

AGENDA

LICENSING ACT 2003 SUB COMMITTEE MEETING



Date: Wednesday 20 March 2013

Time: 10.00 am

Venue: Town Hall, High Street,
Maidstone

Membership: Councillors Mrs Grigg, B Mortimer
and Yates

Legal Representative: Mrs Jayne Bolas

Page No.

1. Disclosures by Members and Officers
2. Disclosures of Lobbying
3. To consider whether any items should be taken in private because of the possible disclosure of exempt information
4. Report of the Head of Democratic Services - 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 1 - 58

Continued Over/:

Issued on 11 March 2013

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact LORRAINE NEALE on 01622 602028**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

Agenda Item 4

Agenda Item No: 1 - Summary of Report

Licence Reference 13/00231LAPRE

Report To: LICENSING SUB – COMMITTEE
(UNDER THE LICENSING ACT 2003)

Date: 4TH MARCH 2013

Report Title: HUSH HEATH WINERY
HUSH HEATH ESTATE
FIVE OAK LANE
STAPLEHURST
KENT
TN12 0HX

**Application for: A premises licence to be granted under the
Licensing Act 2003**

Report Author: Lorraine Neale

Summary:

1. The Applicants – Mr Richard Balfour-Lynn
2. Type of authorisation applied for: a premises licence under the Licensing Act 2003, S17.
3. Proposed Licensable Activities and hours:

M)	Supply of alcohol; On and off the premises	Monday to Saturday	10.00 to 21.00
		Sunday	10.00 to 18.00
O)	Opening Hours	Monday to Saturday	11.00 to 17.00
		Sunday	12.00 to 17.00

Affected Wards: Staplehurst

Recommendations: **The Committee is asked to determine the application and decide whether to grant a licence.**

Policy Overview: The decision should be made with regard to the Secretary of State's Guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and that such departure be supported by proper reasons.

Financial Implications: Costs associated with processing the application are taken from licensing fee income.

Other Material Implications: **HUMAN RIGHTS:** In considering this application it is necessary to consider the rights of both the applicant and other parties, such as “**responsible authorities**” and/or “**interested parties**” (objectors). The procedure for determining licences has a prescribed format to ensure fair representation of the relevant facts by all parties.

LEGAL: Under the Licensing Act 2003 the **Licensing Authority** has a duty to exercise licensing control of relevant premises.

Background Papers: Licensing Act 2003
DCMS Guidance Documents issued under section 182 of the Licensing Act 2003 as amended
Maidstone Borough Council Statement of Licensing Policy

Contacts: Mrs Lorraine Neale at: lorraineneale@maidstone.gov.uk – tel: 01622 602028

Agenda Item No. 1

**Report Title: HUSH HEATH WINERY, HUSH HEATH ESTATE,
FIVE OAK, LANE, STAPLEHURST, KENT, TN12 0HX**

**Application for: A premises licence to be granted under the
Licensing Act 2003**

Purpose of the Report

The report advises Members of an application for a Premises Licence to be granted under the Licensing Act 2003, made by Mr Richard Balfour-Lynn, in respect of the premises Hush Heath Winery, Hush Heath Estate, Five Oak, Lane, Staplehurst, Kent, TN12 0HX in respect of which 7 representations (Appendix C) have been received from an Interested Parties.

Issue to be Decided

1. Members are asked to determine whether to i) grant subject to conditions consistent with the operating schedule modified to such extent as considered appropriate for the promotion of the licensing objectives and any mandatory condition, ii) grant excluding any of the licensable activities applied for, iii) grant refusing to specify a premises supervisor, or iv) reject the application.

Background

2. The relevant sections are Part 3 ss 16-19, 23 & 24 of The Licensing Act 2003 and section 4 of The Licensing Act 2003 in particular the Licensing Objectives:
 - The prevention of crime and disorder;
 - Public Safety
 - The prevention of public nuisance; and
 - The protection of children from harm
3. The application has been correctly advertised, for sale of alcohol, in the local press and a notice displayed on the premises for the required period.
4. 7 representations have been received from Interested Parties
5. The table below illustrates the relevant representations which have been received

Responsible Authority /Interested Party	Licensing Objective	Associated Documents	Appendix
Mr A Dimmock	Crime and Disorder Public Nuisance Public Safety Children from Harm	2 Letters (1 st received on 7.2.13 and the 2 nd on 21.2.13 withdrawing the 1 st and replacing with 2nd)	C
Mr & Mrs Humphrey	Public Nuisance Public Safety	Letter	C

Mr & Mrs Lye	Public Nuisance Public Safety Children from Harm	Letter	C
D J Twyman	Public Nuisance Public Safety	Letter	C
Mr & Mrs Hill	Crime and Disorder Public Nuisance Public Safety Children from Harm	Letter	C
Mrs R Dimmock	Public Nuisance Public Safety	Letter	C
Mr & Mrs Codd	Public Nuisance Public Safety	Letter	C

Mr Balfour-Lynn's initial application included live music, recorded music, dancing and late night refreshment and made reference to being used as a wedding venue. Many of the objections received refer to that application and the issues that they state would arise as a result of that application. Since then the application has been amended to remove all the licensable activities except the sale of alcohol. The amended days and times for the sale of alcohol were confirmed by Mr Balfour Lynn in an e-mail received by licensing on 18.2.2013. Mr Balfour-Lynn's amendments were made after the advert had appeared in the Wealden Ad and after discussions with the objectors about their concerns around the wedding venue proposals, he explained to the objectors that the hours to the general public would be limited but the overall hours requested were necessary, especially in respect of telephone orders and internet sales in order to remain lawful. After these discussions Mr A Dimmock withdrew his first letter and replaced it with his 2nd letter.

6. **Members are advised that applications cannot be refused in whole or in part, or conditions attached to the licence unless it is appropriate to do so to promote the licensing objectives.;**

7. **The Operating Schedule submitted by the Applicant has addressed the licensing objectives in the following manner:**

a) General – all four licensing objectives

HUSH HEATH ESTATE IS A FAMILY OWNED FARM AND WINERY MAINTAINED TO THE HIGHEST OF STANDARDS WITH LIMITED ACCESS TO THE PUBLIC, GOOD SECURITY, GOOD PARKING AND IN AN EXTREMELY REMOTE AREA. THE PRINCIPALS OF SECURITY AND SAFETY WILL BE EXTENDED IN ALL DEALINGS WITH THE PUBLIC.

b) The prevention of crime and disorder

LIMITED OPENING HOURS. GOOD SECURITY, ALARMS AND CCTV CAMERAS. NO UNSUPERVISED ACCESS.

c) Public safety

WINERY AND VINEYARDS FROM PART OF HUSH HEATH ESTATE WHICH CARRIES OUT AN ANNUAL INDEPENDANTLY EVALUATED FARM AUDIT CALLED CMI FARM AUDIT. THIS AUDIT INCLUDES HEALTH AND SAFETY FOR THE PUBLIC VISITING THE ESTATE.

d) Prevention of public nuisance

THE SUPPLY OF ALCOHOL WILL BE RESTRICTED TO MEMBERS OF THE PUBLIC TASTING SAMPLES.

e) The protection of children from harm

ONLY ALLOWED ON THE ESTATE WITH PARENTAL OR ADULT SUPERVISION. AT ALL TIMES THEY WILL BE ACCOMPANIED. ALL HAZARDOUS MATERIALS WILL BE KEPT UNDER CHILD PROOF LOCK.

8. Relevant sections of **The Guidance issued under section 182 of The Licensing Act 2003;**
Chapter 2 Licensing Objectives
Chapter 3 Licensable Activities -Internet/mail order sales paras 3.8 – 3.10
Chapters 8 & 9 Premises Licences & Determining Applications

Chapter 10 Conditions NB: There is Home Office Supporting Guidance on Pools of Conditions but this is not statutory guidance.

