

# AGENDA

**Meeting:** Northern Area Licensing Sub Committee  
**Place:** Online meeting  
**Date:** Tuesday 27 April 2021  
**Time:** 10.00 am  
**Matter:** Application for a Club Premises Certificate - Calne Bowls Club, The Pavilion, Hill Croft, Calne

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Please direct any enquiries on this Agenda to Lisa Pullin, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713015 or email [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)

The meeting will be available to view [via this Microsoft Teams Live Events link](#).

[A public guide on how to access the meeting is here.](#)

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This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## Membership:

Cllr Allison Bucknell  
Cllr Peter Hutton

Cllr Stewart Palmen

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## Substitutes:

Cllr Pip Ridout

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## **Recording and Broadcasting Information**

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council. The meeting may also be recorded by the press or members of the public.

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# AGENDA

1 **Election of Chairman**

To elect a Chairman for the meeting of the Sub Committee.

2 **Apologies for Absence/Substitutions**

To receive any apologies for absence and to note any substitutions.

3 **Procedure for the Meeting** (*Pages 5 - 12*)

The Chairman will explain the attached procedure for the members of the public present.

4 **Chairman's Announcements**

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

5 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

6 **Licensing Application** (*Pages 13 - 16*)

To consider and determine an Application for a Club Premises Certificate by Calne Bowls Club Limited in respect of Calne Bowls Club, Hillcroft, Calne, Wiltshire. The report of the Public Protection Officer – Licensing is attached.

6a **Appendix 1 - Application for a Club Premises Certificate** (*Pages 17 - 32*)

6b **Appendix 2 - Relevant Representation** (*Pages 33 - 36*)

6c **Appendix 3 - Location Map** (*Pages 37 - 38*)

6d **Appendix 4 - Response to Representation made from Calne Bowls Club** (*Pages 39 - 42*)

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## LICENSING COMMITTEE

### PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

#### 1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

#### 2 Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Hearing:

**“Applicant”** means the person who has submitted an Application for consideration by the Committee.

**“Applicant’s Premises”** means premises subject to the Application.

**“Applicant’s Representative”** means a person attending a Hearing to assist or represent an Applicant including a lawyer.

**“Application”** means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.

**“Chairperson”** means the Member who is the Chairperson of the Committee for the particular Hearing.

**“Committee”** means the Council’s Licensing Committee and includes any Sub Committee of the Licensing Committee.

**“Committee Lawyer”** means the Council’s Lawyer (including an external Lawyer instructed by the Council’s Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

**“Committee Manager”** means the Council’s Officer who is present at a Hearing to take minutes.

**“Committee Report”** means the Licensing Officer’s written report to the Committee concerning an Application, a copy of which has been previously made available to the Applicant or their Representative, a Responsible Authority or their Representative or any person who has made a Relevant Representation or their Representative.

**“Hearing”** means a meeting of the Committee at which an Application is considered and includes virtual hearings.

“**Licence**” means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.

“**Licensing Officer**” means the Council’s Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.

“**Licensing Authority**” the Council in whose geographical area the subject matter of the Application relates to, and includes the Council’s Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.

“**Member**” means a Member who is a Member of the Committee that is considering an Application.

“**Person making a Relevant Representation**” means a person who is present at a Hearing to make representations in respect of an Application and includes any person who is present to assist or make representations on behalf of that person including a Lawyer.

“**Responsible Authority**” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority including a Lawyer.

### 3 Key Principles

- 3.1 The principles of ‘natural justice’, and Article 6 ‘Right to a Fair Trial’, which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:
  - 3.2.1 the Applicant has an opportunity to make representations before a decision is made;
  - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;
  - 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation;
  - 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.

- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

## 4 The Hearing

- 4.1 The Hearing shall take place as a virtual hearing via Microsoft Teams. Those who are a party to the hearing will be invited to attend the virtual hearing by an email link and members of the public will be able to watch the hearing as it takes place being streamed to the internet or watch the hearing at a later date.

4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.

4.1.2 The Committee may require any person attending or taking part in the virtual Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:

- A refuse to permit them to return to the virtual Hearing;
- B permit them to return to take part in the virtual Hearing only on such conditions as the Committee may specify;
- C in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee by email any information which they would have given orally.

4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.

4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.

4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.

4.5 This equal maximum time may have been notified in advance of the Hearing;

4.6 Where there are a number of people who have attended the Hearing to make the same representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those who have made Relevant Representations.

## 5 Presentation of Submissions

5.1 The Chairperson will introduce the Application.

5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.

