Licensing Act 2003.
- The original application submitted was to run a wine tasting house to include events in the garden and vineyard, appealing to small groups. Tea, coffee and food would be served in addition to the wines.
- A number of points were included in the operating schedule:
 - No open containers would be taken from premises.
 - There would be no irresponsible promotions.
 - Staff training would be undertaken.
 - Safe capacity limits would be set and maintained.
 - Pre booked visits and tours would be undertaken to manage visitor
 - Numbers.
 - Visitors would be encouraged to leave quietly and quickly
 - Customers would need to provide proof of age for buy onsite purchases and online tour bookings.
 - Staff would be trained in Over 25 policy.
- The applicants were seeking a Premises Licence to sell alcohol from an on-site shop, internet sales and through fine dining events taking place in the grounds.
- The applicant intended to sell wine from their own and other vineyards, with an onsite bar facility, tours of the vineyard and wine tasting events.
- No Responsible Authorities made representations however Sussex Police had agreed with the applicants that specific conditions would be added to the licence if it were granted including the Challenge 25 age verification policy, documented staff training and the provision of an incident and refusals register.
- One representation, from Mr Nicholas Perkin, the owner of a neighbouring property, had been received objecting to the application on the grounds of the four licensing objectives and was detailed in appendix 4 to the report.
- Mediation between the applicants and the representor had taken place, with willing participation, but had not been successful.
- In determining the application, the Sub Committee was asked to give weight

to the representations made, Home Office guidance, the Licensing Policy for Lewes District Council and to address the four licensing objectives

- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- A representation was a 'relevant representation' if it was about the likely effect of the grant of the licence on the promotion of the licensing objectives. The objector would need to establish that such a consequence was a *likely* effect of a grant (i.e. more probable than not).
 - Any decision made by the Sub Committee would be subject to an appeal to the Magistrates' Court by any party involved in the proceedings.

The applicants, Ms Judy Bretland and Mr Mark Collins, addressed the Sub Committee and highlighted the following points:

- Artelium Wine Estates was a new enterprise focusing on the production of wines and sparkling wines. The business was supported by policies in the Lewes Growth Plan which recognised the contribution of viticulture to the economic environment. The Artelium Wine Estate also contributed to the cultural visitor trail through Sussex promoted by Sussex Modern. The Farm was being maintained as a business enterprise, providing employment opportunities and maintaining the agricultural integrity of the area.
- The application for a Licence to sell alcohol was required to enable the sale of online products, sale to the trade and direct sales to customers at the vineyard.
- The applicants had maintained dialogue with neighbouring properties and received support from residents in the village.

Clarification was sought on the following points:

- Condition 2 related to pre-booked events in the vineyard area and the sale of alcohol, particularly between 1st April and 31st October, Monday to Saturday (10.00am and 11pm) and on Sundays (10am to 6.30pm). It was anticipated that there would be corporate events, hosted dinners, fine-dining and wine blending events.
- It was expected that the vineyard tours would be pre booked and several partners would be involved with different versions of the tours available. The tours would take place within the hours requested for the sale of alcohol in the bar.
- The 'net of the Licensees staff' referred to in condition 6 allowed for external

caterers to be brought as there were no kitchen facilities at the site.

- It was anticipated that the bar would be available for pre booked events and for drop in customers (including the sale of teas/coffees and snacks). Although it was expected that local residents would use the bar it was not anticipated that it would be used by large numbers as a 'traditional pub'. The customer offer was typical of other vineyards.
- The Vineyard was a six-minute drive from Burgess Hill Station and there was a readily available number of taxi companies.
- The number of customers at an indoor event would be capped at 25 and outdoors would be 50, although it was expected that the average number of customers at an event would be approximately 20 – 30.
- It was noted that the frequency of tours anticipated was a commercial consideration and the purpose of the licence application was for the Vineyard to sell its own products.

Mr Nicholas Perkins, who had made a representation and was a neighbour to the Vineyard, addressed the Sub Committee and raised the following points:

- Mr Perkins recognised the need to achieve a balance between the needs of businesses and the interests of the local community and said that he would not have objected to a small facility.
- What was being sought was a licence with long hours of opening, in a rural location, that potentially would become an entertainment and drinking facility, and would not meet the Licensing Objectives. Bar opening hours until 10.30pm would mean customers leaving until after 11pm with the associated noise issues.
- Although not a requirement, the Council's Licensing Policy stated that planning permission should ideally be in place prior to a licensing application. The Policy should be followed unless there was a good cause not to.
- There would be public nuisance issues resulting from the number of events requested in the application and as the premises was at a high point, any noise would carry. The number of events should be reduced and temporary events notices applied for if required.
- The lane to the South of the premises was narrow and single-track, and again, there would be public nuisance issues resulting from vehicles queueing to leave the site with engines idling.

The Sub Committee adjourned at 4.05 pm to deliberate and it was agreed that all parties would receive the decision within the legal timeframe.

The meeting ended at 4.05 pm

Councillor