

<b>Objector</b>	Ms Ann Beeching
<b>Objector Address</b>	New House Farm, Brenzett, Romney Marsh, Tn29 0BE
<b>Date Received</b>	17 July 2019
<b>Distance to premises</b>	11km (approx.)

### **Objection Details**

#### **Wittersham General Sports Club Trading Company** **Application for a Club Premises Certificate**

I object to this application on the following grounds:

#### **Prevention of Crime and disorder:**

It is quite incorrect to say that anti social behaviour improved when the previous Social Club was open and selling alcohol at all hours. In fact, the exact opposite was true, the Sports Club was itself broken in to, alcohol taken and money stolen. I do not see that setting up a drinking establishment in the middle of the village, surrounded by homes is going to in any way improve anti social behaviour or reduce crime. Quite the reverse if history repeats itself.

#### **Promotion of public safety:**

The club room in the pavilion is quite small. If large numbers of people were to use this room it could become heavily overcrowded especially in bad weather. I am aware that steps have **NOT** been put in place to conform to a recent Fire safety inspection. A Fire Safety Inspection carried out on behalf of the Football Club in 2017 highlighted several serious issues and it is certainly not correct to say that the Sports Club is up to date with fire regulations.

The perfectly acceptable sink used for washing up in the club room after matches etc was ripped out when the old Social Club was set up. A ridiculous, literally knee-high sink was installed to replace it. There is a serious risk of users damaging their backs. The club room is entirely unsuitable for use as a full time bar.

There have been concerns about parking on the road outside while football games are in progress. This could become much worse if permission were granted for a drinking establishment.

#### **Protection of children from harm:**

I was appointed trustee representative for Junior Football on the Sports Club Committee in September 2016 and have continuous service as a trustee since then. I would be most unhappy for the premises and grounds to be used by drinkers. I would go so far as to say that it would be morally and practically wrong to grant a licence that would expose these children to the dangers they would face from a drinking establishment being set up in the way that the applicants are intending. If granting a licence then allowed people whose only interest would be in going to the pavilion to drink, I would have serious concerns around the safety of our young players. There would be the potential danger of exposure to people who might be drunk.

The pavilion and grounds are used mainly by young children, aged from seven upwards. They train every week after school and play games on the pitches during the course of Saturdays. They also have tournaments and presentation days over

the weekends. The club room should be available for children and spectators to take refuge in bad weather. It should be available for children for coaching instruction, signing on and for social interaction both before and after games. This will become impossible if a bar is open running pub hours every day of the week. Wittersham Sports Club is a charitable trust, set up solely for the purpose of playing sport. How can it be acceptable for access to the club pavilion to be denied to some sportsmen (some of our players are under 18), but especially youngsters?

Past experience when a social club was being run showed quite emphatically that children suffered. They were ushered away from the pavilion and made to feel unwelcome anywhere on the sports grounds or buildings. Drinking should not be taking place when children are present and using the facilities.

When the social club was running problems with litter and the detritus of smoking was both unsightly and unhygienic. It was quite disgusting and most inappropriate for children to be running about in. People using the club brought along their dogs which were allowed to roam and foul everywhere. The pitches had to be cleared of this before the children could use them. The health hazards associated with animal faeces are well known.

#### **Prevention of public nuisance:**

The activities of the bar will generate noise and disturbance for those living nearby. I understand that there is a noise restriction relating to the grounds and pavilion. I hope the Licensing Department will bear this in mind when deciding on this application

If the hours applied for are granted there could inevitably be drinkers on the site seven days a week for most of the day.

**Please bear in mind that the Charity Commission has clearly stated that there can be no social club on the premises and the bar must only be open ancillary to legitimate sport.** How will the Licensing Department police this? If this is the real intention there is absolutely no need for such extensive hours or the need for Christmas and New Year later opening hours.

The sport currently played is adult and junior football, usually played throughout Saturdays and one or two evenings a week. Cricket matches on some Saturdays or Sundays and on some Wednesday evenings in the summer. Stoolball Practice is on Thursdays but does not seem to have got going this year. The occasions to open the bar should only relate to these sports.

I believe the area being considered for the consumption of alcohol is much too large. There are houses along Poplar Road that could be affected by such an unreasonably extensive area, this would appear to even encroach on the junior pitches which cannot be right.