Relevant policy statements contained in **the Licensing Authority's Statement of Licensing Policy:**

Relevant policy statements contained in **the Licensing Authority's Statement of Licensing Policy:**

- 20. Prevention of Crime and Disorder**
- 21. The Promotion of Public Safety**
- 22. Prevention of Public Nuisance**
- 23. Protection of Children from Harm**

20. Prevention of Crime and Disorder

Concerns

The applicant should consider factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the prevention of crime and disorder. These may include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour

Additional Steps

The following examples of additional steps are given as examples for applicants to consider in addressing the above concerns in the preparation of their Operating Schedule, having regard to their particular type of premises or activities:-

- Effective and responsible management of premises.
- Training and supervision of staff.
- Adoption of current best practice guidance (some examples are Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA).
- Acceptance of accredited 'proof of age' pass cards or 'new type' driving licences with photographs, passports or an official identity card issued by H M Forces.
- Provision of effective CCTV in and around premises.
- Employment of Security Industry Authority licensed door staff. (If two or more are employed there must be at least one male and one female).
- Provision of toughened or plastic glasses.
- Provision of secure deposit boxes for confiscated items ('sin bins').
- Provision of litterbins, security measures, e.g. lighting, outside premises.

- Membership of a Pub Watch scheme.
- The current 'Chill Out Hour' operating at the late night venues in the Borough of Maidstone which is the agreement whereby late night venues cease to sell alcohol yet continue to provide music and dancing for a further hour (at a reduced volume and with the heavy bass beat removed) has proved to be a success in reducing late night crime and disorder.
- Membership of Maidsafe (Nite Net).

21. The Promotion of Public Safety

The Licensing Authority wishes to ensure the safety of everyone on licensed premises.

Concerns

Capacity

Where existing legislation does not provide adequately for the safety of the public, club members or guests, the occupancy capacity for premises and events (to include performers and staff) may be an important factor in promoting public safety. Subject to the requirements of the following paragraph the Licensing Authority will expect the issue of occupancy capacity and adequate controls of the numbers of persons on premises or attending an event to be considered by an applicant when completing an Operating Schedule. Where a relevant representation is received in respect of capacity the Licensing Authority will consider setting capacity limits in consultation with the Kent and Medway Fire and Rescue Authority for the following premises:

- Nightclubs
 - Cinemas
 - Theatres
 - Other premises where regulated entertainment within the meaning of the Act is being provided.
- The Applicant might also consider the following concerns when assessing the appropriate capacity for premises or events in the Maidstone area. These could include:-
- The design and layout of the premises.
 - The nature of the premises or event.
 - The nature of the licensable activities being provided.
 - The provision or removal of temporary structures, such as a stage or furniture.
 - The number of staff available to supervise customers both ordinarily and in the event of an emergency.
 - The customer profile (e.g. age, disability).
 - The attendance by customers whose first language is not English.
 - Availability of suitable and sufficient sanitary accommodation.
 - The nature and provision of facilities for ventilation.
 - The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

Where capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to consider the arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.

Additional Steps

The following examples of additional steps are given for applicants to consider in the preparation of their Operating Schedule, having regard to their particular type of premises or activities:-

- Suitable and sufficient risk assessments.
- Effective and responsible management of premises
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons.
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons.
- Adoption of best practice guidance.
- Provision of effective CCTV in and around premises.
- Provision of toughened or plastic non disposable glasses/bottles.
- Implementation of crowd management measures.

- Regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

22. Prevention of Public Nuisance

Licensed premises can cause adverse impacts on communities through public nuisance. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from any nuisance caused by the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

The Licensing Authority will interpret 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

Concerns

When addressing the issue of prevention of public nuisance, the applicant should consider those factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the likelihood of public nuisance. These may include:-

- The location of the premises and their proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship.
- The hours of operation, particularly if between 23.00 and 07.00.
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises.
- The design and layout of premises and in particular the presence of noise limiting features.
- The occupancy capacity of the premises.
- Last admission time.
- The steps the applicant has taken or proposes to take to ensure that staff leave the premises quietly.
- The steps the applicant has taken or proposes to take to prevent disturbance by patrons arriving or leaving the premises.
- Whether routes to and from the premises, on foot or by car or service or delivery vehicles, pass residential premises within the vicinity of the Premises.
- Whether other measures have been taken or are proposed such as the use of CCTV or the employment of registered door supervisors.
- The arrangements made or proposed for parking by patrons, and the effect of this parking on local residents.
- The likelihood of any violence, disorder or policing problems arising if a licence were granted.
- Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.
- The siting of external lighting, including security lighting that is installed inappropriately.
- Whether the operation of the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premises and any measures or proposed measures to deal with this.
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees.

Additional Steps

The following examples of additional steps are given as examples for applicants to consider in the preparation of their Operating Schedule, having regard to their particular type of premises or activities:-

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance.

- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries.
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics).
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- The incorporation of measures for ensuring the safe and swift dispersal of patrons away from premises and events without causing nuisance or public safety concerns to local residents.
- Effective ventilation systems to prevent nuisance from odour.

N.B. Where relevant representations are received which the Licensing Sub Committee consider material particular consideration will be given to the impact on residential amenity of proposals for the provision of late night refreshment where these are either located in, or encourage people to move through, residential areas.

23. Protection of Children from Harm

A mandatory condition will be applied requiring access to be restricted to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification or in specific cases the Local Authority.

The relaxation in the Licensing Act giving accompanied children greater access to licensed premises is seen as a positive step, which may bring about a social change in family friendly leisure but the risk of harm to children remains the paramount consideration. Clearly, this relaxation places additional responsibilities upon licence holders as well as upon parents and others accompanying children.

The protection of children from harm includes the protection of children from moral, psychological and physical harm and, in relation to the exhibition of films, the transmission of programmes by video or DVD. This includes the protection of children from exposure to strong language, sexual imagery and sexual expletives.

In the event of an unclassified film, then it is expected that the Licensing Authority will view the film before it is shown in the Council's area.

In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.

The Licensing Authority recognises Kent County Council Social Services, Mid Kent Area, District Office, Bishop's Terrace, Bishop's Way, Maidstone, Kent, ME14 1AF as a body representing those responsible for, or interested in, matters relating to the protection of children from harm and competent to advise it on such matters. It is therefore, a responsible authority for the purposes of Section 13(4) and Section 69(4) of the Act.

Concerns

The applicant should consider those factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the prevention of children from harm. These may include the potential for children to:-

- purchase, acquire or consume alcohol
- be exposed to drugs, drug taking or drug dealing
- be exposed to gambling
- be exposed to activities of an adult or sexual nature
- be exposed to incidents of violence or disorder

- be exposed to environmental pollution such as noise
- be exposed to special hazards such as falls from a height

Additional Steps

The following examples of additional steps are given to assist applicants. The Licensing Authority considers them to be important matters that applicants should take account of in the preparation of their Operating Schedule, having regard to their particular type of premises and/or activities:-

- Effective and responsible management of premises.
- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm.
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm.
- Adoption of best practice guidance (Public Places Charter).
- Limitations on the hours when children may be present, in all or parts of the premises.
- Limitations or exclusions by age when certain activities are taking place.
- Imposition of requirements for children to be accompanied by an adult.
- Acceptance of accredited 'proof of age' cards, 'new type' driving licences with photographs, passport, an official identity card issued by HM Forces or by an EU country bearing the photograph and date of birth of bearer.

N.B. In exceptional circumstances, where necessary, and only where the licensing authority has received relevant representations, it may impose conditions restricting access or excluding children from premises or part of licensed premises:-

- a) at certain times of the day, or
- b) when certain licensable activities are taking place, or
- c) to which children aged under 16 years should have access only when supervised by an adult, or
- d) to which unsupervised children under 16 will be permitted access.

Examples of premises where these conditions may be considered include those where:-

- a) There have been convictions for serving alcohol to minors or where there is some evidence of under- age drinking.
- b) There is a known association with drug taking or dealing.
- c) There is a strong element of gambling on the premises.
- d) Entertainment of an adult or sexual nature is commonly provided.
- e) There is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except where under 18 discos are being held)
- f) Licensable activities are taking place during times when children under 16 may be expected to be attending compulsory full-time education.

The Licensing Authority commends the Portman Group Code of Practice on the naming and packaging of alcoholic drinks. See www.portman-group.org.uk for further information

9. **Options**

Legal options open to members -

- a) GRANT the licence subject to such conditions as are consistent with the operating schedule accompanying the application; MODIFIED to such extent as the Licensing sub-committee considers appropriate for the promotion of the licensing objectives and any relevant mandatory condition
- b) EXCLUDE from the licence any of the licensable activities applied for.

c) REFUSE to specify a person in the licence as premises supervisor

d) REJECT the application.

