

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.