

Eastern Area Licensing Sub Committee

**MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING
HELD ON 19 APRIL 2023 AT COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM, SN15 1ER, IN RESPECT OF AN APPLICATION
FOR A PREMISES LICENCE – THE COMMUNITY CENTRE, CHURCH LANE,
WINTERBOURNE MONKTON, SWINDON, WILTSHIRE**

Present:

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

Also Present:

Applicant

A Trustee of the Winterbourne Monkton Community Centre

Those who made a Relevant Representation

Representation 1 – Residents

Representation 2 – Resident

Wiltshire Council Officers

Mike Edgar (Senior Solicitor)

Max Hirst (Democratic Services Officer - Observing)

Teresa Isaacson (Public Protection Officer – Licensing)

Cameron Osborn (Apprentice Democratic Services Officer - Observing)

Lisa Pullin (Democratic Services Officer)

1 **Election of Chairman**

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Peter Hutton as Chairman for this meeting only.

2 **Apologies for Absence/Substitutions**

There were no apologies or substitutions.

3 **Procedure for the Meeting**

The Chairman notified all those present at the meeting that it was not being recorded by Wiltshire Council, but that the meeting could be recorded by the press or members of the public.

The Chairman reminded those present that any speakers that wished to remain and make a statement to the Sub Committee would be giving consent to there being the possibility that they would be recorded presenting this.

It was noted that those that had made a representation would not be identified by name within the minutes (other than those representing public bodies and Responsible Authorities).

The Chairman then asked if anyone present wished to withdraw from the meeting. All parties confirmed they wished to remain in and take part in the Sub Committee hearing.

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 5 to 10 of the agenda refers).

4 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

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

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the agenda) in which determination was sought for an application for a premises licence presented by Teresa Isaacson (Public Protection Officer – Licensing) for which three relevant representations had been received (two of those representations living at the same address). The application was for the following licensable activities:

- Exhibition of films (indoors only)
- Sale by retail of alcohol (on sales only)

It was noted by the Sub Committee that there were four options available to them:

1. Grant the application, subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
2. To exclude from the scope of the application any licensable activity.
3. To refuse to specify a person as the Designated Premises Supervisor.
4. To refuse the application in whole or in part.

The Public Protection Officer (Licensing) gave details of the appeals procedure for the parties following a decision made at the Sub Committee hearing.

The following parties attended the hearing and took part in it:

On behalf of the Applicant

- A Trustee on behalf of all Trustees of the Winterbourne Monkton Community Centre

Relevant Representations

- Representation 1 (from two local residents who reside at the same address) in objection to the application
- Representation 2 (from a local resident) in objection to the application.

The Chairman advised that the written representations had been read by the members of the Sub Committee in advance of the meeting. The Chairman then invited the Applicant to introduce their application.

Applicant's submission

A Trustee on behalf of the Winterbourne Monkton Community Centre spoke in support of the application, highlighting the following points:

- That the purpose-built premises had opened in December 2022 with 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 then give them the ability 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; and
- They intended to run local events such as talks, bingo, show sporting events and be available to support the village and other local groups as a facility.

Sub Committee Member's questions

In response to the Sub Committee Members questions to the Applicant, the following points of clarification were given:

- The hiring of the community centre would not be restricted to local people, so far it had been used for children's parties and used by the village club that meets monthly and by the Church;
- There was a limited catchment area for the village and there was already a pub in the village so they were limited by those likely to attend/hire within the village and that the hall would be available for hire by anyone from anywhere for a suitable function;
- The maximum capacity of the premises was 70 seated and 100 standing;
- Those hiring the hall would be required to sign a hire agreement and need to return the premises back in the clean and tidy manner in which they found it. This would be checked by a Trustee who would then be responsible for securing the premises; and
- If the Trustees were running an event at the premises, they would advertise this and if there was to be an external public event, those hiring the premises would be expected to advertise that.

