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HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

05 June 2019

Dear Councillor

You are summoned to attend the meeting of the;

LICENSING SUB-COMMITTEE on THURSDAY 13 JUNE 2019 at 9:30am.

Please note that the hearing will be held in the **COUNCIL CHAMBER. MALDON DISTRICT COUNCIL OFFICES, PRINCES ROAD, MALDON.**

To consider an application for a Premises Licence, under the provisions of the Licensing Act 2003, and an application for the renewal of a Hackney Carriage / Private Hire Dual Driver's licence, under the provisions of the Local Government (Miscellaneous Provision) Act 1976.

A Briefing for Members will not be held unless specifically requested. If clarification is needed or there are issues regarding the Hearing, procedural issues or any legal matters, please telephone Tara Bird to arrange this.

We ask that Members ensure they arrive at least 15 minutes prior to the Hearing to agree the Chairman.

A copy of the agenda is attached.

Yours faithfully



Head of Paid Services

COMMITTEE MEMBERSHIP

COUNCILLORS

B S Beale MBE
M F L Durham, CC
A S Fluker
Mrs M E Thompson

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting.
Electronic copies are available via the Council's website www.maldon.gov.uk.

(Members are reminded that the Sub-Committee comprises of three Members and therefore one Member will be asked to stand down provided three other members called to the meeting attend and can sit on the Sub-Committee).

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MALDON DISTRICT COUNCIL

LICENSING ACT 2003 – HEARINGS OF THE LICENSING SUB-COMMITTEE

AIDE MEMOIR – PREMISES LICENCE

The Chairman of the Hearing will open the Hearing and explain that the Sub-Committee's role is to determine applications and other matters under the Licensing Act 2003. He will then introduce Members and Officers present.

1. A brief outline of the application will be given by the Licensing Officer.
2. The Chairman of the Hearing will then outline the procedure to be followed. He should ensure that all representations, witness statements and hearing papers (by stating what they are) have already been read and that there is no need to repeat these. Should there be any late documentation in support of a representation or application, it may be introduced with the consent of all parties.
3. All people present to identify themselves by name and address and who they represent.
4. The Applicant to make an opening statement.
5. The Applicant to call witnesses.
6. Any person calling a witness must not ask leading questions of him/her, i.e. by phrasing a question in such a way that the answer is suggested in that question.
7. Each Responsible Authority and/or Interested Party (or their spokesperson) will take turns (in an order to be determined by the Chairman) and may make an opening statement and may then call witnesses until every party has been heard.
8. Members of the Sub-Committee may ask questions to elicit information from any party at any time during the Hearing.
9. The Hearing shall take the form of a discussion led by the Members of the Licensing Authority. Cross examination of applicants, witnesses and persons making representations shall not be permitted unless it is considered to be required in order to properly consider the matter to be determined.
10. Each Responsible Authority and/or Interested Party (or their spokesperson) then makes closing statements in turn.
11. The Applicant then makes a closing statement.
12. The Chairman to then deal with issues arising from any person excluded from the Hearing and to ask if everyone has said what they want to say.
13. Members of the Sub-Committee should then discuss the evidence and representations made before reaching their decision. All parties (except the Committee Clerk and if requested the Legal Advisor to the Sub-Committee) will be asked to leave whilst the Sub-Committee Members make their determination. Alternatively, the Members of the Sub-Committee may retire to another room.
14. Where required, the Sub-Committee will announce its determination at the conclusion of the hearing and will give its reasons for it.
15. In any other cases the determination will be given within five working days (beginning with the day on which the hearing was held).

Note: Any reference in these Procedure Notes to an Applicant, Responsible Authorities or Interested Parties includes a person who may be representing them.

MALDON DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976 - HEARINGS OF THE LICENSING SUB-COMMITTEE

AIDE MEMOIR – HACKNEY CARRIAGE / PRIVATE HIRE DUAL DRIVERS LICENCE

The Chairman of the Hearing will open the Hearing and explain that the Sub-Committee's role is to determine applications and other matters relating to the licensing of taxi and private hire drivers, vehicles and operators. He will then introduce Members and Officers present.