- 5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:
- 5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:
- A the options available to it;
  - B the considerations that are relevant in reaching its decision.
- 5.3.2 The Applicant (or the Applicant's Representative) will orally present its submission which may include:
- A presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
  - B confirming key information and answer pertinent questions; and
  - C calling witnesses in support of the Application (see paragraph 4.3).
- 5.3.3 A Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation will orally present their representations in turn which shall include:
- A the grounds of the representation to the Application; and
  - B any condition(s) that the Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

## 6 Questioning of Submissions

- 6.1 The Chairperson will regulate the order in which questions are asked by Members.
- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Applicant, a Responsible Authority/Authorities or any person/s who have made a Relevant Representation to ask questions through them of the other parties.
- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.

## 7 Documentation

- 7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any person/s who have made a Relevant Representation. If any party is granted permission



to present supplementary papers at the Hearing they shall provide this by email at the direction of the Chairperson.

## **8 Intervention**

The Chairperson shall permit the following interventions at any point in the Hearing:

- 8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.
- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

## **9 Failure of Parties to Attend Hearing**

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.
- 9.2 If a party has not indicated that it does not intend to attend or take part or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:
  - 9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or
  - 9.2.2 hold the Hearing in the party's absence.
- 9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

## **10 Closing Submissions**

- 10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and any person/s who have made a Relevant Representation to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

## **11 Decision**

- 11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire from the public meeting so that the decision may be considered in private, and to consider any legal issues raised by the Members. At this point the Chairperson will give an indication of the time that the meeting will resume for the announcement of the decision and all parties to the hearing will be asked to indicate if they intend to return for the announcement of the decision.

- 11.2 The decision, of the Committee shall be communicated orally by the Chairperson to the parties present at the virtual hearing after the Committee has deliberated in private on the Application.
- 11.3 The full decision notice shall be published on the Council's website within 5 working days of the hearing.

## Hearing Procedure Summary

1. The Democratic Services Officer will request nominations for a Chairman for the Hearing.
2. The Chairperson welcomes all those present and introduces the Application.
3. The Chairperson introduces the members of the Sub Committee and invites all parties present (Applicant, Responsible Authority/Authorities, any person/s who have made a Relevant Representation and Council Officers) to introduce themselves.
4. The Chairperson outlines the Hearing Procedure as set out in the Agenda, makes any relevant announcements and asks for any declarations of interest.
5. The Licensing Officer is asked to present their Committee Report.
6. The Applicant/their representative is invited to address the Sub Committee in support of their application.
7. Questions to the Applicant by Members of the Sub Committee.
8. Questions to the Applicant by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation which are to be directed through the Chairperson.
9. Any Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation are invited to address the Sub Committee in support of their representations.
10. Questions to the Responsible Authorities/those who have made a Relevant Representation by Members of the Sub Committee.
11. Questions to the Responsible Authorities/those who have made a Relevant Representation by the Applicant, which are to be directed through the Chairperson.
12. Closing submissions by those Parties who have made a Relevant Representation in reverse order.
13. Closing submissions by the Applicant.
14. Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
15. Sub Committee returns, and the Lawyer gives a summary of any legal advice that may have been given to the Sub Committee.
16. The Chairperson either gives the decision with reasons or advises that it will be released in writing with reasons within the statutory time limits (5 working days).

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## WILTSHIRE COUNCIL

### NORTHERN AREA LICENSING SUB COMMITTEE

27 April 2021

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

#### **1. Purpose of Report**

- 1.1 To determine an application for a Club Premises Certificate in respect of Calne Bowls Club, Hillcroft, Calne, SN11 8JR made by Calne Bowls Club Ltd.

#### **2. Background Information**

- 2.1 An application for a Club Premises Certificate in respect of Calne Bowls Club has been made by Calne Bowls Club Ltd. for which one relevant representation has been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 85(3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers appropriate for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy.
- 2.3 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
  - ii) Public Safety;
  - iii) The Prevention of Public Nuisance; and
  - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
- i) To grant the Club Premises Certificate as applied for.
  - ii) To modify the conditions of the Club Premises Certificate.
  - iii) To reject the whole or part of the application.
- 2.5 On 23 February 2021 an application for a Club Premises Certificate was received and accepted as a valid application.

2.6 The application as applied for is as follows:

<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

A copy of the application from Calne Bowls Club Ltd. is attached as **Appendix 1**.

2.7 This is a new application for Club Premises Certificate so there is no history at the premises.

2.8 The premises is adjacent to another establishment with a Club Premises Certificate, Calne Recreation Club. The hours of their alcohol sales are as follows:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
Sale by retail of alcohol (for consumption ON and OFF the premises)	11:00hrs to 22:30hrs	Sunday
	11:00hrs to 23:00hrs	Monday to Thursday
	11:00hrs to 00:00hrs	Friday and Saturday

### **3. Consultation and Representations**

3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 10 working days, starting on the day after the authority receives it and for a public notice (on pale blue paper) to be posted on the premises. In addition, the Licensing Authority advertises the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application.

