

LICENSING SUB-COMMITTEE**26 January 2012****Attendance:**

Councillors:

Mather (Chairman) (P)

Pearce (P)

Prowse (P)

Officers in Attendance:

Mrs A Taylor (Licensing Officer)

Mr J Myall (Licensing and Registration Manager)

Mrs C Tetstall (Licensing Solicitor)

1. **PREMISES LICENCE: HAMBLEDON WINERIES LTD, THE VINEYARD, EAST STREET, HAMBLEDON**
[\(Report LR375 refers\)](#)

The Chairman welcomed to the meeting Mr Kellet (the applicant), his solicitor Mr Crier and Mr Carcary (an interested party in support of the application). The Chairman also welcomed Mrs Dibden and Mr Higham (representatives of Hambledon Parish Council, an interested party who made a representation to the application) and three members of the public.

Mrs Taylor introduced the Report and, in summary, the Sub Committee noted that the applicant had requested a premises licence for the sale of alcohol for consumption both on and off the premises. She added that, under the terms of the Licensing Act, no representations had been received from the responsible authorities and that additional information had been received and distributed to the Sub-Committee from both the applicant and the Parish Council.

In response to questions, Mrs Taylor explained that any change to the applicant's planning permission was not relevant to the licensing application and that officers had recently visited the proposed premises.

Mr Crier spoke in support of the application. With the permission of the parties, he distributed to the Sub-Committee colour photographs of the site. He emphasised the absence of any representation from the responsible authorities and the low number of representations from local residents. He explained the importance of the application to the success of the business and its role in the local community. He explained how the business hoped to achieve worldwide internet, together with telephone off-site sales up to 2300 hours and that this was reflected in the application. The application for the on site consumption of alcohol was solely related to the anticipated wine tasting tours. It was explained that these tours of small groups were principally to

raise market awareness and that they would be held around the billiards table in the winery office.

He explained the location of the winery office and how the tours here were approximately 300 metres from the nearest property and how they were shielded by the location of the main house. Therefore, given the nature of the tours and their location, he did not consider that they could constitute a public nuisance. The application had not included regulated entertainment. It was explained that the purpose of the tours was to educate visitors and give them an opportunity to sample different wines. It was impossible to appreciate the differences between the wines if the visitors swallowed the alcohol and, given that most visitors would be driving, Mr Kellet highlighted the improbability that the visitors would be drunk and therefore the likely cause of a public nuisance.

With respect to traffic, Mr Crier and Mr Kellet explained how the site had current and potential parking space to accommodate the tours at the site.

Mr Kellet spoke in support of his application and, in summary, outlined the history of the site and his business plan. He explained that, from 2014, he hoped to produce 250,000 bottles per annum and that the majority would be sold wholesale to supermarkets. He anticipated that this would require the visit of one HGV per week, which was likely to use an access road to the east onto East Street.

He also stated that he had outlined his vision for the business to the Chairman of Hambledon Parish Council at a number of private meetings.

Mr Carcary addressed the Sub-Committee as an interested party in support of the application. He was the nearest neighbour and had previously been involved with the winery under separate ownership. He explained how the tours had been successfully operated at the site up until the early 1990s. However, he advised that wine tours at Hambledon were no longer unique and, therefore, it was unlikely the number of visitors would mirror those of previous years. Members noted that Mr Kellet did not intend to market the tours to coach companies. Mr Carcary also outlined the previous licence, which had been granted by Bishops Waltham Magistrates Court, when the relationship to other alcohol retailers in the village had been a consideration.

In response, Mr Kellet commented that he had not forecasted what percentage of the future total output would be sold on site to tours, but that it was highly unlikely that the proportion would be the one-third currently anticipated for the initial, low volumes of output.

Mrs Dibden addressed the Sub-Committee against the application as a representative of Hambledon Parish Council, an interested party. In summary, Mrs Dibden explained that, whilst the Parish Council supported the success of the winery, they had concerns regarding public nuisance. These had been expressed in a well attended public meeting. The concerns raised related to the proposed hours, which were too long and likely to disturb the tranquil, rural nature of the village. She explained that the Sub-Committee should have regard to the purposes of the South Downs National Park, which sought to protect the area. She also raised concerns about the number of on site sales

and volume of output of the winery, which could disturb residents. She added that the site was served by roads that were too narrow and inadequate for what could become a substantial business. The headlights of cars visiting the site could disturb residents and she suggested that no objection had been received from the Highways Authority, because Vineyard Lane was a private road, despite its dangerous junction with East Street. In addition, Mrs Dibden raised concerns regarding light pollution from the site itself.

In response, the Sub-Committee noted that traffic and highways issues were not normally considered as a public nuisance, as defined by the Licensing Act, because these issues were dealt with by other legislation.

In response to Members' question, Mrs Dibden explained that the Parish Council was unaware of the conversations that its Chairman had held with Mr Kellet regarding the site.

In response to issues raised by the Parish Council, Mr Crier explained that the applicant had applied for the hours set out, as they did not yet know what hours the tours and off site sales were likely to continue to. However, Mr Kellet would accept a restriction on the application to 2200 hours if the Sub-Committee were so minded.

In summing up, Mr Crier reminded the Sub-Committee of the Thwaites –v- Wirrall case which held that speculative concerns (as he considered the Parish Council's concerns to be) should not be considered, as, if problems materialised, the licence, if granted, could be reviewed.

The Sub-Committee then retired in camera to consider the application.

In her closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made. It had taken into account the duties under the Crime and Disorder Act 1998, the rights set out in the Human Rights Act 1998 and Section 11a of the National Parks and Access to the Countryside Act 1949 (as amended).

The Sub Committee agreed to grant the licence, as set out in the application made by Mr Kellet. The reason for this decision was that the Sub Committee did not consider that the proposed activities would constitute a public nuisance, as set out in the Home Office guidance. The interested parties raised many issues which the Sub-Committee considered to be speculative and it noted that if these were borne out, they could be the subject of a future review.

RESOLVED:

That the application be granted, subject to the following conditions:

Operating Hours

1. The hours the premises may be used for the sale of alcohol shall be:
 - (i) **Mondays to Saturdays** **0900 to 2300**
 - (ii) **Sundays** **1100 to 2100**

2. The hours the premises may open for other than Licensable Activities shall be:
 - (i) **Mondays to Saturdays** **0900 to 2300**
 - (ii) **Sundays** **0930 to 2100**

Public Nuisance

1. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.

Protection of Children

1. No children under the age of 16 are to be permitted on the premises unless under the supervision of an adult

The meeting commenced at 10.00am and concluded at 11.45am.

Chairman