1. The Chairman of the Hearing will outline the procedure to be followed. They should ensure that all hearing papers (by stating what they are) have already been read.
2. All people present to identify themselves by name and address and (if necessary) who they represent.
3. The Licensing Officer to read the report.
4. The Applicant (or their representative) will be invited to make a statement on their behalf, in support of their application.
5. Any person calling a witness must not ask leading questions of him/her, i.e. by phrasing a question in such a way that the answer is suggested in that question.
6. Members will then have the opportunity to ask questions of the applicant to seek further information or clarify anything which has been mentioned in the Officers report or by the applicant themselves.
7. Each Once Members are satisfied that they have all the information that they require to enable them to make a decision, the applicant will be given the opportunity to make a final statement to the Sub-Committee.
8. The Chairman to then deal with issues arising from any person excluded from the Hearing and to ask if everyone has said what they want to say.
9. Members of the Sub-Committee should then discuss the evidence and representations made before reaching their decision. All parties (except the Committee Clerk and if requested the Legal Advisor to the Sub-Committee) will be asked to leave whilst the Sub-Committee Members make their determination. Alternatively, the Members of the Sub-Committee may retire to another room.
10. Where required, the Sub-Committee will announce its determination at the conclusion of the hearing and will give its reasons for it.
11. In any other cases the determination will be given within five working days (beginning with the day on which the hearing was held).

Note: Any reference in these Procedure Notes to an Applicant, Responsible Authorities or Interested Parties includes a person who may be representing them.

Suggestion for Chairman's introduction at the commencement of the Hearing.

‘Good morning and welcome to the meeting of the Licensing Sub-Committee of the Maldon District Council.

We are sitting today under the Licensing Act 2003 and Local Government (Miscellaneous Provision) Act 1976 to hear and determine applications made under these Acts.

I am Councillor _____ and I have been appointed Chairman for this meeting.

The other Members are Councillors _____ and
.

The notes of this meeting are being taken by Tara Bird who is on my left.

The Legal Advisor is Mr Simon Quelch and the Licensing Officer is Mr Daniel Winter

Mr Winter will now introduce the matter that is before us today.’

THE CHAIRMAN WILL NOW FOLLOW THE AIDE MEMOIR FROM POINT 2

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AGENDA LICENSING SUB-COMMITTEE

THURSDAY 13 JUNE 2019

1. **To appoint a Chairman for hearing**
2. **Chairman's notices (please see overleaf)**
3. **Apologies for Absence**
4. **Licensing Act 2003 - To consider an application for a Premises Licence - Crouch Ridge Vineyards, Fambridge Road, Althorne, Nr Chelmsford, Essex, CM3 6BZ**
(Pages 9 - 40)

To consider the report of the Director of Service Delivery, (copy enclosed).

5. **Exclusion of the Public and Press**

To resolve 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.

6. **Application for the Renewal of Hackney Carriage / Private Hire Dual Driver's Licence** (Pages 41 - 62)

To consider the report of the Director of Service Delivery, (copy enclosed).

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

This meeting is being monitored and recorded by CCTV.

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REPORT of DIRECTOR OF SERVICE DELIVERY

**to
LICENSING SUB-COMMITTEE
13 JUNE 2019**

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

1. PURPOSE OF THE REPORT

- 1.1 To consider an application for a new premises licence under section 17 of the Licensing Act 2003, having regard to representations received and the requirement to promote the four licensing objectives:
1. the prevention of crime and disorder
 2. public safety
 3. the prevention of public nuisance
 4. the protection of children from harm

2. RECOMMENDATIONS

That the Licensing Sub-Committee determines the application for a Premises Licence taking into consideration the options that are available as detailed in section 4.1 below.

3. SUMMARY OF KEY ISSUES

- 3.1 Crouch Ridge Vineyard is a 10-acre vineyard with a barn within the grounds. Their intentions are to sell wine made from the grapes from the vineyard. The vineyard can produce up to 25,000 bottles per annum and needs a retail outlet at the vineyards to service this, and a licence for people to purchase wine on the premises.
- 3.2 The complete application was received on 1 April 2019 for the following licensable activities:
- Sale or Supply of alcohol from 10:00 – 18:00.
- 3.3 As part of the licensing process, a complete copy of the application was sent out to responsible authorities for consultation.
- 3.4 The application has been properly made in accordance with The Licensing Act 2003 and all procedures correctly followed. The completed application form is attached as **APPENDIX A**.

- 3.5 The application was correctly advertised in a locally circulated newspaper within the time scale allocated under legislation, and on Maldon District Council's website.
- 3.6 During the consultation period, questions were raised about the suitability of the placement of the blue public notices close to the premises. For the sake of clarity, Members are advised that the blue public notices need only be displayed on the location in which the licensable activity has been applied for. In this case it is a barn within the grounds of Crouch Ridge Vineyards. The applicant placed the public notices in three locations around the Vineyards at entrances and exits increasing the likelihood of these being seen from the road side.
- 3.7 Members are asked to note that as this report is published publicly, personal details have been redacted from some documents; however, the licensing authority and the applicant have received complete copies of all documents.
- 3.8 During the course of the consultation period representations were received from five members of the public on the grounds of all four of the licensing objectives as listed in section 1.1. Copies of all representations received are attached to this report as **APPENDIX B**.
- 3.9 A plan indicating the location of the premises is attached as **APPENDIX C**.

