

Decision of Licensing Act Sub Committee. Hearing 14 August 2020

Application for a new premises licence at the Artelium Wine Estate, Streat Lane, Streat, BN6 8SA

The application, made by Ms Julie Bretland and Mr Mark Collins on behalf of the Artelium Wine Estate, concerned the grant of a new premises licence under the Licensing Act 2003 for the sale of alcohol on and off the premises everyday between 9.00am to 10.30pm.

The Sub Committee noted that following the initial application the applicants had offered, prior to the hearing, to amend the licensable hours and that the applicants had also offered to add further conditions to any licence granted. It was noted that those amended proposed conditions had been distributed to the Sub Committee and other participants prior to the hearing commencing.

In discharging its functions the Sub Committee considered the promotion of the relevant licensing objectives, the Council's own Licensing Policy, the Home Office Guidance and the rules of natural justice.

The Sub Committee considered the application and the oral representations made by the applicants at the hearing that the Licensing Authority should grant their application for a premises licence because their business protected the natural environment and attracted investment into the area. They contested that they had the support for the application from approximately twenty of their neighbours. The applicants considered that they had taken on board the concerns expressed by the representor, Mr Perkins, and had provided the amended proposed conditions as a result. They explained that they did not expect to have a large number of customers at the premises because the wine estate is in a relatively remote location and the wines and other alcohol products they planned to sell are expensive.

As a result of the consultation process one representation was received. The Sub Committee gave due regard to the written and the oral representations of Mr Perkins. The representations involved all four licensing objectives. At the hearing Mr Perkins advised that he did not object to the application per se and that he would have no concerns about the equivalent of a small farm shop. However, he considered that the licensable hours and activities applied for, in such a rural location, were far too wide and would not promote the licensing objectives and in particular that of the prevention of public nuisance. Mr Perkins was concerned about those activities which would take place outdoors because the vineyard is located at a high point so any noise would carry and disturb others. He was also concerned about the consumption of alcohol on the premises at a bar and believed that such a bar would increase traffic and noise. He contested that, should the Sub Committee be minded to grant the licence it should consider restricting, for example, the licensable hours and the number of pre-booked events to limit the impact of the potential public nuisance. Further, Mr Perkins contended that the grant of the licence would be in breach of the Licensing Authority's own Licensing Policy because no planning permission had yet been sought or granted to the applicants.

The Sub Committee noted that no Responsible Authorities had made any representations although Sussex Police had mediated and agreed with the applicants additional conditions which had been included in the proposed conditions document.

In its deliberations the Sub Committee considered what decision would be appropriate and proportionate from the options outlined in paragraph 7.1 of the Report.

Decision

The Sub Committee resolved to grant the premises licence but also considered it was appropriate to modify the hours of licensable activities and the conditions for the promotion of the licensing objectives. The modified hours and conditions as agreed by the Sub Committee are appended to this decision.

Reasons for decision

Whilst the Members decision is to grant the premises licence the Sub Committee acknowledged and took into account the relevant concerns expressed by the representor, Mr Perkins. Therefore the Sub Committee decided it would be appropriate and proportionate to modify the proposed conditions offered by the applicants including by reducing the number of people who could participate in the outdoor events to 25, by reducing the number of pre-booked events to a total of 10 a month, and by only allowing consumption on the premises at a bar on Thursday to Saturdays apart from those additional events as referred to in the relevant conditions. The Sub Committee noted that it did not consider that it would be in breach of its own Licensing Policy by granting the licence before any potential planning application had been determined.

The Licensing Act 2003 provides a right of appeal to the Magistrates' Court in respect of an application for the grant of a premises licence. An appeal must be commenced by notice of appeal being given by the appellant to the Magistrates' Court within a period of 21 days beginning on the date the appellant was notified in writing of the decision of the Licensing Sub Committee.

The decision will be provided in writing to all parties within five working days.