10. Members of the Licensing Act 2003 – Licensing Sub – Committee are reminded of their duty under section 17 of the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the Licensing Authority’s responsibility to co – operate in the reduction of crime and disorder in the Borough

Section 17 of the Crime and Disorder Act 1988 states:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can prevent, crime and disorder in its area".

11. **Implications Assessment**

The decision should be made with regard to the Secretary of State’s Guidance and the Council’s Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal/challenge is increased.

12. **Human Rights**

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to Fair Hearing
- Article 10 – Freedom of Expression

The full text of each Article is given in the attached Appendices

13. **Conclusion**

Members must ensure that the application is considered on its merits, as well as against the relevant guidance, policy and statutory framework.

14. **List of Appendices**

Appendix A	Application Form
Appendix B	Plan of Premises
Appendix C	Representations (Other Persons)
Appendix D	Plan of area
Appendix E	Human Rights Articles
Appendix F	Order of Proceedings

15. **Appeals**

The applicant or any interested party (objector) may appeal the Licensing Act 2003 Sub Committee’s decision within 21 days beginning with the day on which the Appellant is notified. All/any appeals must be lodged with the Magistrates’ Court. Parties should be aware that they MAY incur an Adverse Costs Order should they bring an appeal.

Contact: Email:	Senior Licensing Officer lorraineneale@maidstone.gov.uk
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13/00231/LA PRE

APPENDIX A

Maidstone Borough Council

The Licensing Partnership
PO Box 182
Sevenoaks
Kent
TN13 1GP

£100 paid.
29 JAN 2013 JL
SEVENOAKS LICENSING OFFICE

Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We Richard Balbur-Lynn
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
HOSH HEATH WINERY HOSH HEATH ESTATE FIVE OAK LAKE JUNCTION OF SNOAD LAKE STAPLEWEST	
Post town	Post code TN120HX

Telephone number at premises (if any)	01622 832 794
Non-domestic rateable value of premises	£ N/A Agricultural holding

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)

- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or Please tick yes
- I am making the application pursuant to a

 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>		Mrs <input type="checkbox"/>		Miss <input type="checkbox"/>		Ms <input type="checkbox"/>		Other Title (for example, Rev)	
Surname					First names				
BALFOUR-LYNN					RICHARD				
I am 18 years old or over								<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address			HUSH HEATH MANOR HUSH HEATH HILL Nr Cranbrook						
Post Town				Postcode				TN17 2NG	
Daytime contact telephone number					07703 393111				
E-mail address (optional)			rbl@wawickbalfour.com						

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>		Mrs <input type="checkbox"/>		Miss <input type="checkbox"/>		Ms <input type="checkbox"/>		Other Title (for example, Rev)	
Surname					First names				

Please give a general description of the premises (please read guidance note 1)

Fully functioning winery with equipment to press grapes and make sparkling + still wines as well as cider. All product is marketed under our brand and predominantly uses apples and grapes grown on the estate. The building is a converted agricultural barn.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

wedding venue.

Supply of alcohol (if ticking yes, fill in box M)

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)	
Day	Start	Finish		
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)	
Tue				
Wed				
Thur				<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Wed						
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Fri						
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	10:00	24:00	Please give further details here (please read guidance note 3)		
Tue	10:00	24:00			
Wed	10:00	24:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	10:00	24:00			
Fri	10:00	24:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10:00	24:00			
Sun	10:00	24:00			

Withdrawn: R.N.

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	10:00	24:00	Please give further details here (please read guidance note 3)		
Tue	10:00	24:00			
Wed	10:00	24:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10:00	24:00			
Fri	10:00	24:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10:00	24:00			
Sun	10:00	24:00			

Withdrawn. L.N.

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)	
Wed				
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)	
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun				

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) <u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) <u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing		
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

~~Only as part of a possible wedding (see page 10)~~

Withdrawn.

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	24:00	Please give further details here (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	10:00	24:00			
Wed	10:00	24:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	10:00	24:00			
Fri	10:00	24:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10:00	24:00			
Sun	10:00	24:00			

Withdrawn

R.N.

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	10:00	24:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue	10:00	21:00			
Wed	10:00	21:00			
Thur	10:00	21:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	10:00	21:00			
Sat	10:00	21:00			
Sun	10:00	18:00			

Amended P.N.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	Victoria Ash
Address	1 West View Fletching Street Mayfield, East Sussex
Postcode	TN20 6TP
Personal Licence number (if known)	licence Pending
Issuing licensing authority (if known)	Wealden County Council

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

No

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	11:00	17:00
Tue	11:00	17:00
Wed	11:00	17:00
Thur	11:00	17:00
Fri	11:00	17:00
Sat	11:00	17:00
Sun	12:00	17:00

State any seasonal variations (please read guidance note 4)

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

~~In the event of a wedding~~
N/A.

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Hush Heath Estate is a family owned farm + winery maintained to the highest of standards with limited access to the public, good security, good parking and in an extremely remote area. The principles of security + safety will be extended with in all dealings with the public.

b) The prevention of crime and disorder

Limited opening hours. Good security, alarms + CCTV cameras. No unsupervised access.

c) Public safety

Winery and vineyards form part of Hush Heath Estate which carries out an annual independently evaluated farm audit called CMI Farm Audit. This audit includes health + safety + safety for the public visiting the estate.

d) The prevention of public nuisance

The supply of alcohol will be restricted to members of the public ~~to~~ tasting samples.

e) The protection of children from harm

Only allowed on the estate with parental or adult supervision. At all times they will be accompanied. All hazardous materials will be kept under child proof lock.

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	<i>Richard Bayliss</i>
Date	<i>11 January 2013</i>
Capacity	<i>PROPRIETOR</i>

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Maidstone Borough Council

The Licensing Partnership
PO Box 182
Sevenoaks
Kent
TN13 1GP

Consent of individual to being specified as premises supervisor

I VICTORIA CLAIRE ASH
[full name of prospective premises supervisor]

of 1 West View
Fletching Street
Mayfield
East Sussex
TN20 6TP
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENCE
[type of application]

by

RICHARD BALFOUR-LYNW
[name of applicant]

relating to a premises licence _____
[number of existing licence, if any]

for HUSHI HEATH WINERY
FIVE OAK LANE
STAPLEHURST
KENT, TN12 0HX
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

RICHARD BALFOUR-LYNN
[name of applicant]

concerning the supply of alcohol at

HUSH HEATH WINERY
FIVE OAK LANE
STAPLEHURST
KENT
TN12 0TX

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

licence Pending
[insert personal licence number, if any]

Personal licence issuing authority

Wealden County Council, 01323 443555
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

CAsh

Name (please print)

V. Ash

Date

10/01/13

Confirmation of Application of Advertisement

Name of Applicant: RICHARD BALFOUR-LINN

Name of Premises: HOSKINGHEATH WINERY

I /We confirm that we have submitted for publication an advertisement of our application for a Premises Licence in (name of newspaper/newsletter/circular or similar document)

..... Wealden Advertiser

which is due for release on

..... Friday 1st February

Signed
Dated

R.L. 2011

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Phoenix House	Coxheath	01622 749888
Wintex	Cranbrook	01580 712627
Lovely of Chan & Chung	Hawkhurst	01580 752870
Happy Garden	Hawkhurst	01580 755881
Zan of Hawkhurst	Hawkhurst	01580 752424
Lee's Garden	Headcorn	01622 890875
Golden Rice Bowl	Heathfield	01435 862342
Eurasia	Hurst Green	01580 860200
Jamie's	Lenham	01622 858416
Hong Kong Kitchen	Marden	01622 832030
Pegasus	New Romney	01797 366383
Wo Sing	New Romney	01797 362927
Hong Kong Chinese	New Romney	01797 364929
Sun Kong House	Paddock Wood	01892 835170
The Honeymoon Garden	Paddock Wood	01892 835888
Yongs Chinese	Romney Marsh	01303 872323
Happy House	Rye	01797 223289
Oriental Delight	Rye	01797 229583
The Happy Valley	Staplehurst	01580 893868
Happy Valley	Tenterden	01580 762236
Honeymoon	Tenterden	01580 763795