3.2 During the consultation period one relevant representation has been received from one local resident.

#### **3.3 Representations Received**

- Fiona Cottrill – c/o Cllr Ian Thorn, 9 Roundhouse, Calne, Wiltshire, SN11 0BE

#### **3.4 Responsible Authorities**

No Responsible Authority has made a representation in connection with this application.

3.5 A summary of the representations made is detailed in the table below:

<b>Representation</b>	<b>Licensing Objective</b>
Fiona Cottrill	Prevention of Public Nuisance

3.6 The relevant representation is attached as **Appendix 2**. Attached as **Appendix 3** is a plan which shows the locations of the premises and the proximity of the other premises.

3.7 **Appendix 4** is the response to the representation from Calne Bowls Club.

#### **4. Legal Implications**

4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

4.2 The Applicant, and all persons who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing all those who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

#### **5. Officer Recommendations**

5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

#### **6. Right of Appeal**

6.1 It should be noted that the Applicant and those persons who have made representations 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 notification of the decision.

6.2 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.

6.3 A Responsible Authority or any person 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 a person other than a Responsible Authority it will not normally be granted within the first 12 months except for the most compelling circumstances.

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Report Author: Jemma Price

Public Protection Officer – Licensing, Monkton Park, Chippenham, SN15 1ER

Date of report: 19 April 2021

**Background Papers Used in the Preparation of this Report**

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

**Appendices**

- 1 Application form**
- 2 Representation**
- 3 Location map**
- 4 Response to Representation made by Calne Bowls Club**



Application for a club premises certificate to be granted  
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING APPLICATION

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

**CALNE BOWLS CLUB LTD**

*(Insert name of club)*

club applies for a club premises certificate under section 71 of the Licensing Act 2003 for the premises described in Part 1 below (the club premises).

The club is making this application to you as the relevant licensing authority in accordance with section 68 of the Licensing Act 2003.

**Part 1 – Club premises details**

Name of club				<b>CALNE BOWLS CLUB LTD</b>				
Postal address of premises or, if none, ordnance survey map reference or description								
<del>REDACTED</del> <b>HILLEROFT</b> <b>OFF ANCHOR ROAD</b>								
Post Town		<b>CALNE</b>			Postcode		<b>SN11 8RJ</b>	
Telephone number (if any)								
E-mail address (optional)								
Name of person performing duties of a secretary to the club								
<b>STUART BEARD</b>								
Address of person performing duties of a secretary to the club								
Post Town					Postcode			
Daytime contact telephone number (if any)								
E-mail address (optional)								
Non-domestic rateable value of premises				<b>£ UNKNOWN - AWAITING VALUATION</b>				

Are the club premises occupied and habitually used by the club?      Yes       No

**Part 2 – Club Operating Schedule**

When do you want the club premises certificate to start?

DD MM YYYY  
01 04 2021

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

DD MM YYYY  
31 03 2022

General description of club (please read guidance note 1)

THE SITE COMPRISES OF A TIMBER PAVILION, TIMBER CHANGING ROOMS, STORAGE, THE BOWLING GREEN

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

\_\_\_\_\_

What qualifying club activities do you intend to conduct on the club premises?

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (if ticking yes, fill in box I)

The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place (if ticking yes, fill in box J)

In all cases complete boxes, K and L.

A

Plays Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)  <div style="text-align: center; font-size: 2em;">N/A</div>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where the club intends to use the premises for the performance of a play at different times from those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)  <div style="text-align: center; font-size: 2em;">N/A</div>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue				<b>Please give further details here</b> (please read guidance note 3)	
Wed			<b>State any seasonal variations for the exhibition of film</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where the club intends to use the premises for the exhibition of film at different times from those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details here</u></b> (please read guidance note 3)  <div style="text-align: center; font-size: 2em;">N/A</div>
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
Thur			<b><u>Non-standard timings. Where the club intends to use the premises for indoor sporting events at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			

Boxing or wrestling entertainments (please read guidance note 6)		Day	Start	Finish
<p>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</p> <p>(please read guidance note 2)</p> <p style="text-align: center;">N/A</p> <p>Indoors <input type="checkbox"/></p> <p>Outdoors <input type="checkbox"/></p> <p>Both <input type="checkbox"/></p>	Mon			
	Tue			
	Wed			
	Thur			
	Fri			
	Sat			
	Sun			
<p>Please give further details here (please read guidance note 3)</p>				
<p>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</p>				
<p>Non-standard timings. Where the club intends to use the premises for the boxing or wrestling entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)</p>				