4. CONCLUSION

- 4.1 Members are advised that they have the following options when determining the application.
- (i) Grant the application, on the terms and conditions applied for.
 - (ii) Grant the application, on the terms and conditions applied for modified to such extent as considered appropriate to promote the Licensing Objectives.
 - (iii) Refuse the application in whole or in part.
- 4.2 Members are reminded that the applicant and/or any person making representation in relation to this matter may appeal the decision of the Council to the Magistrates' Court.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The strategic themes of Place, Community and Prosperity underpin the Council's vision for the District.
- 5.2 This report supports the strategic themes of Community and Prosperity.

6. IMPLICATIONS

- (i) **Impact on Customers** – None.

- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers:

1. Statutory Guidance issued in accordance with S.182 of the Licensing Act 2003
2. Maldon District Council's Statement of Licensing Policy
3. The Licensing Act 2003
4. Application file held by Licensing Authority

Enquiries to: Daniel Winter, Licensing Officer, (Tel 01245 606317).

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APPENDIX A



MDC Application for a premises licence Licensing Act 2003

For help contact
contact@maldon.gov.uk
Telephone: 01621 854 477

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒ Applying as a business or organisation, including as a sole trader
- ☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? ☐ Yes ☒ No

Is your business registered outside the UK? ☐ Yes ☒ No

Note: completing the Applicant Business section is optional in this form.

Business name If your business is registered, use its registered name.

VAT number

Legal status Put "none" if you are not registered for VAT.

Continued from previous page...Your position in the business Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name Street District City or town County or administrative area Postcode Country **Section 2 of 21****PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description
Postal Address Of PremisesBuilding number or name Street District City or town County or administrative area Postcode Country **Further Details**Telephone number Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21**INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

☒ Yes ☐ No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

* Date of birth

 / /
 dd mm yyyy

* Nationality

United Kingdom

Documents that demonstrate entitlement to work in the UK

Right to work share code

Right to work share code if not submitting scanned documents

Section 5 of 21**OPERATING SCHEDULE**

When do you want the premises licence to start?

 / /
 dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

 / /
 dd mm yyyy

Provide a general description of the premises

Continued from previous page...

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Crouch Ridge Vineyard is a 10 acre vineyard with a barn as shown on the map attached to this application. I wish to sell wine made from the grapes from the vineyard. The vineyard can produce up to 25,000 bottles per annum and needs a retail outlet at the vineyard to service this, and a licence for people to consume our wine on the premises.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21**PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

Section 7 of 21**PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes ☒ No

Section 8 of 21**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

Section 9 of 21**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

Section 10 of 21**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes ☒ No

Section 11 of 21**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing recorded music?

☐ Yes

 ☒ No
Section 12 of 21**PROVISION OF PERFORMANCES OF DANCE**[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes

 ☒ No
Section 13 of 21**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

 ☒ No
Section 14 of 21**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

☐ Yes

 ☒ No
Section 15 of 21**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

☒ Yes

 ☐ No
Standard Days And Timings**MONDAY**Start End Start End **TUESDAY**Start End Start End **WEDNESDAY**Start End Start End **THURSDAY**Start End Start End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

FRIDAY

Start 10:00

End 18:00

Start

End

SATURDAY

Start 10:00

End 18:00

Start

End

SUNDAY

Start 10:00

End 18:00

Start

End

Will the sale of alcohol be for consumption:

☐ On the premises
 ☐ Off the premises
 ☒ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Samantha

Family name

Loneragan

Date of birth

.

.

dd

mm

yyyy

*Continued from previous page...***Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Personal Licence number
(if known)Issuing licensing authority
(if known)

Maldon

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

Section 17 of 21**HOURS PREMISES ARE OPEN TO THE PUBLIC****Standard Days And Timings**

MONDAY

Start 10:00

End 18:00

Start

End

Give timings in 24 hour clock.

