

## Northern Area Licensing Sub Committee

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### MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 27 APRIL 2021 VIA MICROSOFT TEAMS IN RESPECT OF AN APPLICATION FOR A CLUB PREMISES CERTIFICATE, CALNE BOWLS CLUB, HILLCROFT, CALNE SN11 8JR

#### **Present:**

Cllr Stewart Palmen (Chair), Cllr Allison Bucknell, Cllr Peter Hutton, Price and Marshall

#### **Also Present:**

Sarah Marshall – Senior Solicitor, Wiltshire Council  
Jemma Price – Public Protection Officer, Licensing, Wiltshire Council  
Lisa Pullin – Democratic Services Officer  
Kevin Fielding – Democratic Services Officer

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#### 8 **Election of Chair**

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

#### **Resolved:**

**To elect Councillor Stewart Palmen as Chair for this meeting only.**

#### 9 **Apologies for Absence/Substitutions**

There were no apologies.

#### 10 **Procedure for the Meeting**

The Chair 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 5-11 of the Agenda refers).

#### 11 **Chair's Announcements**

There were no Chair announcements.

12 **Declarations of Interest**

There were no interests declared.

13 **Licensing Application**

**Application for a Club Premises Certificate; Calne Bowls Club Ltd, Calne Bowls Club, Hillcroft, Calne, SN11 8JR**

**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 Club Premises Certificate, presented by Jemma Price (Public Protection Officer – Licensing) for which one relevant representation had been received. On 23 February 2021 an application for a Club Premises Certificate was received and accepted as a valid application. The application was for the following licensable activities:

The sale by retail of alcohol for consumption on the premises, 12:00hrs to 22:00hrs Monday to Friday and 10:00hrs to 22:00hrs Saturday to Sunday.

The Sub Committee was informed by the Public Protection Officer that this was an application under s.72 of the Licensing Act 2003. It was noted by the Sub Committee that there were three options available to them:

- i. To grant the Club Premises Certificate as applied for.
- ii. To modify the conditions of the Club Premises Certificate.

To reject the application in whole or in part

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

**On behalf of the Applicant**

- Mr Grugeon – Calne Bowls club
- Mr Wicks – Calne Bowls club

**Relevant Representations**

- Ms Fiona Cottrill - local resident in objection to the application

The Chair advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting.

The Chair invited the Applicant to introduce their application.

### **Applicant's submission**

The Applicant/s Mr Mr Grugeon and Mr Wicks spoke in support of the application, highlighting the following points:

- That in the past, Calne Bowls Club members had bought alcohol at the neighbouring Calne Recreation Club but the cost of Recreation Club membership had now risen to a prohibitive price which was now making it difficult for the Bowls Club to use this facility.
- Calne Bowls Club had decided to apply for their own alcohol licence so that it would be easier for members and guests to enjoy a beer or glass of wine after a bowls match

### **Sub Committee Member's questions**

Cllr Allison Bucknell highlighted agenda item 6a on page 18 of the agenda pack where it was noted by the Sub Committee that the applicant had omitted to tick a box on the form under part 2 of the Club Operating Schedule with reference to the supply of alcohol to members to the club, although the intention was clear from the remainder of the application (which was completed in full), that it was the applicant's intention for alcohol to be supplied to both members of the Club as well as guest. The Applicant confirmed to the Sub Committee that this was a typographical error and it was his intention for alcohol to be supplied to both members of the Club as well as their guests.

The Applicants representation regarding the application was accepted by the Sub Committee and Ms Cottrell.

The Chair sought legal advice from Sarah Marshall – Senior Solicitor, Wiltshire Council and on receiving that advice the the Sub-Committee were happy with the explanation of the applicant given at the hearing that this was simply an error on his part whilst completing this section of the the application form and it was his intention for alcohol to be served to both members of the club and their guests. .

Cllr Peter Hutton requested assurances that the Bowls Club were not looking to hold outside functions, the applicant advised and confirmed to the Sub Committee that there would be no outside functions at the Club.

### **Questions from those who made a relevant representation**

Fiona Cottrill - When will the club finish serving alcohol, and when will people leave?