Questions from those who made a relevant representation

In response to questions to the Applicant from those that had made a relevant representation, the following points of clarification were given:

- The efforts made to attract businesses and other use of the community centre included advertising in the monthly Upper Kennet newsletter, hall hire websites, a Facebook page and a dedicated website was currently under construction in the hope that this would attract hirers from slightly further afield;
- The number of activities generated by the local community for the hall use were likely to be limited as Winterbourne Monkton was a very small village and in order to make it viable, they would have to attract hirers from outside of the village; and
- Bookings would be accepted from those residing outside of the village but the six Trustees would vet the booking requests and would consider the nature of the bookings that they would accept and would not wish to hire out the premises to any group that were likely to cause any disruption or problems to the local residents as it would be the Trustees who would have to deal with this.

The Chairman reiterated that on advice from the Licensing Officer that consideration of who may hire out the premises was not relevant and not a licensing activity that could be considered at this hearing.

Submissions from those who made relevant representations

Representation 1 (two residents residing together)

- 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. Photos shared with their representation showed the proximity of their home in relation to the community centre;
- Before they purchased their property, they had understood that the community centre would be used for Pilates/yoga classes and coffee mornings etc and they had sought reassurance for that. They had attended the centre opening event in December 2022 and were now concerned to hear of the intended use of the centre with the subsequent licensing application for usage to a wider audience;
- The car park for the community centre was 13 metres from their front door and as their home office also overlooks the car park, they were concerned about the potential noise disturbance which could be up to 13 hours per day 7 days a week as per the licensing application;
- There was no street lighting in the area and there were concerns around light pollution with the lights from vehicles shining into their property when patrons were arriving and leaving the community centre which infringed on the enjoyment of their property. There was only a post and rail fence between their property and the community centre which offered no screening. The car park was gravelled and so this caused noise disturbance from patrons arriving and leaving the centre;
- The New Inn public house in the village had a late opening licence but this was not currently being utilised and the New Inn was not as close to residential properties as the community centre is;
- There was a difference in the capacity for the community centre with 70 seated being quoted today, but a website advertising the facility stating it was 60 seated; and
- If the community centre was at full capacity that would mean that 50% of entire village could be at the centre at any one time for an event but the current car park would not be able to accommodate that. It was understood that there was a maximum of 20 parking spaces within the car park and there was no other viable parking provision in the nearby vicinity due to the single-track lane leading to the premises. Nuisance parking in the area was a concern to local residents as was the potential for littering with there appearing to be a lack of appropriate waste receptacles at the premises.

Representation 2 (local resident)

- There was no objection to the community centre aiming to become a self-sustaining enterprise. It was accepted that the hall was perfect for village community events, but it was felt that this should not be at a cost to those that live close to the premises;
- There was concern that the Trustees would simply not know the behaviours of all those hiring the premises and if they would be likely to cause problems to the local residents and after the event would be difficult for the Trustees and local residents to have to deal with;
- There were concerns about parking and where the vehicles for up to 100 patrons would be - that could be up to 50 cars and there was simply no other local safe space in the area to accommodate those vehicles;
- If the premises licence was to be granted and the community centre given the ability to serve alcohol was there a possibility that this be limited to less than the current 13 hours per day applied for to give due consideration to the local neighbours. Could conditions be applied to limit the capacity of attendance at events so that this was more harmonious with those in the village and a compromise achieved with some restrictions to ensure that all are happy and the centre was not causing a problem; and
- Was there a way to be able to address concerns about the community centre's usage in a formal way if there were problems.

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

The Chairman asked the Public Protection Officer (Licensing) to clarify the rationale for applying for the opening hours for seven days a week. The Officer reported that if the licence was granted the premises would not be able to open for any longer than those hours applied for, but they could decide operationally to open for shorter hours which was probably quite likely. The other option for the Applicants would have been to apply for Temporary Events Notices for events which was not the preference for either the Applicants or the Local Authority as conditions could not be added to a TEN and objections could only be raised by the Police or Public Protection Noise Team.