(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start 10:00

End 18:00

Start

End

WEDNESDAY

Start 10:00

End 18:00

Start

End

THURSDAY

Start 10:00

End 18:00

Start

End

FRIDAY

Start 10:00

End 18:00

Start

End

SATURDAY

Start 10:00

End 18:00

Start

End

SUNDAY

Start 10:00

End 18:00

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

Mobile phone will be with the DPS at all times during operating hours to contact local police to provide rapid response to any situation of disorder which may endanger the customers and staff on the premises.
 All instances of crime and disorder are notified by the DPS by mobile phone instantly to the police.
 Keep out excluded individuals.
 Lighting will be fully in operation when the public are present at the premises.
 In the event of the failure of the normal lighting the public and staff will leave the premises within 20 minutes.
 Fire Action notices will be placed in prominent places and protected from damage and deterioration.
 Fire log book will be kept and updated when necessary, and the fire service notified immediately to any outbreak of fire.
 First Aid equipment and materials will be available at all times, and a member of staff will be trained in first aid.
 Security equipment will be placed on the premises to deter crime.
 The sale of alcohol for consumption else where will be in sealed bottles only.
 Proof of Age cards - Policy will require proof of photographic ID cards and Challenge 25 policy.
 Litter bins will be provided on site to allow the safe disposal of rubbish on site.

b) The prevention of crime and disorder

A mobile phone will be provided in good working order to the DPS, and will be carried with them at all times. If necessary they will call the police if they feel there is any disturbance, or if they feel there is a threat to public or staff.
 Responsible and effective management of premises.
 Premises is only open from 10:00 to 18:00 hours.
 Alcohol will be refused to children under the age of 18 years old. Challenge 25 scheme. Proof of approved photographic ID will be required
 Bans will be issued to people who are a nuisance and will be notified to the relevant authorities.
 Alcohol will be refused to people who are drunk on the premises or have been banned from other premises, that we have been notified about.
 Training and supervision of staff will be organised and managed by the DPS

c) Public safety

Police will be notified immediately if there is a situation of disorder that is a threat to members of the public and/or staff.
 In the event of the failure of the normal lighting, emergency lighting will be provided and members of the public and staff will be evacuated within the period of 20 minutes.
 Fire Action notices will be placed in prominent places and protected from damage and deterioration for members of staff and public to notify the fire brigade and where to locate on the site for safety.
 A fire log book will be kept in a secure place and will be updated as necessary, available to be shown to relevant authorities.
 External lighting will be installed to help aid the public to access around the site.
 Members of the public that are intoxicated will be refused alcohol and will be asked to leave the premises in a safe manner.
 Members of the public that have been banned from other premises will also be banned from our premises as long as we have been notified.
 Access areas for the emergency services will be kept clear at all times.
 Staff will be trained to deal with the general public in the case of emergencies, and drills will be undertaken regularly.
 Members of the public with disabilities will be accommodated on site.
 Litter bins will be provided for all rubbish.

d) The prevention of public nuisance

The premises will only open until 18:00 hours, with no provision for live music or amplified music.
 Litter bins will be provided and regularly checked and emptied as necessary.
 Large commercial bin will be used for the containment of waste.
 Lighting will be installed with consideration of the local neighbourhood.
 Signs will be installed requesting patrons to be respectful of the neighbours as they leave the site.

Continued from previous page...

Public transport is available close to the Vineyard; public bus and Althorne train station

e) The protection of children from harm

Adoption of best practice and guidance.

Proof of age to be shown, using photographic ID and a Challenge 25 policy will be adopted, with signs telling the public and aide memoirs for members of staff.

Staff training will be put in place outlining how to deal with children.

Children will be accompanied by guardians or parents, and the parents and guardians will be notified that they will be responsible for their children at all times.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21**NOTES ON REGULATED ENTERTAINMENT**

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises licence fees are based on the non-domestic rateable value of the whole premises. To find out the premises value go to <https://www.gov.uk/topic/local-government/business-rates>

If the capacity at any one time is less than 5000 the fees are: Band A (No rateable value - £4,300) is £100, Band B (£4,301 - £33,000) is £190, Band C (£33,001 - £87,000) is £315, Band D (£87,001 - £125,000) is £450 * however if the premises is exclusively or primarily used for the consumption of alcohol the fee is £900, Band E (£125,001 and over) is £635 * however if the premises is exclusively or primarily used for the consumption of alcohol the fee is £1905.

If the capacity at any one time is 5,000 or more there will be an additional fee as follows: Capacity 5,000 - 9,999 additional fee of £1,000, Capacity 10,000 - 14,999 additional fee of £2,000, Capacity 15,000 - 19,999 additional fee of £4,000, Capacity 20,000 - 29,999 additional fee of £8,000, Capacity 30,000 - 39,999 additional fee of £16,000, Capacity 40,000 - 49,999 additional fee of £24,000, Capacity 50,000 - 59,999 additional fee of £32,000, Capacity 60,000 - 69,999 additional fee of £40,000, Capacity 70,000 - 79,999 additional fee of £48,000, Capacity 80,000 - 89,999 additional fee of £56,000, Capacity 90,000 and over additional fee of £64,000.

