

**LICENSING SUB – COMMITTEE**

Thursday 20 April 2023 13:00 at Guildhall Winchester

Report of the Service Lead for Public Protection

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Application: Application for the Grant of a New Premises Licence

Premises: Exton Park Vineyard, Allens Farm Lane, Exton,  
Hampshire, SO32 3NW

**Part A. Report**

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- 3 Other Representations**
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**Appendix 1d Supporting evidence from applicant**

**Appendix 2 Representations from Other Persons**

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**Appendix 4 Map of Representations**

**Appendix 4a Representations in support of the application not shown in  
Appendix 4 (due to scale)**

**Part A.****1. Application**

**Applicant:** Exton Park Vineyard LLP

**Premises:** Exton Park Vineyard, Allens Farm Lane, Exton, Hampshire, SO32 3NW

- 1.1 This application is for the grant of a new premises licence under section 17 of the Licensing Act 2003 for Exton Park Vineyard, Allens Farm Lane, Exton, Hampshire, SO32 3NW.
- 1.2 The premises is described on the application form as an award winning English Sparkling Wine producer, located just outside of Winchester. It is a 60 acre single vineyard, having nine plots with over 120,000 vines. Exton Park Vineyard is located on a closed gated estate.
- 1.3 The application proposes the supply of alcohol, for consumption on and off the premises, Monday to Sunday 1000 to 2300 hours. Full details are outlined in Section 5 of this report.
- 1.4 Exton Park already holds a premises licence (PREM667) permitting alcohol off sales Monday to Sunday 0900 to 1800 hours. The facilities at Exton Park Vineyard include Exton Hall, a wine promotional building with an external terrace.
- 1.5 No representations have been received by any Responsible Authorities.
- 1.6 Representations have been received from 44 Other Persons, 18 are against the application and 26 are in support of the application. The representations are set out in Appendix 2 to this report and relate to all four of the licensing objectives; prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.
- 1.7 Notice of the application was displayed outside of the premises for a period of 28 days until 31 March 2023, and advertised in the Hampshire Chronicle on 9 March 2023.
- 1.8 Notices of the hearing were sent to all Parties on 3 April 2023.
- 1.9 The premises is situated within the South Downs National Park (SDNP). See paragraphs 4.5 and 4.6 below.

**Designated Premises Supervisor**

Frederick Langdale

**Steps to promote the Licensing Objectives**

Please see Section M Appendix 1.

**Relevant Representations**

**2. Responsible Authorities**

All of the Responsible Authorities have been served with a copy of the application. The representations received are as follows:

**Environmental Health**

No representations received.

**Hampshire Constabulary**

No representations received.

**Hampshire Fire and Rescue Service**

No representations received.

**Child Protection Team**

No representations received.

**Building Control**

No representations received.

**Head of Trading Standards**

No representations received.

**Public Health Manager**

No representations received.

**Home Office**

No representations received.

**Licensing Authority**

No representations received.

**Planning / South Downs National Park Authority**

No representations received.

### **3. Representations from Other Persons**

Representations have been received from Other Persons', 18 of which are against the application, and 26 of which are in support of the application. The representations relate to all four of the licensing objectives; prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

Representations can be seen at Appendix 2.

#### **4. Observations**

- 4.1 The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 4.2 In making its decision, the Sub-Committee is also obliged to have regard to the [National Guidance](#) and the Council's [Licensing Policy](#).
- 4.3 The Sub-Committee must have regard to all of the representations.
- 4.4 The Sub-Committee must take such of the following steps it considers appropriate to promote the Licensing Objectives:
- a) Grant the licence subject to conditions in accordance with the operating schedule (modified to such extent as the authority considers appropriate for the promotion of the licensing objectives) and the mandatory conditions;
  - b) exclude from the scope of the licence any of the licensable activities to which the application relates;
  - c) refuse to specify a person in the licence as the premises supervisor;
  - d) reject the application.
- 4.5 The Sub-Committee must have regard to the SDNP purposes when considering applications to ensure they are respected. The purposes are:-
- (a) Purpose 1 – to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
  - (b) Purpose 2 – to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- 4.6 If there is a conflict between the SDNP purposes, Purpose 1 must have priority.

#### **Terminal hours**

The Sub-Committee should take account of the National Guidance and the Council's Licensing Policy with regard to terminal hours and take such steps as it considers appropriate to promote the Licensing Objectives.