The Public Protection Officer (Licensing) confirmed that if there were concerns relating to noise/public nuisance issues following the grant of a licence this could be raised with the Council's Public Protection Noise Team to investigate further.

Sub Committee Members' questions

In response to the Sub Committee Members questions to those that had made a relevant representation, the following points of clarification were given:

- The local resident worked in a home office in the front of the property and there had been some disturbance by lights shining into their property and by the noise caused by vehicles on the gravel car park and there was concern about increased use of the community centre going forward that this disturbance would increase.

The Community Centre Trustee representative reported that he had understood that the car park was to be concreted with a membrane for the grass to grow through but that had been changed to a gravel car park, but they had been advised that over time the gravel would compact and the noise from vehicles on the gravel would reduce.

Following questions from the Chairman, the Trustee representative confirmed that the largest event held to date was the opening event, there had also been children's parties but that they had not yet approached the maximum numbers in the centre. The Trustee clarified that that the original calculations for the numbers that could be seated in the hall was 60, but that the fire risk assessment had calculated this to be 70 seated.

The Sub Committee asked about the information relating to car parking in the guidance that is provided to hirers of the community centre. The Trustee representative confirmed that each booking request was looked at for its suitability and that they were aware of the limitations of the spaces in the car park, that there is no local alternative parking and they would not wish to cause blockages in the nearby area. If a booking for a large event was received, they would explain to the potential hirer the parking situation and what was available to them.

Questions from the Applicant:

There were no questions from the Applicant to those that made relevant representations.

Closing submissions from those who made relevant representations

In their closing submission, those that made a relevant representation in objection to the application highlighted the following:

Representation 1 (two residents residing together)

- There was not a wish to inhibit the use of the community centre but a suggestion that there be a reduction in the days and hours of use for the sale of alcohol and that there be no alcohol served after 22:00, the centre close by 23:00 and that any cleaning to be completed by 00:00 and all parties to have departed the premises by then;

- That there be a formal process for residents to raise any complaints with the Trustees;
- That notification of events be provided to residents two weeks beforehand and that contact numbers of Trustees be provided in the event of any issues;
- That a solution for monitoring of noise was required;
- That parking solutions need to be considered to address the concerns raised by residents and the Parish Council; and
- That there should be visibility of the operating manual for community centre.

Representation 2 (local resident)

- The hard work of the Trustees was understood, and it was hoped that the premises was a roaring success and a thriving village hall that pays for itself but that the local residents did not want for there to be any problems that could create a sore within the village; and
- That due to the proximity of local residents, it was believed to be reasonable to limit the timings and that would go some way to help and to perhaps consider if it was relevant to have an alcohol licence in the early days of the week – should the alcohol licence just be restricted for party days as it was felt that this would mitigate the risk for disturbance and that was what they were requesting.

Applicant's closing submission

In their closing submission, the Applicant highlighted the following:

- If the premises licence was not granted the community centre could still be hired out for parties etc, but this would mean doing this by way of a Temporary Events Notice. Most events can take place without a licence until 23:00;
- If there was an event where alcohol was being served it was likely to have less vehicles using the car park as patrons would be drinking and either walking or getting lifts/taxis home; and
- It was acknowledged that the local pub operated on limited opening hours as they would be unlikely to have customers until 01:00 and there would also be staffing issues – this would be the same for the community centre. There were six Trustees who would be responsible for serving alcohol at the centre and the number of events that they would have

availability to do that would be limited as they all have other things going on.

Points of Clarification Requested by the Sub Committee

No points of clarification were requested by the Sub Committee.

The Sub Committee then adjourned at 11.02am and retired with the Senior Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 11.38am.

The Senior Solicitor advised that he gave legal advice regarding the four licensing objectives particularly in relation to the prevention of public nuisance.

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.

Reasons for Decision

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.

(Duration of meeting: 10.15 - 11.40 am)

The Officer who has produced these minutes is Lisa Pullin of Democratic Services, direct line 01225 713015 , e-mail committee@wiltshire.gov.uk

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