There are exemptions from these fees for the following premises providing only regulated entertainment: Schools and colleges (provided the entertainment is carried on for and on behalf of the school or college), church halls, village halls, parish halls and community halls.

* Fee amount (£)

100.00

DECLARATION

- [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
- The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).
- I/we understand that it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.
- ☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

Samantha Lonergan

Continued from previous page...

* Capacity

Owner

* Date

01 / 04 / 2019
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/maldon/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

Applicant reference number

CRV 2019

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

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REPRESENTATION 1

Dear Mr Winter.

It was with great disappointment that I discovered the above application was being considered.

As a resident of Althorne for over 30 years I am deeply concerned that this application will continue to harm the area in the following ways:-

1. safety of access - huge risk as cars will be manoeuvring on to what is already a very busy road.
2. site location - this barn was intended as a store for agricultural machinery it is isolated and will encourage crime.
3. noise - continued public nuisance as with all past events. I have had to install double glazing to help dull the noise.
4. suitability - the barn was intended as a storage for agricultural equipment, so would this be suitable for storage of alcohol?
5. safety - have chemicals been stored in the barn and would it now be suitable to serve alcohol.

I do hope common sense prevails and this application is refused.

Regards

The Licensing Authority,
Maldon District Council
Princes Road.
Maldon.
CM9 5DL

April 25 2019.

Dear Sirs,

Re: An Application for a **Premises Licence** by Samantha Lonergan, at Crouch Ridge Vineyard, Fambridge Road, Althorne, Essex. CM3 6BZ

Premises: as per the plan provided with the application, an agricultural barn situated roughly in the middle of the vineyard. **Licence** for the Sale and Supply of alcohol both on and off sales. Licenced hours applied for, Monday to Sunday 10:00 – 18:00.

I wish to object to this application for the following reasons, which may, or may not be, in relation to licencing statute, considered as material considerations:-

1 Unapproved for non-agricultural use this barn was the subject of planning application 16/00271: Prior Approval for an agricultural barn. The original application was amended to remove the storage of wine, which would have required a full application as a mixed-use proposal. The designated barn is authorised by Maldon District Council Planning Department solely for agricultural purposes and does not have planning consent for use as a retail sales outlet. “Public Nuisance”

2 Lack of facilities it is assumed minimal sanitary and other facilities will be required for the use of customers consuming alcohol on the premises. In addition, staff will require similar facilities. There is no adequate sewerage capacity, nor provision for waste and recyclables storage. “Public Safety”

3 Dangerous access/egress from public road the proposed access is via an un-surfaced dropdown and gated entrance to the vineyard off Station Road, which is an un-adopted private road owned by Network Rail. At this point access to the Fambridge Road is a Y shaped bifurcated configuration incorporating, at its centre, a War Memorial. The splays are very acute, meaning that sightlines are very poor for access to the Fambridge Road, both at the eastbound and westbound exits. In addition, westbound traffic turning left down Station Road would have poor sight lines, as would traffic emerging from the vineyard. In short, this is an accident black spot in the making; it is a very dangerous access. “Public Safety”

4 Unsafe on site Vehicular access from the entrance movement will be across greensward, primarily designed for agricultural implements. It would appear incapable of accommodating safely two vehicles side by side. There is limited scope to segregate pedestrians. “Public Safety”

5 Inappropriate use of designated cemetery site according to the Maldon District Local Development Plan Policies Map 3, South West Area, Ref: CH67, the Policies Map Key designates this section of land as for Churches and Cemeteries. It abuts a natural burial ground. “Public nuisance”

6 Economic justification the application states that objective is to sell wine made from grapes produced in the vineyard, with a projected volume of 25,000 bottles of wine. However, a profile

of the applicant in a recent edition of the magazine, Essex Life, stated that the third harvest “in 2018, yielded 17 tonnes of fruit..... and produced close to 7,000 bottles in all.” “Last year’s harvest was about as good as we’re going to get.....” Maturing of the vines may marginally increase the yield and possibly it is the intention to triple the acreage under cultivation at some stage, but medium term, as stated in the evidence supporting the application, 25,000 bottles does not appear to be a valid sales estimate.