(Licensing Policy 2.22 Part 4, A8, C4)

## **Licensing Objectives**

### Crime and Disorder

The Sub-Committee should consider any appropriate conditions to prevent crime and public disorder relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy 1.9, 2.9 - 2.11, 2.17, 2.19 – 2.21 and Part 4 Section A)

### Public Safety

The Sub-Committee should consider any appropriate conditions relating to public safety having regard to the relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, B2, B3)

### Public Nuisance

The Sub-Committee should consider any appropriate conditions to prevent public nuisance caused by noise pollution from the premises relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, Section C)

### Protection of Children

The Sub-Committee should consider any necessary conditions for the Protection of Children relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, D6, D7)

## **Human Rights**

It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, appropriate in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

### **Public Sector Equality Duty**

The Public Sector equality duty must be taken in to consideration with all decision making. The duty is stated in section 149 of The Equality Act 2010. This application raises no considerations under this Act.



## 5. Conditions

### Mandatory Conditions

#### **The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014**

**– effective from 1 October 2014**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
 (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a times limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carried a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
  3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
 (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
 (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol,

- identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other an alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
    - (iii) still wine in a glass: 125ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014**  
**– effective from 28 May 2014**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) “permitted price” is the price found by applying the formula-  **$P = D + (D \times V)$**   
 where-
    - (i) **P** is the permitted price,
    - (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph 2 applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Possible Conditions**

If the application is granted, the Sub-Committee may wish to consider the following conditions to reflect the Operating Schedule in the application:

#### **Operating Hours**

1. The hours the premises may be used for the sale of alcohol shall be:
  - (i) **Monday to Sunday 10:00 to 23:00**
2. The hours the premises may open for other than Licensable Activities shall be:
  - (i) **Monday to Sunday 10:00 to 23:00**

### **All Licensing Objectives**

- A1: The Premises Licence Holder shall ensure that the staff within the business involved in the sale of alcohol and licensable activities are trained in relation to the Licensing Act 2003. Training records shall be held at the premises and made available for inspection by the police upon reasonable request.
- A2: The Premises Licence Holder shall ensure that an “Incident Report Register” is kept, in which full details of all incidents are recorded. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The Incident Report Register is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or the Police when required.
- A3: The premises licence holder shall ensure a direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity upon request.

- A4: The premises licence holder shall ensure a copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of the Council.
- A5: The premises licence holder shall ensure when the premises are being used for a pre booked event or function a risk assessment will be carried out by the management prior to the date fixed. If deemed necessary, the management will put in place measures to negate any risk. Considerations to include, but not limited to - appropriate number of staff, control of customer numbers, entry/dispersal policy. The risk assessments will be filed at the premises and made available to the Police and Council officers on request.

### **Crime and Disorder**

- PC1: The premises shall support crime prevention initiatives and clearly display crime prevention notices or advice which supports current crime and disorder patterns as advised by the Police to the Premises Licence Holder and/or Designated Premises Supervisor/Duty Manager.

### **Public Safety**

- PS1: The premises licence holder shall ensure all escape routes and exits including external exits shall be maintained unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified in accordance with the approved arrangements.
- PS2: The Designated Premises Supervisor/Duty Manager shall ensure that, whenever disabled people are present, adequate arrangements are made to enable their safe evacuation in the event of an emergency and that they are made aware of these arrangements.

### **Public Nuisance**

- PN1: The premises licence holder shall ensure clear notices shall be displayed at the reception requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.

### **Protection of Children**

- PC1: The Premises Licence Holder will adopt a "Challenge 25" policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age.
- PC2: The Premises Licence Holder will prominently display notices advising customers of the "Challenge 25" policy.

- PC3: The premises licence holder shall accept the following as proof of age:  
Proof of age cards bearing the "Pass" hologram symbol; UK Photo  
Driving licence and Passport.
- PC4: The Premises Licence Holder shall ensure that children are only  
permitted on the premises when accompanied by a parent or guardian.

## **6. Other Considerations**

### **Council Strategy Outcome (Relevance To:)**

This report relates to the fourth Strategic Outcome; 'Improving the quality of the District's environment' by working with partners and using powers available to us to make Winchester a safe and pleasant place to live, work and visit.

### **Resource Implications**

A statutory licence fee of £100.00 has been received. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

### **Appendices**

1. Application by Exton Park Vineyard LLP
  - 1a. Plan
  - 1b. Supporting evidence from applicant
  - 1c. Supporting evidence from applicant
  - 1d. Supporting evidence from applicant
2. Representations by Other Persons
3. Map of premises location
4. Map of Representations
  - 4a. Representations in support of the application not shown in Appendix 4 (due to scale)