

## **MAIDSTONE BOROUGH COUNCIL**

### **LICENSING ACT 2003 SUB COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 20 MARCH 2013**

**Present:**                **Councillor Mrs Grigg (Chairman), and  
Councillors B Mortimer and Yates**

1.    **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

2.    **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

3.    **EXEMPT ITEMS**

**RESOLVED:** That the Items on the Agenda be taken in public as proposed.

4.    **APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE  
LICENSING ACT 2003 FOR HUSH HEATH WINERY, HUSH HEATH ESTATE,  
FIVE OAK LANE, STAPLEHURST, KENT TN12 0HX**

The Chairman requested those present to introduce themselves, explained the procedures and Members confirmed that they had read all the papers.

As no objectors were present, Mrs Bolas explained to Members that under Regulation 20 of the Licensing Act 2003 (Hearings) Regulations if a party has not informed whether they are attending or not and does not attend, Members can decide to either adjourn the hearing where they consider it to be necessary in the public interest or continue with the hearing in the party's absence. If a decision is taken to continue, consideration must be given to the written objections received. Members decided to continue with the hearing.

Mrs Bolas explained that the hearing was regarding an application for a new premises licence for Hush Heath Winery for the supply of alcohol on and off the premises between the hours of 10am and 9 pm (Monday to Saturday) and 10am to 6pm (Sunday). The opening hours would be 11am to 5pm (Monday to Saturday) and 12 noon to 5pm (Sunday). No objections had been received from responsible authorities, however, 7 objections had been received from other persons. Amendments to the application regarding other licensable activities and the opening hours have addressed some of the objections raised.

Members were informed that a licence is required for the retail sale of alcohol and if that relates to on-line or telephone orders, the time and place to be licensed is when and where the alcohol is appropriated to the

order, not when and where the order is taken and any appropriation of the alcohol must be done within the opening hours. Mrs Bolas explained that the sub-committee can only take account of representations made on grounds relating to the four licensing objectives.

Mr Balfour-Lynn, the applicant, stated in his opening remarks that Hush Heath started in 2002 and planning permission was granted in 2010. The Estate has 400 acres. They have made the Estate environmentally friendly and improved the whole area significantly. They employ 12 people and have recently taken on an apprentice under the Kent Scheme and are very responsible employers. He stated that all staff are trained in Health & Safety and all other matters.

Mr Balfour-Lynn stated that they predominantly sell their wine through their own distributor in London. For the last 2 years many people have visited the winery, customers, wine clubs and other wine makers from all over the world. Their sparkling wine was selected by British Airways for their First Class Travellers and it was the only sparkling wine sold at the Olympics and also served on the Orient Express.

Last year they decided to do some limited public openings, two days a week (Friday and Saturday) as an experiment. People book in for a tour of the winery, estate and vineyards or they can go on their own around the vineyard only. Children under 12 must be accompanied if entering the tasting room, but are not allowed in the winery or on the tours. CCTV cameras have been installed.

Mr Balfour-Lynn mentioned that when he first heard about the objections being received, he invited the objectors to a meeting at the winery so that they could see first-hand what the winery does. He explained that they were not opening a shop and they would not be selling any other products other than their own. They only produce 2 sparkling wines, 3 still wines and 2 low alcohol ciders.

Since the introduction of these open days, publicity has grown and so has the interest in their website. Customers have been asking to be able to buy wine through the website and when they come on the tours and that is why this application has been made.

Mr Balfour-Lynn informed Members that he had attended a meeting of Staplehurst Parish Council and explained everything as he has today with regard to the necessity of needing a licence for 7 days a week. The use of the roads does not need to change and people are not going to be drunk as they are given samples only to drink.

Members were then given the opportunity to ask questions of the applicant. In response to questions, the applicant stated that the winery is audited annually by CMI, they have a separate car park for visitors and access to the winery, vineyards etc. does not go past any agricultural machinery. They can cater for up to 100 cars although this would not be needed, have disabled parking and disabled toilets. A policy was instigated 2 years ago that none of his agricultural vehicles (tractors etc.)

use the public roads and a tour of the winery, vineyard and tasting takes approximately 2 hours. The tasting is a very small sample of 3 products only.

There were no questions of clarification.

Mr Balfour-Lynn was then given the opportunity to give a closing speech but he said he had nothing more to add.

Members had no further questions.

Mrs Bolas asked if the red line area on the plan was around the complete winery building and Ms Ash confirmed that it was.

The applicant was asked if the Committee were minded to include a condition regarding the sale of their own products only would he have any objections and he had none. He was also informed that there is a mandatory condition regarding the sale of alcohol to over 18s only and that there must be a system in place and staff trained to ensure this. The applicant confirmed he would do that.

The Committee then retired to consider the application and

RESOLVED: That the application be granted.

**Reasons for determination:**

■ **Prevention of Crime and Disorder**

Reasons (state in full):

■ **Public Safety**

Reasons (state in full):

■ **Prevention of nuisance**

Reasons (state in full):

■ **Protection of children from harm**

Reasons (state in full):

Having considered the application before them, as amended, and the objections from other persons as on the Agenda at Appendix B, relevant to promotion of the licensing objectives in relation to the application before them.

Members were satisfied that the operation at the premises is to be licensed for the purpose of sales of wines and ciders on the premises to those attending tours and/or tastings and to allow such products to be appropriated to orders received. Having carefully considered the hours applied for, the fact that mandatory conditions and conditions consistent with the operating schedule, (P29 of the agenda) will apply, Members are satisfied that no further conditions would be appropriate or proportionate to promote the licensing objectives.

Having considered the objections related to noise and traffic, Members were mindful that there is now no licensable activity, save for retail sale of alcohol, conditions should not duplicate other legislative requirements and that beyond the immediate area surrounding the premises anti-social/nuisance behaviour is a matter for their personal responsibility of individuals under the law.

Members noted that there were no objections from responsible authorities.

Informative – should any issues relevant to the promotion of the licensing objectives arise at a future time any party may apply for a review of the premises licence granted.

5. DURATION OF MEETING

10.00 a.m. to 11.20 a.m.