

DECISION NOTICE**Eastern Area Licensing Sub Committee****Decision made on 19 April 2023**

Application for a Premises Licence – The Community Centre, Winterbourne Monkton, Swindon made by the Trustees of the Winterbourne Monkton Community Centre

Councillors:

Cllr David Bowler, Cllr Trevor Carbin, and Cllr Peter Hutton (Chair)

Decision:

Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for a Premises Licence in respect of The Community Centre, Winterbourne Monkton, Swindon be **GRANTED** for the licensable activities shown below:

Licensable Activities	Days	Timings
Exhibition of films (Indoors only)	Monday to Sunday	12:00 – 23:00
Sale by retail of alcohol (On sales only)	Monday to Sunday	10:00 – 22:30
<i>Hours open to the public (Not a licensable activity)</i>	<i>Monday to Sunday</i>	<i>09:00 – 23:00</i>

The Sub Committee also wished to include the following informative.

INFORMATIVE - For events where licensable activity is taking place, these should be notified to the immediate neighbours to the premises no later than 7 days in advance of the event.

The Applicant

The Trustee representative of the Winterbourne Monkton Community Centre informed the Sub Committee that the purpose-built premises had opened in December 2022 and that a Premises Licence was being applied for in the main to allow them to be able to

provide and run a bar at the premises. This would allow them to raise funds to support the centre and make it a more attractive hiring opportunity for local groups and other events such as parties, variety evenings, funeral wakes, weddings and baptisms etc.

The maximum capacity of the venue was for 70 seated and 100 standing. Those wishing to hire the community centre for an event would need to sign up to a hire agreement and return the venue in the clean and tidy manner in which they found it. This would be checked by a Trustee who would attend to then lock up the premises.

The Trustees were advertising the premises as venue to hire as ongoing bookings and an income would be required to ensure the viability and self-sustaining nature of the centre. Bookings received would be vetted by the Trustees before being confirmed and they would be sensible in the types of bookings that were accepted.

Responsible Authorities

There were no representations from any Responsible Authorities.

Representations

Representations were received from three local residents (two residing at the same address) who expressed concerns about perceived public/noise nuisance from those arriving at and leaving the premises during events and external bookings.

A local resident highlighted that Winterbourne Monkton was a small village of around 70 homes and 200 residents. The community centre was gifted to the residents of the village as part of the Old Dairy redevelopment and they were now concerned with the proposed plans as part of the licensing application for there to be wider use of the community centre and the disturbance this may cause them due to the very close proximity of the premises to their home, potentially for 13 hours per day, 7 days per week as applied for. The local resident reported that there was no street lighting in the area and that there would be light pollution with lights from vehicles shining onto their property when patrons were arriving and leaving the premises and that the noise of the gravelled car park would also cause disturbance, particularly later in the evenings. The local resident noted that whilst the New Inn public house in the village had a late opening licence this was not currently being utilised and that the New Inn was not as close to residential properties as the community centre is.

A local resident who resides at the same address as the resident above expressed concerns about the lack of parking at the premises and that there was a maximum of 20 spaces at the premises and no other viable parking provision in the nearby vicinity due to the single-track lane leading up to the premises. The local resident also highlighted the need for there to be suitable waste receptacles available at the property to avoid any issues around littering.

Another local resident highlighted her wish for the community centre to be a self-sustaining enterprise and that they did not object for there to be use for community events at the premises to ensure its success. Concern was expressed about there

being negative experiences of the centre being hired to those that may cause problems for the nearby residents. And that there should be consideration of reduced opening times that would be more acceptable for those living close to the premises. Clarification was also sought regarding ways to address any concerns in a formal manner should the licence be granted, and problems arise.

The local residents were informed that the Licensing Sub Committee was unable to consider issues relating to highways and parking but if there were issues in the future, these could be referred to the appropriate departments within Wiltshire Council.

Reasons

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from all parties present at the hearing. The Sub Committee noted the concerns raised by the local residents at the hearing concerning the anticipated public noise nuisance, particularly from patrons arriving and leaving the premises and considered that by the reduction of the hours for the sale of alcohol each day from 23:00 to 22:30 before the closure of the premises to the public this would limit the public noise disturbance to the local residents.

The Sub Committee heard no evidence that the Applicants would fail to promote the licensing objectives and included an Informative that the nearby residents should be notified of any events to be held at the premises when licensable activity was taking place, no later than 7 days before the event.

The Sub Committee were not able to consider any issues raised concerning parking, light pollution and highway matters as these representations were not concerned with the promotion of the licensing objectives. The Sub Committee can only hear evidence concerning the licensing application and the promotion of the licensing objectives.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

The Premises Licence Holder, any Responsible Authority(ies) and Interested Parties who made representations were informed that they may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the written notification of the decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

A Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.