The Sports Grounds were very clearly intended by the late Lady Mallet to be used for outdoor sport. I am very concerned that this application, if granted, will completely change the nature of the grounds to the detriment of sport. The children, who at the moment enjoy such wonderful facilities, will be sidelined by a possible drive to have the bar open seven days a week.

<b>Objector</b>	Mr and Mrs Mepham
<b>Objector Address</b>	UNCONFIRMED, Poplar Road, Wittersham.
<b>Date Received</b>	17 July 2019
<b>Distance to premises</b>	UNKNOWN

#### **Objection Details**

Dear Sirs,

We would like to strongly object to this application as it will cause a great deal of disturbance and disruption to surrounding homes and further afield in this peaceful village.

It will create a great deal of discarded rubbish, encouragement to drink driving and unsocial behaviour including disgusting acts of people relieving themselves against neighbours walls and in their gardens on their way home, which as you can imagine is not at all pleasant.

These things have happend before when this club served alcohol and caused it to be shut.

There are a lot of families and elderly people living here and we certainly do NOT need to have this 1 day a week let alone 7 days a week.

<b>Objector</b>	Ms Alison Stevens
<b>Objector Address</b>	10 Poplar Road, Wittersham, TN30 7PG
<b>Date Received</b>	17 July 2019
<b>Distance to premises</b>	100m (approx.)

#### **Objection Details**

're application for a club premises licence.

With regard to these premises opposite my house ,I find it most unsettling for me due to the noise level generated by users of the bar.I know I can vouch for this from past experience.The vehicles also will cause a problem late at night.It is unlikely that users would only be local residents

so this would be a magnet for undesirable people.

At the moment the bar is open for matches and events which is acceptable, however running it as a pub,and being open every day,is not acceptable.

<b>Objector</b>	Anne M Dunboyne
<b>Objector Address</b>	The Tallat, West Ilkenton Farm, Lynton, Devon, EX35 6QA
<b>Date Received</b>	16 July 2019
<b>Distance to premises</b>	328km (approx.)

### Objection Details

Dear Mr. Ford,  
 WITTEESHAM GENERAL SPORTS CLUB  
 TRADING LTD.  
 Application for CPC Licence to  
 supply/sell alcohol at Wittersham Sports field.  
 I OBJECT TO THE ABOVE APPLICATION ON THE  
 FOLLOWING GROUNDS.

1) It is my belief that alcohol is not meant to be sold on the sports field at all. It never was in my mother, lady Mallet's life time.

2.) The Pavilion is there for the convenience of those playing sport, and in particular the children who are the main users of the field. Trading alcohol is a separate use of the Pavilion which would result in loss of

amenity, and obstruction to the children  
in the exercise and enjoyment of their  
rights — amounting to a  
PUBLIC NUISANCE

in common law and for the purposes  
of the Licensing Act 2003.

3) Furthermore, I believe that the  
applicant company has no right  
to occupy the Pavilion under the  
terms of my late mother's Charitable  
Trust.

I should be grateful if you would  
kindly acknowledge receipt of this letter.

<b>Objector</b>	Mr Oliver Lewis
<b>Objector Address</b>	Mill House, Stocks Road, Wittersham, TN30 7EJ
<b>Date Received</b>	16 July 2019
<b>Distance to premises</b>	306m (approx.)

## Objection Details

### **Application by Wittersham General Sports Club Trading Ltd for a Club Premises Certificate to operate at Wittersham Sports Club, Poplar Road, Wittersham, TN30 7PD**

#### **Introduction**

On Page 5 of Ashford Borough Council's "Statement of Licensing Policy 2014-2019" it is stated, with reference to the requirements of the Licensing Act 2003:

*The Act requires applicants to consider carefully this Policy when drafting their applications. Applicants should show that they have considered the practical effects of managing their business to accord with this Policy.*

*Ashford Borough Council expects holders of a premises licence, club premises certificate or temporary event notice to make every effort to minimise the impact of their activities and any nuisance or anti-social behaviour by their patrons within the vicinity of their premises.*

Having myself carefully read the Policy, I would be surprised if the applicant has done the same given the scant regard which appears to have been given to its requirements.