INDIAN TAKEAWAYS		
Bonani Tandoori	Battle	01424 772677
Gram Spice	Biddenden	01580 291485
The Spices of Benga	Charing	01233 712286
Mumtaza Mahal	Cranbrook	01580 712025
Junaki Tandoori	Hawkhurst	01580 754695
Krishna	Headcorn	01622 890665
Bombay Spice	Heathfield	01435 863366
The Claypot	Hurst Green	01580 860858
Marden Tandoori	Marden	01622 832184
Taj of Kent	Marden	01622 833393
Spice Way	Mayfield	01435 872342
Sahebs	Northiam	01797 253336
New Spice	Robertsbridge	01580 231580
Tandoori Cottage	Romney Marsh	01797 320572
Badsha	Tenterden	01580 765151
The Raja of Kent	Tenterden	01233 851191
Mouchak	Tenterden	01580 766946
Spice Cottage	Wadhurst	01580 201902

KEBAB & PIZZA		
Battle Kebabs	Battle	01424 775325
Coxheath Kebab & Pizza	Coxheath	01622 741155
M & S Kebab & Pizza	Cranbrook	01580 720550
Headcorn Charcoal Grill	Headcorn	01622 891400
Pizza Marina	Heathfield	01435 866670
Piazza	Heathfield	01435 867676
Paddock Wood Kebab	Paddock Wood	01892 837717
Pembury Grill	Pembury	01892 822807
	Rye	01797 222977

FISH & CHIPS		
Cranbrook Fish Bar	Cranbrook	01580 713693
Man Yee Fish & Chips	Hurst Green	01580 860321
Hawkhurst Fish Bar	Hawkhurst	01580 753435
Marino	Headcorn	01622 891816
Rod & Line Fish Bar	New Romney	01797 363059
Paddock Wood F&C	Paddock Wood	01892 832966
Bell's Fish Bar	Paddock Wood	01892 838472
Varrie Fishbar	Romney Marsh	01797 363570
Kettle O Fish	Rye	01797 223684
The Chequers Fish Bar	Staplehurst	01580 891548

Musical

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Notices

Licensing Application


Name of the applicant - RICHARD BALFOUR-LYNN
Postal address of the premises - HUSH HEATH WINERY, FIVE OAK LANE, STAPLEHURST, KENT TN12 0HX
Application for the sale of alcohol from the above premises
Representations must be made to Maidstone borough council by Monday 25th February 2013
The Register of Record of Application can be viewed during office hours at Maidstone Borough Council Licensing Office, Maidstone House, King Street, Maidstone, Kent ME15 6JQ or on our email address; <http://pa.sevenoaks.gov.uk/online-licensing/>
Representation shall be made in writing; and that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine (£5,000) for which a person is liable on summary conviction for the offence.

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Birthdays




Births



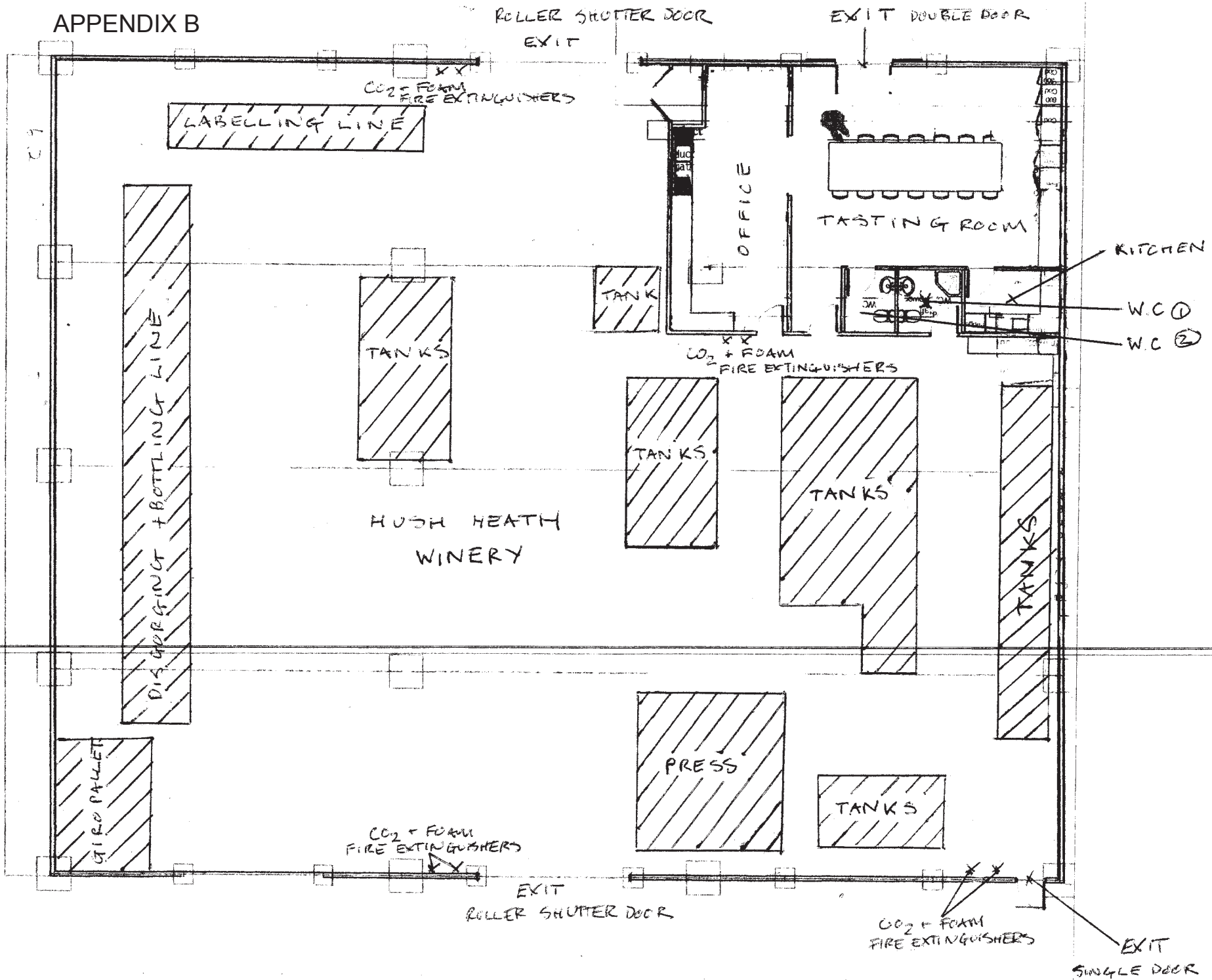
Lewis
Rick and Jenny Nee Playford
Congratulations from all the family on the birth of Toby Will, 6lb 1/2oz on 18th January, 2 weeks early
- A brother for Daisy.

Ryan Harris
Happy 21st Birthday
Love from Mum, Dad
Gran, Grandad, Lee & Naomi xxx



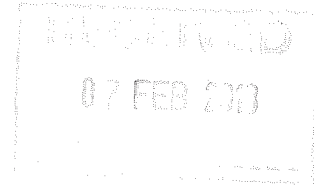
APPENDIX B

35



APPENDIX C

Alan Dimmock
Great Buttercup Barn
Pristling Lane
Staplehurst
Tonbridge
Kent
TN12 0HH



Lorraine Neale
Senior Licensing Officer
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

5th February 2013

Reference: Licensing Application 13/00231/LAPRE for the sale of alcohol from Hush Heath Winery, Five Oak Lane, Staplehurst, Kent. TN12 0HX.

Dear Sir/Madam

I believe for the following reasons, the sale of alcohol from Hush Heath Winery to the general public to be completely inappropriate.

Part (1) Sale of alcohol to the general public from Hush Heath Winery.

PUBLIC SAFETY

In the farm yard outside Hush Heath Winery, there are tractors and trailers ,fork lift trucks, lorries and other farm machinery in regular use.
This is a dangerous environment for the general public to be exposed to, especially when they have been consuming alcohol.
Health and Safety at work would never allow a trained employee to consume alcohol and work in this environment.
So I believe it is unfair to expose the general public to this unnecessary risk.