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2) <div style="text-align: center; font-size: 1.5em;">N/A</div>		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue						
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)			
Thur						
Fri			<b><u>Non-standard timings. Where the club intends to use the premises for the performance of live music at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)  N/A	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<b>Please give further details here</b> (please read guidance note 3)	
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur					
Fri			<b>Non-standard timings. Where the club intends to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					



G

Performances of dance Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)  <p style="text-align: center;">N/A</p>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<b>Please give further details here</b> (please read guidance note 3)	
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur					
Fri			<b>Non-standard timings. Where the club intends to use the premises for the performance of dance at different times from those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</b>			Please give a description of the type of entertainment that the club will be providing <p style="text-align: center; font-size: 2em;">N/A</p>		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Wed					
Thur					
Fri			<b>State any seasonal variations for this entertainment</b> (please read guidance note 4)		
Sat					
Sun			<b>Non-standard timings. Where the club intends to use the premises for this entertainment at different times from those listed in the column on the left, please list</b> (please read guidance note 5)		

I

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - <u>please tick</u> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	12:00	22:00	State any seasonal variations (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	12:00	22:00			
Wed	12:00	22:00			
Thur	12:00	22:00		<b>Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list</b> (please read guidance note 5)	
Fri	12:00	22:00			
Sat	10:00	23:00			
Sun	10:00	22:00			

J

<b>Hours club premises are open to the members and guests</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4) THE PAVILION AND BOWLING GREEN ARE AVAILABLE FOR USE BETWEEN 10:00 AND 22:00HRS. THE BOWLS SEASON GENERALLY RUNS FROM LATE MARCH UNTIL EARLY OCTOBER.
Day	Start	Finish	
Mon	10:00	22:00	<b>Non standard timings. Where you intend the premises to be open to the members and guests at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Tue	10:00	22:00	
Wed	10:00	22:00	
Thur	10:00	22:00	
Fri	10:00	22:00	
Sat	10:00	22:00	
Sun	10:00	22:00	

K

Please highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the club premises that may give rise to concern in respect of children (please read guidance note 8).

N/A

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

THE CALNE BOWLS CLUB IS A PRIVATE CLUB AND THE MAJORITY OF MEMBERS ARE OF PENSIONABLE AGE. THEY COME TO PLAY BOWLS AND ENJOY A DRINK ON A WARM SUMMERS DAY.

b) The prevention of crime and disorder

THIS CLUB HAS BEEN IN CALNE FOR 107 YEARS AND I BELIEVE TO DATE, HAS NO REPORTS OF DISORDER.

c) Public safety

THE SITE IS SECURED TO PREVENT PUBLIC ACCESS, EXCEPT BY INVITATION AND UNDER THE SUPERVISION OF A RESPONSIBLE CLUB MEMBER.

d) The prevention of public nuisance

BOWLING IS A SEDATE SPORT

e) The protection of children from harm

CHILDREN WHO COME TO THE BOWLS CLUBS HAVE TO BE ACCOMPANIED BY A RESPONSIBLE ADULT. THE CLUB HAS A SAFE GUARDING OFFICER.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and plan to the responsible authorities.
- I have completed and enclosed the club declaration and enclose a copy of the club rules.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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.**

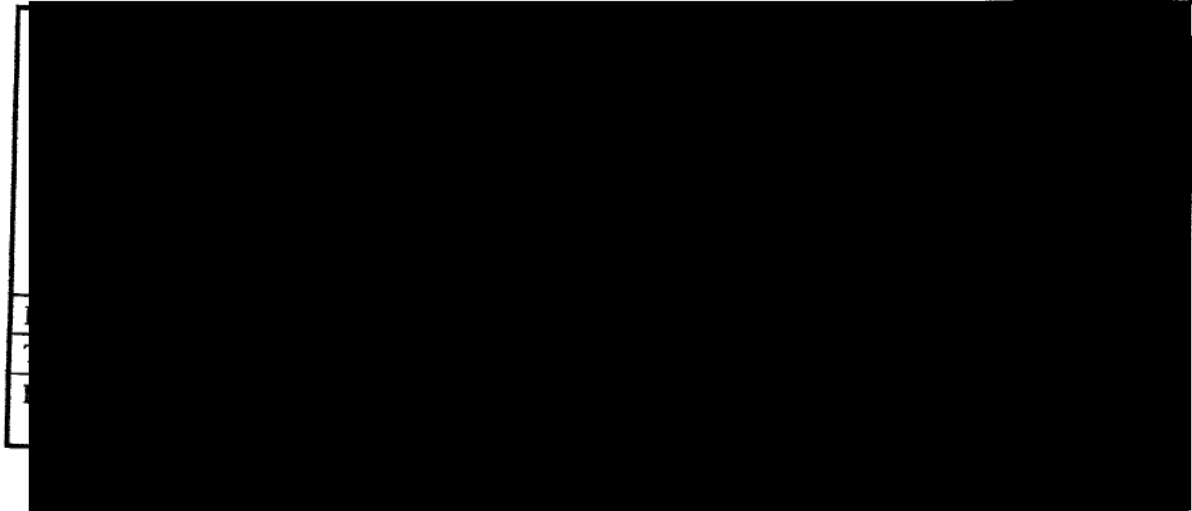
Part 3 – Signatures (please read carefully)

