



**MINUTES of  
LICENSING SUB-COMMITTEE  
13 JUNE 2019**

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**PRESENT**

<b>Councillors:</b>	B S Beale MBE, M F L Durham, CC and Mrs M E Thompson
<b>Representing the Licensing Sub- Committee:</b>	Mr Daniel Winter, Licensing Lead Officer Mr Simon Quelch, Solicitor to the Council Miss Tara Bird, Committee Clerk
<b>Responsible Authorities:</b>	None
<b>In Attendance:</b>	Councillors A S Fluker and C Morris
<b>Members of the Public:</b>	Two
<b>Members of the Press:</b>	None

**1. Application for a Premises Licence at Crouch Ridge Vineyards, Fambridge Road, Althorne, Nr Chelmsford, Essex, CM3 6BZ**

**Applicant:** Mr Ross Lonergan and Mrs Samantha Lonergan

**Interested Party(s)** Mr T Inkpen  
Dr C Collins

**2. Application for the renewal of a Hackney Carriage / Private Hire Dual Driver's Licence**

**Applicant:** *In attendance*

**Interested Party(s)** None

**146. TO APPOINT A CHAIRMAN FOR HEARING**

**RESOLVED** that Councillor Mrs M E Thompson be appointed Chairman for the meeting.

IN THE CHAIR: COUNCILLOR MRS M E THOMPSON

**147. CHAIRMAN'S NOTICES**

The Chairman drew attention to the list of notices published on the back of the agenda.

**148. APOLOGIES FOR ABSENCE**

There were none.

## **149. DECLARATIONS OF INTEREST**

At this point in the meeting the Chairman reminded Members' of the requirement to disclose any disclosable pecuniary, other pecuniary or non-pecuniary interests they may have relating to items of business on the agenda.

There were none.

## **150. LICENSING ACT 2003 - TO CONSIDER AN APPLICATION FOR A PREMISES LICENCE - CROUCH RIDGE VINEYARDS, FAMBRIDGE ROAD, ALTHORNE, NR CHELMSFORD, ESSEX, CM3 6BZ**

Prior to consideration of this item of business the Chairman asked all parties present at the meeting to introduce themselves. The Chairman then sought confirmation that all present were in possession of and had read the report of the Director of Service Delivery along with Appendices A – C.

The Licensing Lead Officer outlined the application for a Premises Licence at Crouch Ridge Vineyards, Fambridge Road, Althorne, Nr Chelmsford, Essex, CM3 6BZ.

The Chairman then explained the procedures that would be followed and invited the Applicant, Mr Lonergan to make his opening statement.

Mr Lonergan provided background information regarding the establishment of the Crouch Ridge Vineyard (the Vineyard), its current business which consisted of online sales, sales through external events with limited supply to local businesses. Granting of the premise licence would enable the business to contribute to local tourism including generate employment etc. and sell wines direct from the premise. Members were informed that the Maldon District had been identified as one of the best areas for growing wine and Crouch Ridge Vineyards was one of a few vineyards that grew and created wines for sale within the District. Mr Lonergan outlined how they would promote the licensing objectives and noted that that the responsible authorities had not objected to the application.

The Chairman advised that there were no responsible authorities present and called on the interested parties wishing to speak to address the Committee, reminding them that points raised must relate to licensing matters.

Mr Inkpen referred to the vineyard being an asset to the village but there was a need to balance commercial aspects with the desires of villagers. When referring to planning permission, he was reminded by the Chairman that planning was an entirely separate matter and not for this Committee to consider. Mr Inkpen continued referring to the commercialisation of the site being an ongoing nuisance and how the increase in parking would impact on the prevention of public nuisance and referred to a number of points within the Officers' report and appendices. Mr Inkpen commented on the number of increased entries and exits onto the site which would cause problems on the B1010. In response to these and other points raised by Mr Inkpen, the Council's Solicitor advised Members that legally the only point they could consider was public nuisance as no evidence or statistics had been put forward and not all matters raised were relevant to the Sub-Committee.

At this point, Councillor M F L Durham declared an interest in this item of business as he had a personal licence along with considerable experience in the licensing trade. In response to questions raised by Mr Inkpen, Councillor Durham advised that the Designated Premises Supervisor (DPS) did not have to be on the premises, however the conduct of the premises fell under them, so it was their responsibility to ensure that staff had specific training etc. If the licence was granted, the opening hours would be as detailed on the application form. In respect of music, this was not included on the licence applied for, but Councillor Durham explained that for functions of 500 or less the provision of live or recorded music was not a licensable function.