Inside Hush Heath Winery, there are also risks to the general public. The Winery inside is an industrial type working environment, with deep wine tanks, press, bottling plant and many harmful substances. Plus fork lift trucks in regular use. This is again not the type of environment that the general public should be exposed to especially while consuming alcohol.

THE PROTECTION OF CHILDREN FROM HARM

As with the last section on public safety, inside and outside the winery. Children are at a greater risk of harm than adults because they do not see danger. You only have to take your eyes off of them for a split second and they are wandering off. This is more likely to happen if the adult supervising them is consuming alcohol. They could easily be knocked over by a fork lift truck or walk up the steps to see the tanks of wine. Again it is not a risk that should be considered. The general public and especially children should not be exposed to an industrial/agricultural environment that has a very poor health and Safety record while consuming alcohol at the same time, a recipe for disaster. It is not worth the risk just to buy a bottle of wine and yes Hush Heath wine is available from Marks and Spencer at no risk to the general public and their children.

THE PREVENTION OF CRIME AND DISORDER

Hush Heath Winery was converted to a winery back in 2009 from an old farm building and from the outside it still has the same appearance as a farm building but inside it has very expensive machinery and equipment, plus many bottles of wine. Passing people would have no idea of the contents of the building. This has been its greatest asset with regards to security. If you open a wine shop with in the winery to the general public and advertise outside, wine for sale. This will lead to a break in with in a very short period of time. You are far better off producing the wine at the winery but selling the wine as is currently to other retailers.

THE PREVENTION OF PUBLIC NUISANCE

There would be an increase in noise. The area is an outstanding peaceful countryside environment and yes the general public should be encouraged to enjoy the countryside i.e walking ,cycling , bird watching etc but we do not need additional noise, just for the sake of buying a bottle of wine that could be purchased from the local supermarket in town.

The roads in the area near Hush Heath winery are mainly single track country lanes with no passing points and deep drainage ditches either side of the road. Often the only way of passing oncoming traffic is to use the verge at the side of the lanes, which are already full of mud.

This proposed increase in traffic will only increase the current problem.

Any successful retail business must have good access roads, such as A or B roads as a minimum, anything less just leads to a local nuisance and congestion.

Part (2) POTENTIAL WEDDING VENUE

APPLICATION FOR:

LIVE MUSIC , RECORDED MUSIC , DANCING , SALE OF ALCOHOL ,
INSIDE & OUT

The application states that the area around Hush Heath Winery is extremely remote, this is not correct.

There are 4 residential properties right next to Hush Heath winery, they are,

Plain Cottages numbers 1, 2, 3 Pristling lane also known as Snoad lane

Great Buttercup Barn Pristling lane also known as Snoad lane.

There are numerous other residential properties near by, including:

Tavern Farm, Wilden Park road

Forstal Farm, Wilden Park road

Woodside, Wilden Park road

Little Harts Heath, Hush Heath hill

Hush Heath Oast, Hush Heath hill

Birchwood House, Pristling lane also known as Snoad lane

There are many other properties near by that would be affected by this proposed application.

THE PREVENTION OF PUBLIC NUISANCE:

NOISE:

The application is completely unacceptable because the properties stated and many more would be affected by extreme noise far too late at night.

The residents to the stated properties include young children and elderly people.

If the music and bar at a wedding closed at 12.00 midnight.

It would take another hour of shouting, singing, banging of car doors before all the guests had gone.

Then it would be another hour before all of the catering staff went home.

This leaves a bedtime for the elderly residents and children in the area of about 2.00am.

ROAD ACCESS:

As stated in Part (1) All the roads in the local area near Hush Heath winery are single track country lanes with no passing places and deep drainage ditches at the side of the roads.

Not only would this cause traffic chaos but will cause accidents.

At a wedding of 200 guests, you could expect 80 to 100 cars, unfortunately not all of the drivers will resist the temptation to have a drink and there are enough accidents around our lanes already.

PUBLIC SAFETY:

The fields around Hush Heath winery are very low lying and with a moderate to heavy period of rain quickly become water logged. In fact with a period of heavy rain a lake forms along the side of Five Oak lane.

This makes the whole area completely unsuitable for vehicles, the erection of marquees, even for pedestrians.

Because the area is low lying, there are deep natural ponds in the immediate area around Hush Heath winery, which would be dangerous to children.

SUITABILITY OF WEDDING VENUE:

Most wedding venues are located in an area where guests can book into a hotel for the night, close by to save the risk of driving while tired or intoxicated.

The nearest hotels to Hush Heath winery are in Maidstone or Tenterden over 10 miles away.

The roads are unsuitable for this volume of traffic.

Hush Heath winery has no main drainage and a wedding with 200 guests would be impossible. They have a cesspit but this would fill up with in a couple of hours. The electricity supply to the local area around Hush Heath winery is at its maximum capacity, when the coolers in the winery come on, the lights in the local houses opposite flicker. It would cost a fortune to upgrade. The water supply always has low pressure and the water main would probably need replacing if the use increased. I would assume the Fire Brigade would insist upon this if you have a venue with approximately 200 guests present.

ALL OF THE PEOPLE LIVING IN THE AREA WOULD LIKE TO SAY NO TO THIS APPLICATION.

Yours Faithfully

A handwritten signature in cursive script that reads "A. Dimmock".

Alan Dimmock

13/00231/LA PRE



1
/

Forstal Farm Oast
Wilden Park Road
Staplehurst
Kent TN12 0HR
01622 832064
8th February 2013

Licensing Application (Ref. MBC 13/00231/LA PRE)

To the Chief Licensing Officer,

It has come to our notice that an application for the sale of alcohol has been made from Hush Heath Winery, Five Oak Lane, Staplehurst TN12 0HX.

On further investigation it appears there is more to this application than meets the eye, in fact, we find it misleading under Section 158 of the Licensing Act as the requirement to advertise is mandatory and there is no mention of a music licence either pinned to the farm gate or in the press advertisement in the Wealden Advertiser. This application has masqueraded as solely a licence to sell wine, when really it embraces plans for an all-singing, all dancing wedding venue. We suggest that this application has already contravened regulations.

We would therefore ask you to veto and postpone for the time-being this application, until it can be advertised properly and discussed by all affected parties.

My wife and I have lived opposite the winery for over thirty years and it has always been an agricultural concern therefore paying no rates, unlike ourselves and the dozens of local residents who are opposed to this application and pay high community charges for the *privilege* of living in the country.

Over the years there have been various parties/functions held in this area (which by the way is not isolated) and the sound carries far and wide. This of course is acceptable on a sporadic basis as we are not killjoys, but the fact remains it is very intrusive. For many years (prior to Mr Balfour-Lynn owning the land) cubs and scouts were allowed to camp in Snoad Wood (which is even further from our house) during the summer holidays. Of course we never complained, but during the evening one could clearly hear individual voices and shouts echoing around what is a natural bowl, which amplifies all sound.

The thought of a music licence being granted between 10am-midnight, 7-days a week is horrific. The buildings proposed for the site are agricultural by design and not properly sound-proofed. Add to this the fact that marquees may be used and the whole concept is totally unacceptable.

It would mean having to sleep with windows closed on hot summer nights, with revellers calling and car horns hooting until the early hours. People leaving the site would be travelling on C roads in total darkness in an area unfamiliar to them and as there is a very limited taxi service and no hotels here, it is likely some of them would risk drinking and driving.

Add to this the impact on the wildlife here. Over the years in this beautiful part of the unspoilt Kent countryside we have enjoyed watching many birds building their nests, owls, bats and buzzards overhead, hares, badgers and deer in the fields and wood – all would be disturbed, by this unnatural intrusion.

I would like to submit this opposition confident in the knowledge that every resident in the vicinity is united and opposed to Mr Balfour-Lynn's application. A petition is being organised.

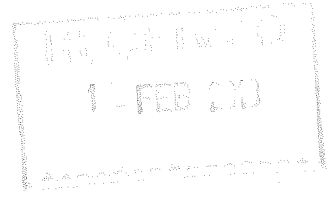
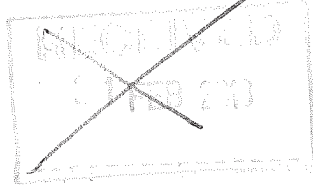
Yours faithfully,

Mr & Mrs K F Humphrey
E: humphrey224@btinternet.com

PS. It has come to our attention that Mr Balfour-Lynn was involved with Chapel Down Winery, Tenterden, where a music licence was turned down, surely this would have set a precedent?