I

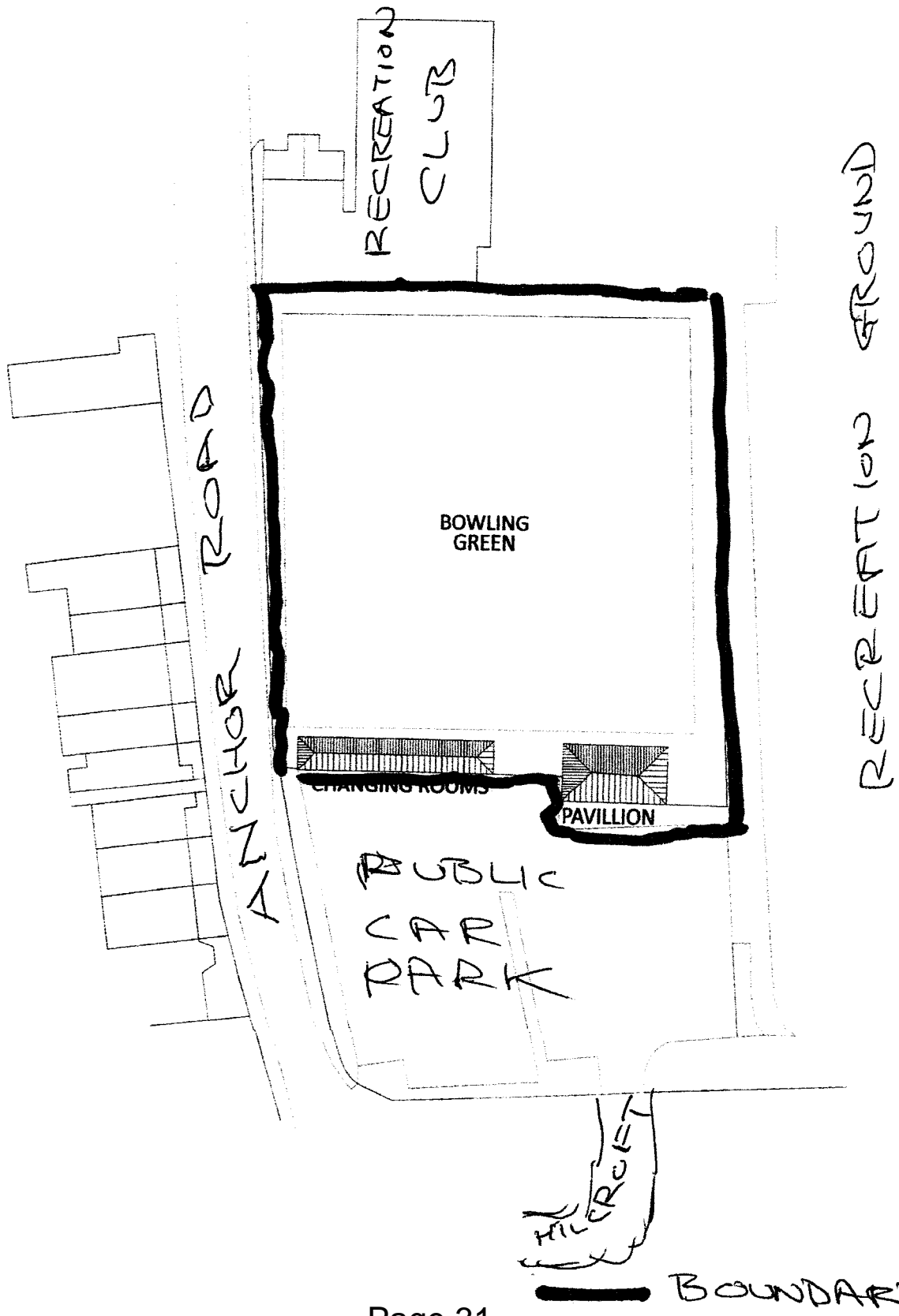
.....  
(Insert full name)

make this application on behalf of the club and have authority to bind the club

Signature	
Date	13 02 2021
Capacity	CO. SECRETARY



SITE PLAN + LOCATION  
CALNE BOWLS CLUB LTD.