Although there has been a Club Premises Certificate in operation at the premises for many years, this is a new application, additional to the one already held by the Wittersham Football Club. It is to be held by a trading subsidiary which clearly wishes to operate the premises on a more commercial basis, presumably involving the employment of staff as was the case when the "social club" was unlawfully operating from the premises between August 2016 and January 2017.

Given the above, I would have expected that the applicant would have wished to assure those like myself who use the premises on a regular basis for sporting purposes that they are at least making some kind of effort to minimise the impact and ensure the safety of the premises. Equally one would expect that some regard would have been shown for the impact on near neighbours and children.

It is disappointing that none of these issues have been adequately addressed and my detailed comments on the submitted Operating Schedule can be found below.

#### **General Description**

I feel that this section should have made clear that the whole of the premises, that is the pavilion and over 5 acres of playing field are the subject of a charitable trust which requires that the premises are used for exclusively charitable purposes in line with Charity Law. The Charity Commission has made it clear that a "social club" could not operate from the premises and that the supply/sale of alcohol is

only able to take place when sports which are deemed charitable are taking place. This would exclude, as I understand it, the likes of darts, pool and “pub games”. The applicant should make clear their commitment to adhere to this as part of the application.

It is stated that the sale of alcohol will be limited to the clubroom but there is no indication that this is a multi-purpose room that must double up for many other purposes which are essential to the operation of the pavilion for its charitable purposes. No attempt has been made to explain how these uses would be reconciled.

I am concerned also about the area that has been defined for the “consumption” of alcohol. I understand the stated 30m radius of the pavilion has now been narrowed down to a semi-circular area of 30m radius in front of the pavilion. The new plan provided some time after the application was validated is of poor quality but as groundsman of the Football Club it appears to me that these measurements as drawn would encroach on the senior pitch, the junior 7-a-side pitch and the children’s training pitch. This is totally unacceptable.

### **Operating Times**

It is stated that the premises will be open to the members of the Wittersham General Sports Club Trading Ltd every day of the week from 8am to midnight and the licensable hours will be between 12pm and 11pm. On Christmas Eve the opening hours will be extended to 1am and the licensing hours until 11.30pm and on New Year’s Eve the opening hours will be extended until 1.30am and the licensing hours to 1am.

Given that the sports field is only to be used for essentially outdoor sport and any use of a bar must be in connection with that, these hours seem totally inappropriate and certainly seem to be focused on normal pub opening times rather than the times sporting activities currently take place at the ground. In these circumstances I can see no justification for opening the bar either on Christmas Eve or New Year’s Eve.

In addition there appears to be no recognition of the fact that the vast majority of the current users of the ground are under the age of eighteen and could not be members of this trading company that purports to be a club. Neither is there any consideration of how the entirely different needs of these two sets of users could be reconciled.

### **Promotion of the Four Licensing Objectives**

#### **a) General**

This section is supposed to cover all four licensing objectives but in fact makes no reference to any of them. The notion that the provision of a bar, which is the sole purpose of this trading company, will increase sporting activity must be to view things in the wrong order within the context of this trust. The knock on effect must essentially flow from the other direction. The sport must come first and the supply of alcohol must be ancillary. Given the very serious health and social problems associated with alcohol consumption it seems somewhat disingenuous that a Charity which is set up to promote healthy recreation in the form of outdoor sport should see a bar as the main draw for players. Given the vast majority of the current users are children this is of particular concern.

## b) The Prevention of Crime and Disorder

Having been a trustee of the Charity during the time that the social club was in operation, I am genuinely struggling to understand how the applicant could have come to this conclusion. During the short period that the social club referred to was in operation between August 2016 and January 2017, the following incidents were recorded by the Charity trustees:

- Break in to pavilion involving damage to the pavilion and the theft of alcohol and a substantial sum of cash left on the premises.
- Positive drug testing- evidence of cocaine use found in both the gents and ladies toilets being the only area tested.
- Fights in the grounds
- Complaints about anti-social behaviour from neighbours which were also raised at Parish Council level.

By contrast since the social club closed, I am not aware of any incidents of this kind. So to suggest that the social club reduced anti-social behaviour and petty crime seems to be wholly at variance with the facts.

It would be more appropriate for the applicant to describe what best practice measures they would put in place to protect the public especially in relation to preventing and discouraging drug use and controlling excessive consumption of alcohol which can often be linked to criminal and anti-social behaviour.