Philip and Dawn Lye
Caine Grove, Five Oak Lane, Staplehurst,
Kent
TN12 0HT

Ms. L. Neale
Maidstone Borough Council
Licensing Team
Maidstone House
Ling Street
Maidstone, Kent, Me15 6JQ.



12/02/2013

Ref. Licensing Application at Hush.Heath Winery, Five Oak Lane, Staplehurst, Kent, TN12 0HX.

Dear Ms. Neale,

We are writing to object to the above application. We live close to the winery and feel it's further development into a Wedding Venue detrimental to the area and to the local residents.

Having studied the application it appears to be deliberately vague and contradictory in explaining Mr. Balfour-Lynn's requirements and objectives. Presumably this is a phishing exercise, using the application to see "what he can get away with"!

Within page 20 of the application there are four points (b-e) which we object to. We have ignored item (a) as irrelevant.

- b) If the opening hours are to be limited why apply for opening hours of 10 – 24 hours?
If the purpose of the application is to open a visitors centre to taste the products of the winery why mention a wedding venue? The thought of just sampling the products and not imbibing at a wedding whilst jiggling to "High Ho Silver Lining" is beyond belief!
- c) Presumably this all correct, but probably irrelevant to the ambitions of the applicants, padding out the forms in our opinion. The safety of the local residents and their properties would be at danger from increased traffic on the lanes, all of which are single track. They just about cope with the traffic movements of the local farmers and their heavy machinery. We live on the corner of Five Oak Lane and Five Ash Lane and the thought of wedding attendees whizzing through the lanes following their "tasting session" is actually quite frightening. Presumably the type of guest Mr. Balfour –Lynn is hoping to attract can afford the £40 bottles (retail, more like £120 for "tasting" at a wedding!) of fizz he creates and will not be driving Morris Minors will they?
- d) Again no drinking just tasting! Does this mean that the public will be tasting while the wedding guests are drinking?
- e) Perhaps they could keep the children under lock and key and save the need for adult supervision so that they may have a longer "tasting session"?

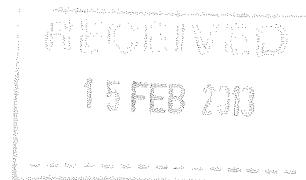
We hope the above explains our objections and that common sense prevails, leaving the area to be enjoyed by the walkers, cyclists and residents as it is. One wonders what the Barn Owl that lives in the corner overlooking the winery will think of outside music?

Yours faithfully,



Phil and Dawn Lye

Chapmans Farm
Pristling Lane
Staplehurst
Kent
TN12 0HH



Maidstone Borough Council,
Licensing Office,
Maidstone House,
King Street,
Maidstone,
Kent.
ME15 6JQ

13 Feb. 13

Attn – Licensing Officer

Re – Hush Heath Winery

Dear Sir/Madam

We write in connection with the application for a license at Hush Heath Winery and wish to make the following points

No objection for wine tasting / selling from the premises.

We do object to the use of the premises as a wedding venue on the following grounds.

It's very close proximity to adjacent properties.

Noise pollution as sound travels a long way especially on still summer evenings.

Light pollution.

Additional traffic through very narrow poorly maintained local roads, especially late at night.

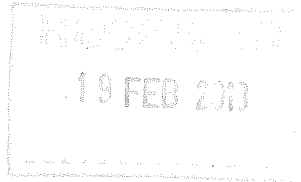
Trusting our comments will be noted.

Yours Sincerely

A handwritten signature in cursive script that reads "DJ Twyman".

D J Twyman

Broad Oak Cottage
Horden
Cranbrook
Kent
TN17 2NJ



16 February 2013

Maidstone Borough Council
Licensing Office
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

Dear Sirs

Licensing Application: 13/00231/LAPRE Hush Heath Winery, Five Oak Lane, Staplehurst, Kent, TN12 0HX

We live approximately a mile from the site and, as local residents, will be affected by the granting of this licence.

The application does not provide details of the number or size of the events planned. An average UK wedding has between 100 and 200 guests and involves associated employees, suppliers and contractors. If the licence is to provide for events of this size we would have the following objections:

The Prevention of Crime and Disorder

The venue is in a rural area and very remote from all services. It is inaccessible other than by car. Most people would consider walking and cycling impracticable when attending a wedding at the site and an unattractive alternative in terms of both convenience and safety. Public transport does not service the route. Accommodation is not available at the site and only limited accommodation is available locally.

A large number of people leaving a licensed premises here in the early hours would have difficulty getting back to their accommodation or the station. This would significantly increase the risk of anti-social behaviour in the local area which is likely to affect us.

Public Safety

The site is serviced by single track country lanes with a low frequency of vehicle movements. The lanes have grass verges, many blind corners and limited passing places. As the primary method of access will be by car, events of this size would represent a significant increase in traffic movement including the coaches, minibuses and lorries to service the event. The increase in traffic would put additional pressures on the main routes through Staplehurst, Cranbrook and Goudhurst which already suffer from traffic issues.

The pressures on local lanes and roads will be compounded as large numbers of cars are likely to arrive and leave at the same time.

These increased levels of traffic will impact on us through noise, pollution and safety including increased congestion and road accidents.

The Prevention of Public Nuisance

Noise travels considerable distances and we will undoubtedly be affected by this. The site is in open countryside with extremely low levels of ambient noise. An increase of just five decibels over ambient noise levels could have an unacceptable impact on amenity.

The barn appears to be of a traditional steel framed construction and no details are given of current soundproofing. Also, it does not give any details as to whether doors and windows would need to be opened to provide adequate ventilation in the summer months. The plans submitted with the application show a function room able to sit 14 guests with 2 toilets. We would, therefore, assume that weddings would be hosted in an external marquee and mobile toilets provided. Neither facility could be considered adequately insulated from noise.

The application includes the playing of recorded and live music between the hours of 10.00 am and 12.00 mid-night, inside and outdoors. We are assuming that this could be amplified. This use would cause persistent and intrusive noise and would significantly reduce our ability to enjoy our own home or sleep. People arriving and leaving together and travelling on local lanes at night will also cause noise and disturbance to us.

The Protection of Children from Harm

The traffic, noise and disturbance associated with large events at the site will have a negative impact on local children and put them at an increased risk of harm.

In light of the above, we would request that any licence be granted with the following conditions:

- the size of the events be restricted to what can be comfortably accommodated within the building
- that no music should be allowed outside at any time
- no music should be audible from the boundary of the nearest residential property at a level above the ambient background noise level
- sound proofing of the building be required if necessary to achieve this
- music should cease at 9.00 pm each day

This would ensure that traffic levels remain appropriate and safe for the character of the area and music limited to a level that would not cause undue disturbance or unacceptable impact upon residential amenity.

Yours faithfully



Mr and Mrs B Hill

Alan Dimmock
Great Buttercup Barn
Pristling Lane
Staplehurst
Tonbridge
Kent
TN12 0HH

21 FEB 2013

Lorraine Neale
Senior Licensing Officer
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

17/02/2013

copy to Eric Hotson & Richard Lusty

Reference: 13/00231/LAPRE Hush Heath Winery.

Dear Lorraine Neale

I sent you a letter dated the 05/02/2013 with regards to this licensing application. I wish to withdraw this letter and for it not to be taken into consideration.

The reason is I believe the applicant has amended his licensing application and therefore the previous letter dated the 05/02/2013 is no longer relevant because he has withdrawn the following sections.

- (E) Live Music inside and out
- (F) Recorded Music inside and out
- (J) Dancing inside and out
- (L) Late night refreshment inside and out
- (M) Supply of alcohol inside and out 10.00 to 24.00

This now only leaves:

Section (O) The sale of alcohol from the winery.

Hours premises are open to the public.

Monday to Saturday 11.00 to 17.00

Sunday 12.00 to 17.00

I have spoken to Richard Balfour-Lynn the applicant and owner of Hush Heath Winery in great detail, over the telephone on Wednesday 6th February and in person on Friday 8th February in the presence of other people.