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30 MAR 2021

Fiona Cottrill,



24 March 2021

For the Attention of: The Environmental Health Licensing Section.

REF: Calne Bowls Club Application for Alcohol License.

Dear Sir/Madam,

I am writing on behalf of myself and my fellow residents to object to the application for a Club Premises Certificate for the sale of alcohol, requested by Mr Stuart Beard for, Calne Bowls Club, The Pavilion, Anchor Road, Calne, SN11 8RJ.

The reasons for our objection fall under the 'Prevention of Public Nuisance' licensing objective and are as follows:

- Anchor Road is a quiet residential area and we are concerned that the addition of a second drinking establishment, next door to the existing one at Calne Recreation Club, will cause significant additional noise disturbance for local residents late into the evening.
- The Bowls Club is as close as 5 metres from residential housing, with many bedrooms overlooking the bowling green. We are all aware that where alcohol is served, noise levels increase. What may appear to drinkers to be a quiet conversation, travels much further and echoes around the neighbourhood particularly in an evening, disrupting the routines of parents and their children as they prepare to settle down to sleep.
- The Bowls Club Pavilion, where alcohol is proposed to be served, is an extremely small space. It is quite clear that patrons will drink outside, especially during the summer months.
- As you will be aware, Wiltshire Council has applied to extend significantly the Recreation Club premises (Application number 21/01325/FUL). This application is seeking the extension of the decking area, creating a larger area for customers to drink outdoors. Whilst this letter is not an objection to the extension of the Recreation Club, adding additional licensed premises in very close

30 MAR 2021

proximity to a facility where an outdoor drinking area is already planned, seems excessive and unnecessary and will most definitely be detrimental to the peace and well-being of residents.

- The serving hours requested in the application are essentially those of a public house and are for seven days per week, between the hours of 10am to 11pm on some days. Even the shorter hours proposed for mid-week are between midday and 10pm. The application states that bowlers wish to 'enjoy a drink on a warm summer's day.' The timings requested in the application extend far beyond this as well as when bowlers will be reasonably playing.
- We are also concerned that 'guests' have been included on the licensing application, which puts into question the statement in the application that those drinking will be of pensionable age. Based on the intention for guests to be admitted to drink there, clearly younger people will also attend.
- Finally, we have a question regarding private members club licensed premises. Many clubs allow non-playing members to join for a reduced fee, permitting those members to benefit from generally lower priced alcohol sales. What is the policy at Calne Bowls Club?

Anchor Road and vicinity is a close and friendly community and we welcome the presence of the Bowls Club. We are concerned that this long-standing community club should wish to jeopardise this peaceful co-existence.

We trust, following careful consideration of our objections, you will agree that the addition of a second drinking establishment on a quiet residential street is an unreasonable demand to place on residents.

Calne Council deserves credit in the progress it has made in improving the living environments of residents, by reducing anti-social behaviour and helping to make the town a desirable place to live. We believe the Council would be making a backwards step by accepting this licensing application. The attached petition signed by local residents demonstrates the strength of feeling against this proposal.

