

MINUTES

of the

**LICENSING COMMITTEE
HEARING**

held on 18 September 2019 at 7pm

Present:

Councillor L.A. Mascot (Chair of Hearing)

Councillors, A.E. Davidson, R.J. Lee. and I.C. Roberts

1. Apologies for Absence

There were no apologies for absence.

2. Declarations of Interests

All Members were reminded to declare any Disclosable Pecuniary Interests (DPI) or other registerable interests where appropriate in any of the items of business on the meeting's agenda, none were made.

3. MinutesThe minutes of the hearings held on 19th and 21st August were confirmed as correct records and signed by the chair.**4. Licensing Act 2003 - Application for a New Premises Licence – Danbury Wine Estate, Hyde Lane, Danbury, Essex, CM3 4LN**

The Committee considered an application for a new premises licence in respect of Danbury Wine Estate, Hyde Lane, Danbury, Essex, CM3 4LN.

Performance of Live Music:

Every Day - 10:00 – 00:00

Playing of Recorded Music:

Every Day – 10:00 – 00:00

Late Night Refreshment:

Every Day – 23:00 – 01:00

Sale or Supply of Alcohol:

Every Day – 09:00 – 01:00

It was noted by the Committee that there were three options namely;

1. Grant the application, on the terms and conditions applied for.
2. Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the Licensing Objectives.
3. Refuse the application in whole or in part.

The following party attended this hearing and took part in it:

The Applicants

The Chair advised that the written representations had been read and considered by the members of the Committee in advance of the meeting. The Licensing Officer informed those present that two of the representations against the application had been withdrawn ahead of the hearing. It was noted that therefore the representations on pages 37 and 44 of the agenda pack should be disregarded by the Committee. It was also noted that this left five public representations against the application to be considered by the Committee. The Chair invited the applicant to introduce their application.

The applicant introduced their application to the Committee and explained that they had lived at the site for a number of decades. They informed the Committee that in recent years they had started to produce wine due to the excellent microclimate the location provided. They stated that a winery had been built on site and had recently also built two four-bedroom houses on the site, one of which was for family and another for the winemaker and their family. The Committee was informed that the site would not be open to the public and industry professionals would be invited to attend small scale wine tasting events or dinners. It was noted that the dining room on the premises seated up to 12 people. The applicant stated clearly that they would not be opening as a café or bar and would supply alcohol for tastings, but that any sales would be corked bottles to consume off premises. The applicant confirmed that the site would continue to be very quiet, with very limited traffic to and from the site.

They also stated that they had no intention of using the site for weddings or parties and the level of visitors would be kept to an absolute minimum. The applicant informed the Committee that the late-night refreshment aspect of the application, was to allow after dinner coffees and other hot drinks to be served. The Committee heard that the site had extensive security measures and CCTV systems. It was also stated by the applicant that the premises were on a private road owned by them and that they had adequate parking provision available. In terms of noise it was noted that the applicant and their family lived on the site so they would not want to be disturbed themselves. The applicant stated that any live music would be in the style of a string quartet, or a soloist performer and would be very quiet, as would any recorded music which would be used for background music. The applicant also drew the Committee's attention to the fact that the two objectors who visited the premises did then withdraw their representations.

In response to questions from the Committee, the applicant stated that:

- The sale of alcohol aspect of the licence had been applied for until 01:00 to allow the sale of corked bottles to customers who have attended wine tasting dinners and then decide to make a purchase at the end of the evening. It was made clear by the applicant that the bottles would not be allowed to be consumed on the premises.
- In terms of recorded music they would be using a very small portable speaker for background music during wine tastings.

The Committee retired at 7.22pm to deliberate on the matter and returned at 7.40pm.

RESOLVED that the Director of Public Places be authorised to grant the application on the terms applied for.

The Chair provided a summary of the reasons for the Committee's decision and advised that a formal decision notice would be sent out in due course to the relevant parties.

In reaching its decision the Committee has taken into account all representations and is satisfied with the steps that the Applicant proposes to promote the Licensing objectives.

The Committee had carefully considered the written concerns expressed by the objectors but considered that there was no evidence to indicate prospective harm at this stage. The Committee was mindful of the fact that none of the responsible authorities were objecting to the application.

In granting the licence the Committee has been influenced by the applicants representations to the effect that whilst the application has been made in wide terms in reality, the licensable activities carried out at the premises will be very low level (involving small groups for wine tastings and purchases) and would not involve the holding of large scale events e.g. weddings.

In consideration of concerns raised by local residents, the Committee would remind the parties that if, subsequently, there is evidence of public nuisance (e.g. unacceptable levels of noise), or Crime and Disorder, or other problems relating to one or more of the licensing objectives arising from the use of the premises during the operation of the licensable activities. Then it is open to people to request a review of the licence, in which case the matter would come back to the committee.

(7pm to 7.42pm)

The meeting closed at 7.42pm.

Chair