

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held in the Assembly Room, Sudbury Town Hall, Market Place, Sudbury CO10 1TL on Monday, 16 May 2022 at 1:00pm

PRESENT:

Councillor: Margaret Maybury (Chair)
Sue Ayres
Lee Parker

In attendance:

Officers: Licensing Officer (KG)
Licensing Officer (KS)
Legal Advisor (ND)
Governance Support Officer (KS)

Apologies:

None.

1 WELCOME - LEGAL ADVISOR TO THE SUB-COMMITTEE

The Legal Advisor to the Sub-Committee, Nigel Dulieu gave a brief welcome and stated the reason for the hearing. The Legal Advisor advised the procedure to be followed and outlined the domestic arrangements.

2 ELECTION OF CHAIRMAN FOR HEARING (IF APPROPRIATE)

The Legal Advisor confirmed that the Chairman of the Licensing and Regulatory Committee, Councillor Maybury would chair the hearing.

The Chair welcomed everyone to the meeting.

3 DECLARATION OF INTERESTS BY COUNCILLORS

Councillor Parker advised that he was known in a personal capacity by a couple of representatives in the room but that he had no interest to declare.

4 B/LASUB/21/5 LICENSING ACT 2003 - HEARING TO DETERMINE AN APPLICATION MADE FOR THE GRANT OF A NEW PREMISES LICENCE - MOUNT FARM VINEYARDS, BLOOMS HALL LANE, STANSTEAD, SUDBURY CO10 9BY

The Chairman asked the Sub-Committee Members and officers in attendance at the meeting to introduce themselves.

The Chairman asked the Applicants and their representative to introduce themselves:

Matthew Edwards – representing the Applicants
Hans Engstrom
Amanda Engstrom

The Chairman asked the Other Persons to introduce themselves:

Philip Kolvin QC – representing David Harkness and Judith Lyons
David Finch
Frances Browne
Claire Johnsen
Alan Piper
Richard Kemp

John Kemp – in support of the application
Diana Wilson – in support of the application

At the request of the Chairman, it was confirmed that no party to the Hearing wished to withdraw either their application or their representation.

At the request of the Chairman, the Licensing Officer confirmed that the Applicants had requested to call Nick Watson as a witness.

The Chairman asked the Licensing Officer whether any of the parties had indicated they wished to present documentary (or other) material. The Licensing Officer confirmed that supporting information had been submitted prior to the hearing date by Philip Kolvin QC and had been accepted by the Sub-Committee. She also confirmed that there had been a request to submit further supporting information by the Applicants today, but this had not been accepted by all parties.

The Chairman asked the Applicants and Other Persons to estimate the time required to present their case.

At the request of the Chairman, the Licensing Officer introduced Paper B/LaSub/21/5 to enable the determination of an application for the grant of a new premises licence in respect of Mount Farm Vineyards, Blooms Hall Lane, Stanstead. The Licensing Officer advised the hearing that 67 representations had been received from other persons, including local residents, businesses and the parish council. She also advised that no representations had been received from any of the Responsible Authorities.

At the conclusion of the Licensing Officer's report, the Chairman asked each of the parties to the hearing in turn if they had any questions for the Licensing Officer. There were no questions for the Licensing Officer.

The Chairman asked the Applicants to present their case.

The Applicants' representative, Matthew Edwards presented their case to the hearing. He explained that the licence application was for a small vineyard to enable 'cellar door' type sales to be made to the public. Mr Edwards invited Amanda Engstrom and Hans Engstrom to outline their application to the hearing and to answer questions regarding their business.

At the conclusion of the Applicants' case, the Chairman asked each of the parties to the hearing in turn if they had any questions for the Applicant.

The Applicants, their representative and their witness answered questions from the

Sub-Committee including: how they intend to manage the number of visitors and vehicles to the site, consultation with the parish council and neighbours, implementation of an appointment system for visitors, the protection of children visiting the site, local trades visiting the site, expected number of visitors at the busiest times of the year.

The Chairman invited the Applicants' witness, Nick Watson to address the hearing.

The Applicants' witness answered questions from the Sub-Committee.

The Chairman invited John Kemp to speak in support of the application.

The Chairman asked each of the parties to the hearing in turn if they had any questions for Mr Kemp.

The Chairman invited Diana Wilson to speak in support of the application.

The Chairman asked each of the parties to the hearing in turn if they had any questions for Ms Wilson.

The Chairman asked Philip Kolvin QC to present his case.

Philip Kolvin QC presented his case to the hearing and referred to the supporting information which had been circulated prior to the hearing.

At the conclusion of Mr Kolvin's case, the Chairman asked each of the parties to the hearing in turn if they had any questions.

Mr Kolvin answered questions from the Sub-Committee.

The meeting was adjourned between 3.30pm and 3:43pm.

The Chairman invited David Finch to present his case.

The Chairman invited Frances Browne to present her case.

The Chairman invited Claire Johnsen to present her case.

The Chairman invited Alan Piper to present his case.

The Chairman invited Richard Kemp to present his case.

At the conclusion of all the representations, the Chairman asked each of the parties to the hearing in turn if they had any questions.

The Chairman asked all parties present at the hearing who had made written representations, if they were satisfied that all relevant points had been made. Judith Lyons made a further comment to the hearing.

The Chairman asked the Licensing Officer if she had anything further to add and / or

clarify. The Licensing Officer had nothing further to add.