Yours faithfully



Fiona Cottrill

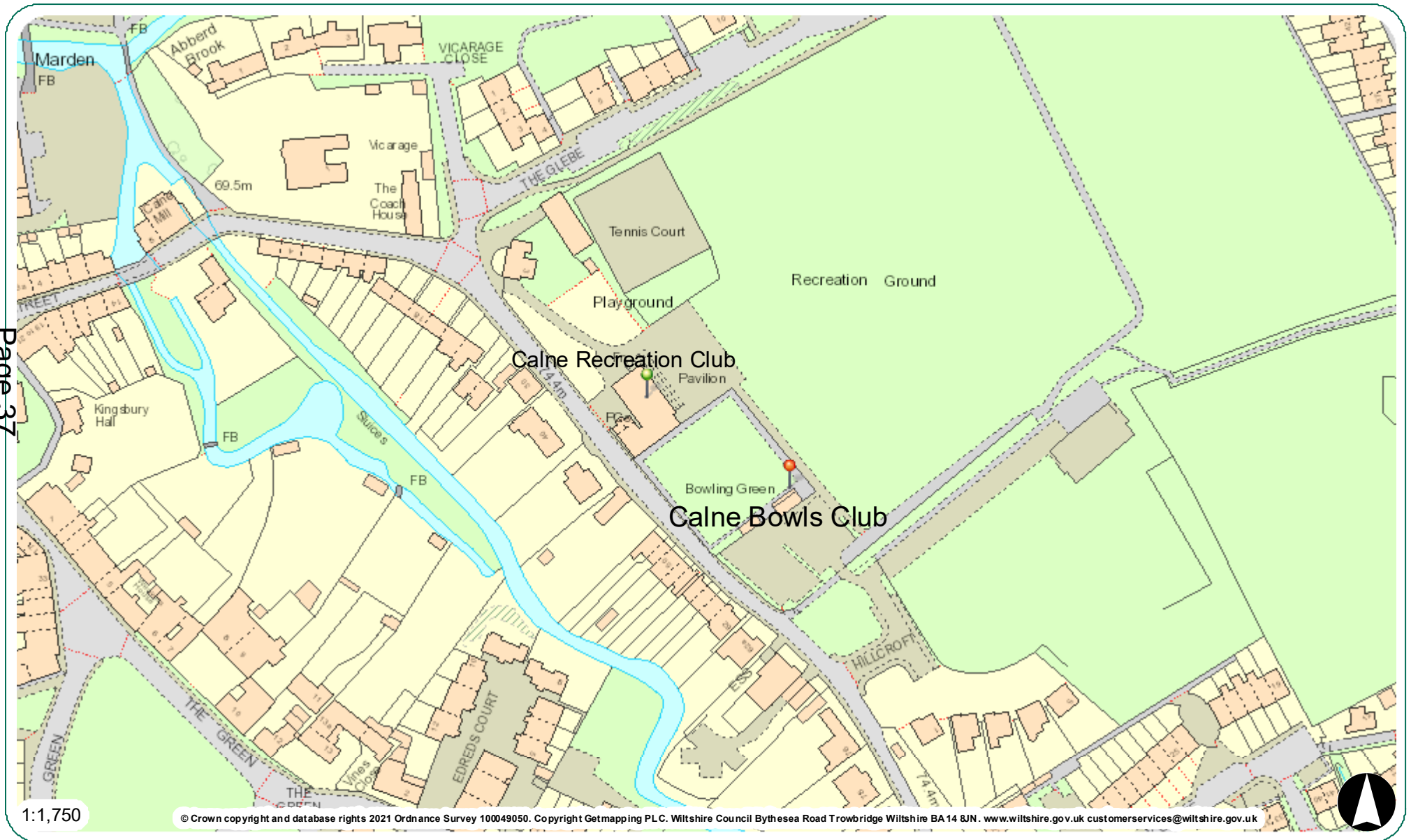
On behalf of the attached names and addresses of residents.

30 MAR 2021

**I, the undersigned object to the application for a Club Premises Certificate for the sale of alcohol by Calne Bowls Club**

<u>Date</u>	<u>Name</u>	<u>Address</u>	<u>Signature</u>

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## Calne Bowls Club Ltd, application for a Club Premises Certificate.

### Response to letter of representation from Fiona Cottrill

The letter of representation from Ms Fiona Cottrill raises various points that are complete speculation.

The only point that she raises that comes within the Public Nuisance section of The Licensing Act 2003 relates to the potential for excessive noise.

We refer to Wiltshire Council's own website

#### ***How to make a representation***

- *Representations must be made clearly in writing stating the reasons for objection*
- *They must relate to at least one of the four licensing objectives*
- *It must be specific to the premises and the application*
- *It must include your name and address*
- *In relation to Licence variations it must only relate to the variation and not the existing licence*
- *It must be submitted within the legal consultation period (this will be printed on the blue notices outside the premises and can also be found on our website)*
- ***It is important that you provide as much evidence as possible when submitting your representation. Evidence is what you can demonstrate to be the case, not simply what you fear might happen.***

Ms. Cottrill had failed to produce one scintilla of evidence and this is our response.

Ms Cottrill's property faces Calne Recreation Ground ( The Rec) which is occupied by The Recreation Club, a licensed venue closing at 11.00 or later. In addition The Rec hosts Calne Bowls Club, Calne Rugby Club who use The Rec for both training and for matches, tennis courts, a basketball court used mainly by teenagers, a childrens' playground and various dog walkers, fitness groups and in the summer young, and not .so young, people drinking and playing music on the grass.

Anchor Road is a local "rat run" used by locals to avoid congestion on the A4 and also provides access to around 200 homes.

All of these activities generate noise, as is to be expected from a mixed use public space and a busy road in a growing town.