“Crime and disorder”

7 Rateable Value in the application, the rateable value is stated at being between £0 and £4,300, with a payment due of £100. Agricultural land may have a different rateable value from a retail premises. Either way, £100 of rates generated by ten acres of agricultural land, or a retail outlet of this (mini market) size seems implausible (the barn doubtless cost tens of thousands of pounds to construct, but to a much lower standard than for a custom built retail premises).

“Crime and Disorder”

8 Over development of the site planning application by the applicant, no. 17/00275, was approved by MDC, giving permission for a large, custom-built, warehouse and visitor facility, specifically for this vineyard, 100m to the east. As a premises licence appears to be granted in perpetuity, this means that there will be two significant retail outlets on the same rural site.

“Public Nuisance”

9 Over development of the area situated within two kilometers are two public houses, presumably with off sales licence capabilities: The 3 Horseshoes Pub and the Huntsman and Hounds. A third centrally located pub, the Black Lion, recently was forced to close due to lack of custom. A Club Licence has been issued to Bridgemarsh Marina, c1km down Station Road. Approximately 1km to the west, Clayhill Vineyard, has an existing barn type facility with planning permission to sell wine. Planning permission has been approved for an eight-shop retail development, c3km eastwards, adjacent to the parish boundary with Burnham on Crouch. It seems probable that at least one of these units will seek to sell alcohol. Arguably there is an excess of retail alcohol capacity in the district.

”Public Nuisance”

10 Mitigation it is MDC policy to encourage tourism. MDC’s Crouch Valley Wine and Food, in part promoted by the applicant, forms part of this initiative. Were this a temporary application in support of seasonal brand building, preparatory to the completion of the custom facility, as has occurred before on this site using marquees for accommodation and storage, I suggest there would be less objection to this proposal. For the community, however, this licence consolidates the long-term violation of a much loved and highly valued landscape.

Yours Respectfully,

e-mailed but not signed by

REPRESENTATION 3

I wish to make the following representation regarding this application.

- Inadequate Display of Notices to Local residents

Under the licensing Act 2003 this application should have been advertised in a manner that is likely to bring it to the attention of persons who live near it .

I do not think this has been done adequately as I discussed with Mr Winter on the telephone .

There are 2 pale blue site notices , one is positioned at the top of Station Rd which is a private road and it not visible from the main road passing the site .

The other is positioned concealed by a hedge and set back from the highway on a gatepost and is not properly displayed so it is curled up from the wind .

The latter is not visible at all when travelling from the east along past the site and is visible when travelling from the west (if one knows what it is) but is impossible to read where it is and is at a very dangerous point on a fast road with no pavement on that side which makes it impossible to read even if it were noticed .

Talking to some local people I am only aware of ONE person who has seen the notice at the top of station road the other day , and only because they were coming up the private road after using the station .

I understand the notices were to be inspected on 26/4/19 by Mr Winter .

My representations under the 4 Licensing Objectives are

1. PREVENTION OF PUBLIC NUISANCE

there have been several events held under temporary licences at this vineyard in close proximity to the barn which is the subject of this application .

The noise from loud amplified music in particular , vehicles and people leaving the venue has historically been terrible .

I live opposite this site and while these events were being held I was unable to hear my television in the house or sleep . Complaints were made to Environmental health which will all be documented .

When the permission was granted to build the wine warehouse and bistro not yet built , at a site further east , conditions were added by the planning department to try to limit this , eg no amplified music and windows and doors at the venue to be kept closed

The Barn , having never having had a planning application or, it would seem, one for change of use, does not at present seem to have these restrictions yet .

The proposal to grant a Premises Licence for 7 days a week albeit 10-18.00 will encourage such activities all weekend especially in the summer months and holidays .

This will cause unbearable disturbance to long standing local residents who have a right to enjoy the peace and quiet of their homes and gardens

The issue of temporary licenses to extend these hours without any restriction on their frequency will add to this problem .

There is also the issue of the potential for littering on the main road and down station road .

If lighting is installed to facilitate access there is the potential for light pollution affecting local residents

2 PROTECTION OF PUBLIC SAFETY

The premises concerned was built without the requirement for planning permission as it was for agricultural use only, apparently the storage of machinery.

The original intention to use it for wine storage was removed by the owners as that required planning approval, and yet now under this Premises application it would seem wine storage will be needed to allow alcohol sales.

I understand that wine has to be stored under strict climate conditions which may not be met in this case and needs to be considered.

As it is an agricultural barn has there been chemical or insecticides in the barn or on stored machinery that could be a danger to the public ? Is any machinery in the barn that could be hazardous ?

Is there adequate provision for disabled visitors .The access either way to that barn is via grass that makes wheelchair access difficult particularly in the wet.