Mr Balfour-Lynn said that he only wants the sale of alcohol to the general public at the winery on Fridays and Saturdays 11.00 to 17.00 from mid March to September.

He only wishes to sell his own wine, nothing else, from his existing tasting room, not a shop.

The reason Mr Balfour-Lynn has given for not wanting the sale of alcohol to the general public, from the winery on Mondays to Thursdays is because he states it would not be possible because we are wine making these 4 days a week. I assume because of health and safety reasons.

He does not want the general public around on Sundays because he is at home on Sundays and he would not want people around when he is there.

Mr Balfour-Lynn originally intended just to apply for a limited licence to sell alcohol from the winery on Friday and Saturday 11.00 to 17.00 mid March to September but he was advised by your licensing office to apply for a much broader licence to give him greater flexibility. So if a member of the general public turned up on a day when they were closed for the odd bottle of wine he could sell this without the risk of prosecution. On the other hand you could ask the member of the public to come back on a day when you were open.

The general public turning up on a day when the winery is closed, uninvited, entering an agricultural yard with tractors and forklift trucks in regular use and the winery in full production is not an option.

So a small notice on the entrance gate showing opening times would stop this.

Mr Balfour-Lynn within his application has stated in (a) (b) (d) of Section (P) that there will be limited opening hours, limited access to the public and supply of alcohol will be restricted to the public tasting samples.

I live next door to Hush Heath winery and would be happy to accept Mr Balfour-Lynns application for the sale of alcohol from the winery for Friday and Saturday 11.00 to 17.00 mid march to September, which is what he tells me he originally wanted prior to your licensing office giving him advice to the contrary.

I would appreciate you taking into consideration the fact that Mr Balfour-Lynn does not want to open to the public 7 days a week and all of the local residents feel the same. So would it be possible to issue a licence for just Fridays and Saturdays 11.00 to 17.00 mid March to September.

Please consider neighbours and other local residents for the following reasons.

PUBLIC SAFETY

The roads around Hush Heath winery are in the main single track country lanes with no passing points and deep drainage ditches either side of the road.

Passing on coming traffic is a case of using muddy verges at the side of the road and having to steer too close for comfort to the deep drainages ditches, which results in numerous cars falling into the deep drainage ditches.

The increased traffic going to the winery is going to increase the existing traffic congestion and increase the danger around the lanes.

PUBLIC NUISANCE

The increase in noise from the traffic will have an effect upon all the local residents and will effect their current peaceful lifestyle.

The Licensing Committee must look at the long term implications of this winery. The winery was granted planning permission to produce wine on the estate of Hush Heath and up to now this has been proved to be a good decision and has had little effect upon the area or local residents.

We are now looking at the start of this agricultural based winery going a small step towards retail sales.

This area that we live in is not appropriate for the likes of a busy retail winery like Lamberhurst or Chapel Down in Tenterden because our area is one of the last beautiful peaceful rural places left in Kent. To have a successful retail winery like Lamberhurst or Chapel Down you must have good access roads i.e A or B roads that also benefit from passing trade.

If you do grant a limited licence for Friday and Saturday 11.00 to 17.00 mid March to September, I feel that it must stop there because if you grant a licence for 7 days a week this will constitute a major change of use, that must only be considered via a full planning application which would then give local residents an opportunity to object if they wanted. If you grant a 7 day licence this would be a back door way of getting a major change of use from agriculture to retail without full planning permission,

Yours Faithfully



Alan Dimmock

2 FEB 2013

Mrs R A Dimmock
Great Buttercup Barn
Pristling Lane
Staplehurst
Tonbridge
Kent
TN12 0HH

Licensing Office
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

12/02/2013

Reference: Licensing Application 13/00231/LAPRE for the sale of alcohol from Hush Heath winery, live music, recorded music, dancing and late night alcoholic refreshments in connection with a wedding venue.

Dear Sir/Madam

I would like to object to the above licensing application for the following reasons.

ROAD SAFETY:

The roads in the area are mainly single track country lanes with no passing places and deep drainage ditches at the sides of the road. The proposed increase in traffic from a retail shop and wedding venue would create, traffic congestion and dangerous driving conditions.

Any retail business and wedding venue would need good access roads, such as A or B roads, not single track country lanes.

NOISE:

I live next door to Hush Heath winery, the area around us is currently a quiet rural area. If this application is successful there will be an increase from traffic noise from the retail shop and weddings and loud music being played until late at night. This is completely unacceptable because there are elderly people and children who live nearby.

The lady who lives at number 1 Plain cottages opposite us is 88 years old and goes to bed at 8.00pm every night and has lived in the area for over 60 years.

The families that live in Tavern Farm and Woodside, Wilden Park road, nearby have young children that go to bed early.

I suffer from Fibromyalgia which is a serious debilitating disease that is worsened by stress and lack of sleep.

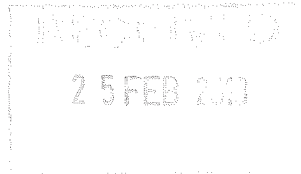
To subject all of the people living in the area to all this inconvenience and noise just because this applicant wants to sell some of his wine is unfair and disproportionate. Hush Heath wine can be easily purchased via the applicants existing retail connections.

Yours Faithfully

R. A. Dimmock

Rosemary Dimmock

Lorraine Neale
Senior Licensing Officer
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ



Angus & Andrea Codd
Tavern Farm
Wilden Park Road
TN12 0HR

copy to Eric Hotson & Richard Lusty

Reference: 13/00231/LAPRE Hush Heath Winery

Dear Sir Madam

I am writing to object to the above licencing request. I believe the original application has now been amended and the applicant has removed the following:

- (E) Live Music inside and out
- (F) Recorded Music inside and out
- (J) Dancing inside and out
- (L) Late night refreshment inside and out
- (M) Supply of alcohol inside and out 10.00 to 24.00

All of the above points would have been intolerable as a public nuisance and totally out of keeping with the local environment and community so it is appropriate this has now been removed.

This application remaining is therefore:

Section (O) The sale of alcohol from the winery.

Hours premises are open to the public.

Monday to Saturday 11.00 to 17.00

Sunday 12.00 to 17.00

From local meetings with the applicant it has been established Hush Heath only wish to sell to the general public at the winery on Fridays and Saturdays 11.00 to 17.00 from mid March to September. I would therefore ask that you grant a licence to meet this requirement for Friday and Saturdays, not to allow 7 days per week licencing.

Please consider neighbours and other local residents for the following reasons.

Public Safety

The roads around Hush Heath winery are single track lanes, with deep drainage ditches, unlit with no public transport. We often have cars falling into the drainage ditches.

The increased traffic going to the winery 7 days per week is going to increase the danger around the lanes.

Public Nuisance

The increase in noise from the traffic will have an effect upon all the local residents and will affect their current peaceful lifestyle. This area is enjoyed by walkers and cyclists and should remain an unspoilt area. An increase in road traffic will be unacceptable for those who live here and enjoy the local wildlife and environment.