Ms. Cottrill's property is in fairly close proximity to the southern boundary of the club, however the pavilion (which we would use as a servery) is about 25/30 metres away from her property. Our members have always used the northern boundary which has seating for spectators, this area catches the sun for most of the day, whilst the southern boundary is normally shaded. The northern boundary is about 50 metres away from her home at the nearest point and about 90 metres at the furthest point.

Ms. Cottrell, who we believe has lived on [REDACTED] for some years, should be aware of our pattern of occupation.

We start our season in April and finish at the end of September. Outside these months the bowls green and the buildings within the curtilage are unoccupied and unused except for grass and general maintenance.

We play all our matches, internal, league, county or national in daylight hours for obvious reasons.

We generally host one evening league match a week, and we leave the site before 10pm. We also have a club night which is a social event and generally finishes at dusk, again certainly before 10pm.

Most other matches take place during the day or early evening and finish before sunset. We do not have outside lighting, other than a light by the entrance for safety, so gathering to socialise in the dark would be very difficult.

Calne Bowls Club have enjoyed a 106 year tenure of the bowls green at Anchor Road, Calne and during that period Bowls Club members have been able to bring alcohol onto the site, purchased from the adjacent Recreation Club.

With the grant of a separate lease from Calne Town Council in 2020 this arrangement has come to an end.

We are asking Wiltshire Council to allow us to continue to allow our members and our fellow bowlers from clubs within Wiltshire and surrounding counties to enjoy an alcoholic drink, in common with almost every other bowls club in Wiltshire, and most likely throughout the U.K.

We wish to retain the status quo, we do not believe that there will be an increase in the consumption of alcohol, the only change will be that any profit will go to Calne Bowls Club funds rather than to The Recreation Club.

Nor do we believe that there will be any increase in noise, because, essentially, nothing will have changed from previous years.

For the avoidance of doubt we must stress that we do not have social ( drinking) members.

The sub committee will note that we have asked for a license to run until 10pm, which is well before the 11pm threshold whereby the sale of alcohol could be problematic. We note that Ms. Cottrill states 11pm in her representation- this is incorrect.



As the sub committee will be aware section 182 guidance 9.12 states

*9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the 4 licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.*

The sub committee will be aware that two representations were made by responsible authorities.

- 1) Wiltshire Fire and Rescue. As a result of a discussion with them we have updated our fire safety plan and purchased two additional fire extinguishers
- 2) Wiltshire Council Food Business Inspectors raised a query about food hygiene, but have now accepted that food is not prepared on site.

We ask the sub committee to recognise that neither Wiltshire Police or Wiltshire Environmental Protection Department, as the two authorities concerned with noise, have raised a representation.

We refer the sub committee to the following taken from Wiltshire Council's own website relating to the Environmental Protection Act 1990.

*The legal definition of what constitutes a statutory nuisance is complex and based on many years of case law.*

*We need to consider the following key factors when investigating a noise nuisance:*

- *There must be a material interference with the enjoyment and use of the complainant's property. The noise must therefore be considerable*
- *The noise must substantially affect the enjoyment of comfortable living, such as loss of sleep, interfering with conversation or watching television. However there would have to be consideration of the time the noise occurs, the intensity of the noise, its character and its duration*
- *Isolated acts, unless extreme, would not be considered to be a nuisance, for example 'one-off' parties. The problem must normally be continuous or frequent*
- *Trivial, harassing or repetitious (vexatious) complaints will not be taken into account*
- *Any assessment of whether a particular problem amounts to a statutory nuisance is made from the perspective of an ordinary reasonable person. This means that the council must exclude any personal circumstances or sensitivities of the complainant from our considerations when assessing nuisance.*  
*Factors such as unusual shift patterns, medical conditions or other sensitivities of the complainant cannot be taken into account when we decide whether a particular problem is causing a statutory nuisance. It is a person's basic right to use and enjoy their property. However, there is no right to tranquillity or silence.*

Calne Bowls Club is a responsible community group committed to our sport. We have a good relationship with Calne Town Council, other local community groups including The Masons, The Rotary Club, Calne Lions Club and most of our neighbours. Indeed we have Club members who live within 100-200 metres of the bowls green.

We feel that it is regrettable that Ms. Cottrill felt unable to cross the road to discuss our plans, she would have been very welcome to do so.

Unless Ms.Cottrill can produce compelling evidence of the possibility of excessive noise, or a documented history of such that can be directly attributable to the the Bowls Club, we ask the sub committee to disregard her representation and to grant Calne Bowls Club a Club Premises Certificate so that we can continue as we have done for over a century without complaint.