Dr Collins, another interested party, then addressed the Committee. Advising that she lived opposite the barn (the subject of this licence application), Dr Collins referred to the applied hours of opening and the possible number of events that would require Temporary Event Notices (TEN). Referring to previous events held shed advised Members that there had been issues with noise levels which had resulted in complaints being made to the Council's Environmental Health Department. Dr Collins advised that the barn had no sound proofing to prevent disturbance to local residents during local events. The Chairman advised that this matter would be dealt with as part of the TEN application process. In response to a question, it was clarified that only the Police and Environmental Health would have the opportunity to comment on a TEN application. Dr Collins continued referring to the planned events, as detailed on the vineyard's website, the proposed opening seven days a week and how a noise management plan could help to negate a lot of the residents' concerns. She also referred to some other matters which the Chairman advised were not matters for consideration by the Sub-Committee.

In response to a comment raised by Dr Collins regarding notice of the hearing date, the Licensing Lead Officer confirmed that in accordance with legislation all requirements had been met. The Council's Solicitor further advised that the requirements for signage and consultations were set out within regulations and these had been complied with.

The closing statement from the applicant followed, during which Mr Lonergan outlined how he felt the four licensing objectives had been met. He reported that he had taken sound recordings during the last two events held at the vineyard and during the peak time the noise was 87 decibels. Mr Lonergan explained how the vineyard was bringing something unique to the area, Althorne was a lovely village and they wanted to keep it that way. However, there would be more people visiting the area whether through visiting Crouch Ridge or other vineyards due to the Crouch Valley being singled out as a premier growing area.

#### **151. ADJOURNMENT OF THE MEETING**

**RESOLVED** that the meeting be adjourned at 10:20 am to allow Members to consider the application. It was noted that the Council's Solicitor was requested to join Members during their discussion to provide further legal advice, if required.

#### **152. RESUMPTION OF BUSINESS IN OPEN SESSION**

**RESOLVED** that the meeting resumes in open session at 10:27 am.

**153. LICENSING ACT 2003 - TO CONSIDER AN APPLICATION FOR A PREMISES LICENCE - CROUCH RIDGE VINEYARDS: DETERMINATION OF THE APPLICATION**

The Chairman advised that the Committee had considered all the representations, especially those of the five interested parties. Most of these representations were not relevant to the licensing objections under the Licensing Act 2003. The representations on public nuisance related to planning issues and in any event no detailed evidence was brought forward to justify these objections. The Chairman advised that as the Sub-Committee could not see any evidence relevant to the licensing objectives that was objectionable it granted the Premises Licence as applied for.

**RESOLVED** that the application for a Premises Licence at Crouch Ridge Vineyards, Fambridge Road, Althorne, Nr Chelmsford, Essex, CM3 6BZ be **GRANTED** subject to the terms and conditions applied for.

**154. ADJOURNMENT OF THE MEETING**

**RESOLVED** that the meeting be adjourned at 10:38 am.

**155. RESUMPTION OF BUSINESS IN OPEN SESSION**

**RESOLVED** that the meeting resumes in open session at 10:42 am.

**156. EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

**157. APPLICATION FOR THE RENEWAL OF HACKNEY CARRIAGE / PRIVATE HIRE DUAL DRIVER'S LICENCE**

The Chairman asked the applicant to introduce himself and then introduced Members and Officers present, outlined the procedure to be followed and confirmed that all present had been issued with the Officers' report and related appendices.

The Licensing Officer took Members through the report highlighting the matters before them for consideration.

The Chairman then invited the applicant to make an opening statement.

The applicant addressed issues raised within the report and for the benefit of the Sub-Committee clarified how these had arisen.

Members of the Sub-Committee then questioned the applicant further, who responded to all questions raised.

The applicant then made a short closing statement.

**158. ADJOURNMENT OF THE MEETING**

**RESOLVED** that the meeting be adjourned at 10:42 am to allow Members to consider the application. It was noted that the Council's Solicitor was requested to join Members during their discussion to provide further legal advice, if required.

**159. RESUMPTION OF BUSINESS IN CLOSED SESSION**

**RESOLVED** that the meeting resumes in open session at 10:50 am.

**160. APPLICATION FOR THE RENEWAL OF HACKNEY CARRIAGE / PRIVATE HIRE DUAL DRIVER'S LICENCE: DETERMINATION OF THE APPLICATION**

The Chairman advised that the Sub-Committee had considered the applicants representation and were prepared to accept that the failure to have valid vehicle insurance was a genuine mistake. The Chairman continued advising that the Sub-Committee was however prepared to grant the full three-year dual taxi licence. At this point further advice and guidance was provided to the applicant.

**RESOLVED** that *the applicant* be **GRANTED** a Hackney Carriage / Private Hire Dual Drivers' Licence for the full three-year period.

There being no further items of business the Chairman closed the meeting at 10.53 am.

MRS M E THOMPSON  
CHAIRMAN