At the request of the Chairman, Matthew Edwards made his closing statement to the hearing on behalf of the Applicants.

At the conclusion of the closing statements, the Legal Advisor explained that the Sub-Committee would adjourn until 10am on 23rd May when they would re-convene to carry out their deliberations in private session and that all parties would be informed of their decision immediately thereafter, within the statutory timeframe.

The Chairman closed the meeting and thanked all present for their attendance.

The business of the meeting was concluded at 4:40pm.

5 EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

It was RESOLVED:

That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for this matter on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12 of the Act, on the grounds set out in Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005.

6 B/LASUB/21/5 LICENSING ACT 2003 - HEARING TO DETERMINE AN APPLICATION MADE FOR THE GRANT OF A NEW PREMISES LICENCE - MOUNT FARM VINEYARDS, BLOOMS HALL LANE, STANSTEAD, SUDBURY CO10 9BY

The Sub-Committee re-convened to deliberate in private session at 10am on Monday 23 May 2022.

DECISION

- 1.** To GRANT the application as applied for SUBJECT TO conditions which are consistent with the operating schedule submitted by the Applicant with the licence application and any mandatory conditions which apply.
- 2.** Firstly, the sub-committee considered the objections relating to noise and light disturbance emanating from the licensed premises. Due to the limited number of persons attending the premises at any one time, the hours during which the licensable activity will take place and the location of the nearest residential premises, the sub-committee is satisfied that there will be no material impact on any of the licensing objectives.
- 3.** The sub-committee then considered the objections relating to the protection of children from harm. The sub-committee considered that no evidence was provided to demonstrate that children would be at risk from the licensable activities taking place at the premises. Issues relating to the safety of children using Blooms Hall Lane and the bridleway were considered separately under the public safety objective when discussing the use of the highway and

bridleway to access and leave Mount Farm Vineyards.

4. When considering the objections relating to the use of the highway and bridleway, the sub-committee considered whether the granting of the licence would result in a material increase in risk to public safety and/or an unacceptable level of public nuisance. The sub-committee considered the following issues which were raised by objectors to the application:
5. **Collisions between vehicles** – The sub-committee acknowledged that there is a risk of accidents between vehicles and noted the cited incidents. However, the sub-committee concluded that limiting the number of visits by applying condition 3 below, and informing visitors of the nature of the access by applying condition 5 below, the sub-committee is satisfied there will be no material increase in the risk to public safety.
6. **Risk to other users (horse riders, dog walkers etc.)** – The sub-committee acknowledge the current risks and difficulties experienced by other uses of the highway and bridleway but concluded that limiting the number of visits by applying condition 3 below, and informing visitors of the nature of the access by applying condition 5 below, the sub-committee is satisfied there will be no material increase in the risk to public safety.
7. **Limited passing places** – The sub-committee note the limited number of passing places and acknowledge that vehicles will need to reverse considerable distances from time to time. However, the sub-committee felt that this was more of an inconvenience to drivers and did not pose a material public safety risk. The risk of trespass was noted but the sub-committee was satisfied that the application of conditions 3 and 5 would limit these occurrences and prepare visitors for the potential of having to reverse vehicles to allow others to pass.
8. **Pollution, fumes and traffic noise** – The sub-committee felt that there was little risk of any impact from pollution, fumes or noise given the small number of extra traffic generated by the licence application.
9. **Variation:**
The hours for the supply of alcohol and opening time are varied to 10.00 to 15.00 (Tuesday to Saturday) when Greenwich Meantime Hours are observed (October to March). Sunday times are unchanged.
Reason: This variation is made to limit the number of vehicles leaving the licensed premises after dark.
10. **Condition 1**
Sales of alcohol shall be restricted to products both grown and made at Mount Farm Vineyards.
Reason: To retain the nature of the premises as a “cellar door” operation and to prevent the licensed premises being operated as a public house.
11. **Condition 2**
Food supplied shall be ancillary to the supply of alcohol.
Reason: To preserve the nature of the premises as a “cellar door” operation

and to prevent the licensed premises being operated as a public house.

12. Condition 3

Visits for the purpose of tasting and purchasing alcohol shall only be by prior appointment and shall be limited to five per day.

Reason: To enable the licensee to control the number of visitors and reduce the impact on the highway and bridleway.

13. Condition 4

All events held at the licensed premises shall be organised by the licensee and shall not be organised by or through a third party.

Reason: To enable the licensee to control the number of visitors and reduce the impact on the highway and bridleway.

14. Condition 5

When confirming appointments, advise visitors as to the nature of the highway and bridleway leading to Mount Farm Vineyards and requesting that they drive slowly and considerately and that the access is not suitable for vehicles larger than standard family cars. In particular, visitors should be advised that the highway and bridleway are frequently used by horse riders, dog walkers and other persons. Drivers should also be prepared to reverse in order to allow oncoming vehicles to pass where no passing places are available and that private drives should not be used as passing places.

15. Condition 6

No group tasting events shall be permitted or advertised.

Reason: To restrict the number of visitors attending the licensed premises at any one time.

16. Condition 7

The premises shall not be operated as a public house, bar or restaurant.

Reason: To preserve the nature of the premises as a "cellar door" operation.

REASONS

- A.** The Licensing Sub-Committee is satisfied based on the balance of submissions and supporting information/representations provided by the parties to the hearing that this is an appropriate and proportionate decision to promote the licensing objectives in this instance.

.....
Chair