

Rother District Council
 DECISION NO: WK/201902892

GENERAL LICENSING PANEL DECISION NOTICE

Date of General Licensing Panel Meeting: 11 July 2019

Venue: Town Hall, Bexhill-on-Sea

Date of Decision: 11 July 2019

**NAME AND ADDRESS OF
 PREMISES:**

Mountfield Winery, Mountfield Court, Robertsbridge,
 East Sussex, TN32 5JP

NAME(S) OF APPLICANT:

Mr Simon Fraser

**REASON(S) FOR
 REPORT:**

The report had been subject to one representation on
 the grounds of prevention of public nuisance.

DECISION MADE AND REASONS FOR IT:

Reasons for the Decision

The Panel considered all the information available to them and made a valued judgement as to what steps to take to promote the licensing objectives. Also, having regard to the S.182 Guidance and the Statement of Licensing Policy when making their decision. They were satisfied on balance that the applicant had shown that he could uphold the relevant licensing objective of "prevention of public nuisance", but considered it would be appropriate to impose a series of conditions outlined in the report. The conditions offered by the applicant together with two additional conditions were imposed.

The Panel considered the issue of noise and nuisance emanating from increased vehicular activity on the access road from the Church Road entrance. Also around the site and from groups of people engaged in wine tours and particularly wine consumption at the end of the tours. These points were all considered in some detail, but the Panel was satisfied that the assurances made by the applicant to strictly limit the tour numbers to a maximum of 30 and to only have one tour on any day during the middle of the day, was sufficient without the need to impose any further conditions in this regard. The Panel stated that in order to promote the licensing objectives, they believed it necessary and appropriate to restrict the intensity of licensing use of the vineyard and to maintain the condition of maximum number of persons attending each event. The Panel did have concerns about the levels of noise potentially created by customers' normal conversations during the tasting at the end of the tours, and that could not be attenuated under the current submissions. Accordingly, the Panel felt it was appropriate to impose a condition restricting the wine tasting and consumption to take place within the wine tasting room to ensure local residents were not disturbed.

The other condition the Panel imposed was in relation to access to the site. The Panel had concerns about entry arrangements to the site and how the applicant was going to uphold the licensing objective of the prevention of public nuisance, in

particular the movement of traffic that may cause a public nuisance to the representors who lived adjacent to the site. The Panel felt that this could be effectively controlled by imposing a condition that only allowed vehicles coming on the wine tours to enter the site directly from the A21, which was to the north of the site and avoided excessive traffic passing the representors' property.

These conditions and those already offered by the applicant would ensure that the impact of the premises upon the local area would be negligible, and that the licensing objectives would be upheld.

Decision Made

Premises Licence be granted as below:

Online sales of alcohol only, Monday to Sunday: 00.00hrs to 24:00hrs.

On wine tours, which shall include the consumption of alcohol and post tour sale of alcohol (off premises). Tours to be on a Monday to Sunday between the hours of 10.00am to 3pm with a maximum 10 wine tours (days) per year.

Conditions offered by the applicant

a) General – all four licensing objectives

The licence holder and his wife shall complete the BIIAB Level 2 award for personal licence holders and hold personal licences.

b) The prevention of crime and disorder

The main business shall be on-line sales. Wine tours shall be limited to 10 (days) a year and at each event there shall be more than 30 persons (excluding staff) on each wine tour.

c) Public Safety

There shall be signage in the winery regarding steps and machinery. There shall not be tours when the machinery is operating.

d) Prevention of public nuisance

Wine tours shall be carried out between the hours of 10am to 3pm.

e) The protection of children from harm

There shall be a clear age policy for ordering wine on the website. Tours shall be supervised by the licence holder or designated person.

Conditions agreed with Sussex Police

- 1) All alcohol orders (whether online, completed by the customer on paper, via the phone or verbally face to face) will contain age verification, whereby the customer

will be asked to confirm that they are over 18 and a tick box must be marked to confirm this.

- 2) Only payments by credit or debit cards, PayPal and bank transfer shall be accepted.
- 3) All deliveries of alcohol must be made by a person over the age of 18 years and alcohol shall not be delivered to anywhere other than a recognisable permanent business or residential address.
- 4) In the event that there is no one to accept delivery alcohol shall not be left on the doorstep or any other place. It can however be left securely with a neighbour as long as they are over 18.
- 5) Each and every delivery must be signed for and the person delivering the alcohol must request appropriate photographic ID from the recipient if that person is believed to be under 25 years of age. If no such ID is produced the alcohol will not be delivered.
- 6) Delivery staff must be trained in delivery of alcohol and challenge 25 prior to commencing deliveries.

Additional Conditions

- 1) All wine tasting and consumption must take place within the wine tasting room.
- 2) Having booked a wine tour, as part of the confirmation package there will be specific instructions requiring participants to enter the vineyard via the A21.

Rights of Appeal

Under the provisions of Section 181 and schedule 5 of the Licensing Act 2003 there is a right of appeal against the decision of the Licensing Committee if you are aggrieved at the outcome. This right of appeal extends to the applicant in the case of a refusal or restrictions on the licence, or the imposition of conditions to the licence. The right of appeal also extends to persons who have made representations where the licence has been granted, or that relevant conditions have not been imposed upon the licence. Full details of all the rights of appeal can be found within Schedule 5 of the Act.

Any appeal should be made to the Magistrates Court, Edward Street, Brighton, within 21 days from the date of notification of the decision. You must contact the Magistrates Court to establish the formal procedure for the appeal.

A written or electronic copy of this Notice will be publicly available to all parties, and published on the Council's website.