

From: [The Licensing Guys \[Licensing \]](#)
To: [Jon Bryant](#)
Subject: Highweald Wine Estate - Application for a Premises Licence
Date: 21 November 2022 08:00:36
Attachments: [image001.png](#)
[image003.png](#)
[Portman Group Guide to Product Sampling.pdf](#)

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Dear Mr BRYANT (Jon),

We are Licensing Consultants who have recently been instructed to represent Highweald Wine Estate in their application for a Premises Licence.

Thank you for all your correspondence, which has been extremely helpful in our understanding of the situation.

We would also be obliged if you would cc us into any further correspondence regarding the application or anticipated Hearing, which we are anxious to avoid.

Thank you also for sight of the Representation received to date and your willingness to mediate between the parties.

We note the Representor's concerns, whereby they speculate upon possible Noise Nuisance issues. To that end, our understanding is this:

Recorded Music:

1. The recorded music element in the application is envisaged to be background music to set an ambience. As such, background music is not a licensable activity.
2. The applicant has set a maximum capacity of persons using the garden at 60. You will forgive me for stating the obvious, but no licence is required for any playing of recorded music between 08:00 and 23:00hrs on any day on licensed premises provided that the audience does not exceed 500 persons – Para 16.6 of the s182 Guidance.

Consequently, if we are agreed on 1 & 2 above, then perhaps it would be best if we withdraw any request for regulated entertainment from the application?

Thereafter remains the general speculation around noise generated from the sale and consumption element of the application:

3. We note that Planning Permission already allows two wine tours of two hours duration on three days a week.
4. We also note the nature of the operation, whereby events at these premises will only attract enthusiasts, wine club members and proprietors of commercial enterprises likely to place substantial orders for these products.

Therefore we would not describe this clientele as 'high risk' and do not anticipate uproarious behaviours or excessive noise being generated at such events on these premises.

5. You will also be aware that Wine Tasting per se is not a licensable activity when conducted in accordance with the Portman Group guidelines, as attached.

Consequently we are not convinced that the proposed activities on these premises will cause excessive noise in any event.

Mitigation:

6. The Representor states that they live on Deaks Lane, which is a through road.
7. These premises lie up a lane off Deaks Lane, set at a distance of maybe 500m.
8. We estimate that the nearest noise sensitive location is about 500m away.
9. The premises are set in their own grounds and are already surrounded by trees which minimise noise nuisance.
10. To date a further 10 mature trees have been planted by the applicant to further mitigate against any noise nuisance.

11. The applicant plans to plant a further 30 more mature trees and over 200m of hedging, which should further enhance the above mitigation at 9-10 above.

Consequently we believe that the applicant has already addressed their mind and has actioned any likelihood of public nuisance.

Further Conditions:

12. As you will know, Licensing Authorities should only set conditions that are appropriate, proportionate and necessary. Regarding all the above, we're not convinced those tests have been met for further conditions to be required.

13. However we have every sympathy with the Representor. (As an aside, my own daughter was diagnosed with MS at the age of 18). Therefore, in order to provide them with reassurance, can we suggest the inclusion of the below?:

a. Noise or vibration shall not emanate from the premises so as to cause a nuisance.

b. The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

If you would convey our offer of further conditions to the Representor, or provide us with their details so that we can make a direct approach, then we would be obliged.

We would also be pleased if you can confirm that no further parties or Responsible Authorities have raised Representations?

Thank you in anticipation of an early response.

Kind Regards

Nick SEMPER

Director

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t/a The Licensing Guys

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