The matters regarding fire safety and evacuation procedures must be addressed.

It would appear cess pits may be being installed over there at present , are there adequate toilet facilities for all including disabled as local residents do not want people urinating in the hedgerows or in our gardens

The proposed access in and out from station road is potentially dangerous for both visitors on foot and by car and to other road users particularly those turning to go to the station .

It is a fast and very busy road and there are limited pavements , none on the side of the vineyard and none in station road . This compounded by the potential for drink driving could lead to serious accidents

3 PREVENTION OF CRIME AND DISORDER

This barn is set apart from the other buildings associated with farm and holiday cottages and vineyard and therefore would encourage burglary's as it can be approached easily in several concealed ways from the side and the rear via station road. This would attract potential criminals to this rural area and there is limited policing available in this rural location . I am told there has been a number of burglary's at a similar venue in a Barn at a neighbouring vineyard just along the road from this site towards Latchingdon .

Security lighting could be a nuisance in terms of light pollution to local residents .

4 PREVENTION OF HARM TO CHILDREN

Many of the above concerns I have listed apply to children , particularly in relation to the main road and potential exposure to chemicals and machinery .

The site is not adequately secure to stop children getting on to the very busy road
I presume the required policies to prevent underage drinking will be applied

Thank you for taking this into consideration

Yours Sincerely

REPRESENTATION 4

For the Attention of Licensing

Dear Sir or Madam

We wish to make a representation to the above application.

The premises (a recently built agricultural barn for storage of agricultural machinery and equipment) is less than half a mile from our property and has approximately 10 other residences much closer and opposite the Vineyard.

Driving along past the site on the (Fambridge Road) B1010 daily we have *not* noticed any blue advisory notices on this stretch of road.

Prevention of Public Nuisance

The proposed location being adjacent to other residential properties means they will experience an increase in noise, traffic and public footfall.

The Monday to Sunday 10.00 - 18.00 hours means this will include weekends and public holidays. Presumably the premises will also need to be lit for safety reasons, especially in winter creating added light pollution.

When there is a licence application for an extended event into the evening (as there has been already) residents close by have experienced traffic and music noise resulting in complaints to Environmental Health. Neighbouring homeowners are entitled to the quiet enjoyment of their properties and gardens.

Public Safety

The Fambridge Road (B1010) runs parallel to the vineyard. It is an extremely busy road with narrow pavements to the north side only of the road, making even single file walking treacherous in parts. Crossing the road at any point, as will be required, is extremely dangerous.

Vehicular access particularly from the Station approach exit onto the B1010 will need careful negotiation.

Crime and Disorder

As with any licensed premises it will increase the risk of alcohol related anti social issues with the additional risk of burglary. Appropriate measures would need to be put in place for this.

Protection of Children from Harm

Presumably most children would be under parental guidance although with the potential risk of a dangerously busy road near by and wide open spaces it would need safety consideration.

While there is an appreciation that this is a successful family run business, it is also a commercial enterprise that is wishing naturally to increase its revenue through expansion by offering a range of events linked to tourism, licensed sales and entertainment. However, this should *not* be at the expense of local residents' families who need protection by the *prevention* of nuisance. It is important that their entitlement to the peaceful enjoyment of their homes and gardens in a quiet rural village is considered and upheld too.

Please take these points into consideration when making your decision.

Thank you.

Yours Faithfully

REPRESENTATION 5

Dear Sir

I wish to object to the application for the following reasons:-

The Prevention of Crime and disorder.

The storage of alcohol in an isolated location without permanent occupation invites break-in and theft.

The Prevention of Public Nuisance.

Planning for the barn building outside the village development area was granted as an Agricultural Building

only under Permitted Development with Prior Approval not required, and no public consultation, but now it

is proposed to use it for the storage, sale and consumption on the premises, of alcohol.

This will incur the start of commercial activity at the site, increased traffic movements entering and leaving

the site, and the parking of non-agricultural vehicles in an area valued by local residents and passing travellers on the 81010 for its extensive views over the Crouch Estuary.

The creeping commercialisation of this sensitive site will be a source of irritation and ongoing nuisance for

the local residents, particularly as planning permission has already been granted to the applicant for a Bistro and wine storage facility on an adjacent site.

The Protection of Public Safety.

The majority of customers at the Barn would presumably arrive by motor vehicle. This will increase the hazard at the War Memorial triangle at the junction of Station Road and the 81010 Fambridge road where

the entry point for the barn traffic is planned, The Fambridge road has a poor accident record, it is very narrow, and the speed limit is set too high at 40mph. A campaign for a lower limit is currently in progress,

and traffic volumes are increasing, particularly of HGVs due to the extensive development in Burnham and

Southminster.