***The Applicant confirmed that that between 6-9pm, the club would have matches, then a supper and a drink, with a finish of proceedings around 10pm or before. The venue is a bowls club not a drinking venue.***

### **Relevant representations**

There was one representation Ms Fiona Cotrill, a resident living in the vicinity of the premises regarding the prevention of public nuisance and the possible issue of increased noise levels if patrons drank outside during the Summer months

### **Questions to Fiona Cotrill from the Sub Committee**

Had you realised that the Recreation Club Licensing hours were later than the licence that that the Bowls Club I had applied for?

***Yes, the Recreation Club noise is not usually a problem.***

Do you understand that the licence applied for by the Bowls Club is for members and guests?

**Yes**

### **Questions to Fiona Cotrill from the Applicant**

Had you ever complained to the Bowls or Recreation Club about noise, (because Recreation Club hosts discos and live music)

***More concerned about the Bowls Club members and guests leaving during the late evening. Would be more than happy for the Bowls Club licence to have an end time of 9pm rather than 10pm***

### **Applicant's closing submission**

That the Bowls Club was not large enough for large groups to use as a social/party venue, the club just wanted to play bowls and go home. The neighbours have raised no concerns about the club.

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

The Hearing reconvened.

## **Announcement of Decision**

The Senior Solicitor confirmed that she had advised the Sub Committee that the application was for a Club Premises Certificate for an alcohol licence for the supply of alcohol to both members and their guests of the Calne Bowls Club. This was understood by the Sub Committee and Ms Cottrell who raised no objections.

## **The Determination**

**The Northern Area Licensing Sub Committee RESOLVED to GRANT the application for a Premises Licence to include the activity and timings detailed below:**

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
Sale by retail of alcohol (for consumption ON the premises)	12:00hrs to 22:00hrs	Monday to Friday
	10:00hrs to 22:00hrs	Saturday to Sunday

## **Reasons for Decision**

In reaching its decision the Sub Committee took account of and considered all the written evidence and representations from all parties and the oral submissions received from the Applicant Mr Wicks and Ms. F Cottrell who made a relevant representation at the hearing.

The Sub Committee considered the detailed representations made by the Applicant regarding the merits of his application and the steps the Applicant intended to take to ensure the promotion of the Licensing Objectives. The Sub Committee also considered the concerns raised at the hearing by Ms Cottrell relating to patrons causing noise and anti-social behaviour whilst drinking outside. No evidence of complaints regarding the noise of patrons attending Bowls Club was submitted to the Sub Committee and the Sub Committee noted no relevant representations were received from the responsible authorities. It was further noted by the Sub Committee that the Bowls Club is located adjacent to another establishment with a Club Premises Certificate – the Calne Recreation Club.

In reaching its decision, the Sub Committee took account of all representations made and was satisfied with the steps that the applicant proposed to promote the licensing objectives.

The Sub Committee had carefully considered the objections to the application, received from the local resident. However, it was established law that any decision to refuse the grant of a club premises certificate had to be evidenced

based. Having regard to all the material before it, the Sub Committee did not consider there to be evidence that if the licence were granted, the likely affect would be that one or more of the licensing objectives would be undermined.

In particular, the Sub Committee gave weight to the following matters below:

- That none of the responsible authorities had raised concerns or made representations about the application
- That this was a new application for a club premises certificate with no history of any public nuisance on the premises

The Sub Committee further noted that if subsequently, there was evidence of noise nuisance, anti-social behaviour, public safety issues or similar arising from the use of the premises for the licensable activities with the potential effect of undermining the licensing objectives then it was open to any person (including Responsible Authorities) to request a review of the licence under the provisions of the Licensing Act 2003 and the matter would come back to the Sub Committee.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4, 18 and 72); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

### **Right to Appeal**

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of the written 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 is made by the Magistrates Court.

A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of section 51 of the Licensing Act 2003. However, a review will not normally be held within the first twelve months of the licence except for the most compelling circumstances.

(Duration of meeting: 10.00 - 11.20 am)

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