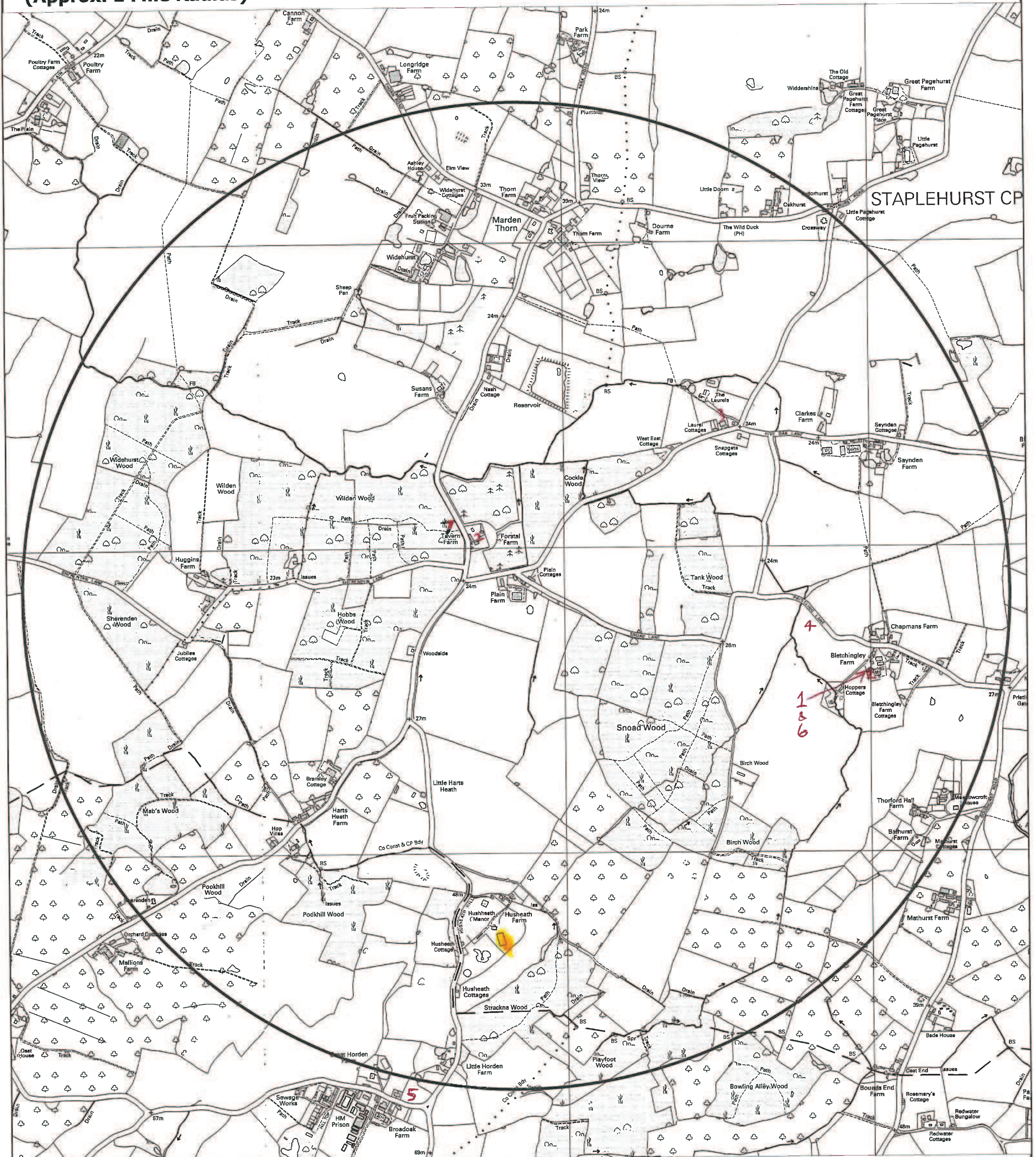
Yours sincerely

A handwritten signature in black ink, appearing to read 'Angus & Andrea Codd', with a long, sweeping horizontal line extending to the right.

Angus & Andrea Codd.

**HUSH HEATH WINERY, FIVE OAK LANE,
STAPLEHURST. TN12 0HX**

(Approx. 1 Mile Radius)



- Hush Heath Winery
1. MR & Mrs Dimmock
 2. MR & Mrs Humphrey
 3. Mr & Mrs Iyer
 4. D.J. Twyman
 5. Mr & Mrs Hill
 6. Mrs R. Dimmock
 7. Mr & Mrs Codd



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HUMAN RIGHTS

Article 8

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 6(1)

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Article 10

3. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
4. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

Licensing Act 2003 Sub-Committee Hearing Procedure of Applications for New Premises Licences/Club Premises Certificates and Variations to existing licences and certificates

Introduction and Procedure

i) Introductions

The Chairman will request all those persons participating in the hearing to identify themselves, starting with the:

- ✘ Members of the sub-committee (who will, if applicable, declare any personal or prejudicial interests)
- ✘ Legal advisor
- ✘ Committee clerk
- ✘ Maidstone Borough Council licensing officers/managers
- ✘ Applicant (and any representative)
- ✘ Each responsible authority (and any representative)
- ✘ Each interested party (and any spokesperson or representative)

ii) Procedural Matters

- **Procedure**

The Chairman will:

- ✘ Confirm that all parties are aware of the sub-committee hearing procedure and that each party has a copy of the hearing procedure document.

- **Submissions**

The Chairman will:

- ✘ Explain that the sub-committee will allow all parties to put their case fully and make full submissions, within a reasonable time frame.

- **Discussion and cross-examination**

The Chairman will:

- ⌘ Explain that the sub-committee procedure shall take the form of a discussion led by the sub-committee.
- ⌘ Explain that the sub-committee will usually permit cross examination (conducted within a reasonable time frame).

- **Disruptive Behaviour**

The Chairman will:

- ⌘ Explain that where any person attending the hearing behaves in a disruptive manner, the sub-committee may direct that person to leave the hearing (including temporarily) and thereafter the person may submit to the sub-committee in writing any information which the person would have been entitled to give orally had the person not been required to leave the hearing.

- **Reading of Papers**

The Chairman will:

- ⌘ Confirm that all sub-committee members have pre-read all the papers and any other documents contained in the report regarding the hearing.

- **Draft Conditions**

The Chairman will:

- ⌘ Enquire whether draft conditions have been agreed between the applicant and any of the other parties for the sub-committee to consider.

- **Witnesses**

The Chairman will:

- ⌘ Enquire whether any parties request to have any witnesses give evidence at the hearing; and if so grant the request unless the request is unreasonable.
- ⌘ Invite the parties, where appropriate, to appoint a spokesperson.

The Hearing

Outline of the Application and Representations

- ✘ The Chairman will ask the legal advisor or community services manager to briefly outline the application and all representations regarding the application.

i) The Applicant

- ✘ Opening remarks by the applicant (or their representative).
- ✘ Evidence of the applicant and any witnesses.
- ✘ After each person has given evidence the person may be questioned by each responsible authority, interested party and sub-committee member.
- ✘ If necessary, the applicant (or their representative) may clarify any matter that arose during questioning.

ii) Responsible Authorities (where applicable)

RESPONSIBLE AUTHORITY	Tick if applicable
Police	
Trading standards	
Environmental Health	
Child Protection (Social Services)	
Planning	
Fire and Rescue	

- ✘ Opening remarks by the officer representing the responsible authority (or their representative).
- ✘ Evidence of the responsible authority officer and any witnesses.
- ✘ After each person has given evidence the person may be questioned by the applicant, each other responsible authority, interested party and sub-committee member.
- ✘ If necessary, the officer (or representative) may clarify any matter that arose during questioning.

iii) Interested Parties

- ✘ Opening remarks by the interested party (or spokesperson/representative).
- ✘ Evidence of the interested party and any witnesses.
- ✘ After each person has given evidence the person may be questioned by the applicant, responsible authorities, each other interested party and sub-committee member.
- ✘ If necessary, the interested party (or spokesperson/representative) may clarify any matter that arose during questioning.

Closing Speeches

In the following order:

- ✘ **Each Responsible Authority**
- ✘ **Each Interested Party**
- ✘ **The Applicant**

End of Hearing

- ✘ The Chairman will ask the members of the sub-committee if they have any final questions for any party to the hearing.
- ✘ The Chairman will ask the legal advisor whether there are any further matters to be raised or resolved before the hearing is closed.
- ✘ The Chairman will bring the hearing to a close and shall declare that the sub-committee will retire, to private session, to consider the application, all relevant representations, evidence, the relevant extracts of Licensing Authority's Statement of Licensing Policy, the relevant extracts of the National Guidance issued under section 182 of The Licensing Act 2003 and the licensing objectives under the Licensing Act 2003.
- ✘ The Chairman shall invite the legal advisor to remain with the sub-committee during its deliberations and ask all other persons to withdraw from the room.

The Decision

The Chairman shall declare in public session:

- ✘ The sub-committee's determination.
- ✘ All parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination.
- ✘ All parties may appeal against the sub-committee's decision within 21 days beginning with the day on which the appellant is notified of the Licensing Authority's written determination. Appeals must be lodged with the Magistrates' Court. Parties should be aware that the Magistrates Court may make an order with respect to costs on any appeal.
- ✘ The hearing is formally closed.