The extra joining traffic that the granting of this application will encourage will have a negative effect on public safety.

The Protection of Children from Harm

The rural setting of the barn would encourage children visiting the facility with adults to play outside, but

they would need vigilant supervision in case they wander out of the entry gate, which would presumably be

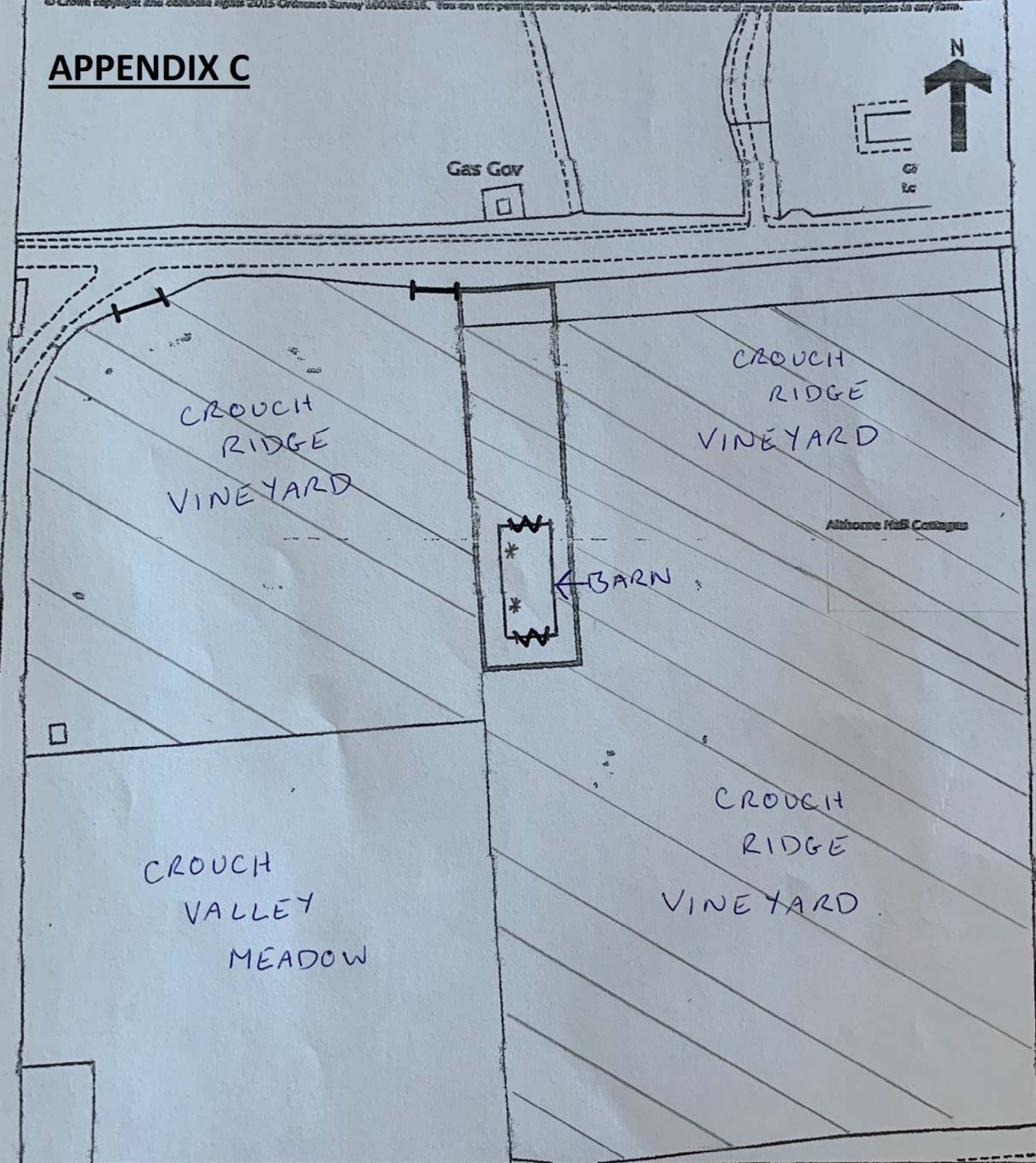
left open during trading hours, and onto the Fambridge Road.

Yours Sincerely



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APPENDIX C



KEY

- VINEYARD ENTRANCE
- VINEYARD
- DOORS

* FIRE EXTINGUISHER

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of the Local Government Act 1972.

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