They could also look at the physical security of the premises and the responsible use of CCTV.

## c) Public Safety

Where it is stated "*we are up to date with all our fire regulations*", I take it "our" refers to the Trustees of Wittersham Sports Club rather than the Wittersham General Sports Club Trading Ltd. As a former trustee and a regular user of the premises I am certain this is not correct. Building works were carried out to the premises in July and August 2016. Fire doors were not correctly fitted to building regulations and the new entrance created (without the necessary planning consent) does not have the correct signage or emergency lighting.

It is not clear whether a fire risk assessment has been submitted with the application but the requirement for this is made clear in the Council's Licensing Policy on Page 15:

*"When preparing their operating schedules, applicants are reminded that it is a requirement of legislation that any licensed premises carry out a fire risk assessment and to record the significant findings in writing (Regulatory Reform (Fire Safety) Order 2006 Article 9 paragraph 6)."*

A fire risk assessment was commissioned by the Football Club in February 2017 which was passed to Trustees and this highlighted a number of issues.

There is also no mention in the Operating Schedule of limits on the capacity of the licensed area. The clubroom is not a large room and numbers should be limited.

There is also the issue of parking at the premises. This is a particular problem on match days and there has certainly been complaints about the highway being

blocked. The increased use that the applicant predicts would only exacerbate this problem.

#### d) The prevention of Public Nuisance

There can be little doubt that to have such great sporting facilities in the village is an enormous benefit and there is certainly a case to argue that if people are positively engaged there will be a general reduction in anti-social behaviour. This, however, is not what I think the applicant should be considering here. They should be looking at the impacts that the licensable activities have on those living in the vicinity. It should be noted that the sports field is in a very sensitive location at the centre of a quiet rural village. Sound travels some distance. We for example live around 300m from the ground and the noise is quite clearly audible when events are happening. I would think then that the times when alcohol can be consumed outside should be limited and the area for outside consumption should be reduced and moved away from the gardens of neighbouring properties.

Consideration should be given to providing a designated area for smoking which again is away from the neighbouring gardens

Measures should be taken to ensure people leave the premises quietly and respect neighbours.

Light pollution has also been an issue and there should be some control of the use of outside lighting.

The applicant has dealt to some extent with the issue of litter but does not go far enough. Providing extra bins would be helpful but the issue is more with ensuring any litter is regularly cleared up and the outside bins are regularly emptied. Consideration should also be given to dealing with dog mess and discarded cigarette stubs which were a considerable problem when the social club was open.

I would also suggest consideration should be given to the storage and disposal of empty beer barrels which were often left littering the premises for weeks.

#### e) The Protection of Children from Harm

Again it is recognised that the participation in sport provides many benefits to children and those involved in organising this have a duty to keep the children safe. I myself can bear witness to playing football at Wittersham for very many years as a child. It is great to see so many children still benefitting from Lady Mallet's trust with games and training taking place throughout the year, almost every week and in all weathers.

The applicant has a duty to address how the licensable activities might impact on this important usage and how the two can be reconciled. Particular attention needs to be given to the shared use of the clubroom. This is used by the children, parents and club officials for meetings, tuition and administration, as well as providing a place for refreshment, socialising and shelter for everyone. The only sink in the clubroom is behind the bar and the only place the lights can be turned on is behind the bar. These issues should be resolved.

The clubroom is an area important to the delivery of sport and that should not be compromised by its use as a commercial bar. In light of this, will the bar for example be closed when junior matches and training are taking place?

Could I also ask, what measures will be taken to prevent the sale of alcohol to minors? Given the previous use of illegal drugs in the toilets how will this be monitored given these same toilets are also used by the children?

### **Conclusion**

This is an unusual application for a Club Premises Certificate from a trading company which purports to be a club but that club does not yet exist. From reading the "Club Rules" in the form of Articles of Association, it is difficult to conceive of a club which is in fact controlled by another organisation and not its members.

On the basis of the information provided by the applicant, Wittersham General Sports Club Trading Ltd, I can have little confidence that the bar will be run responsibly. I cannot see how the Operating Schedule complies with the Licensing Policy and therefore it should, in its current form, be rejected.

In addition, the Council should seriously consider whether the Wittersham General Sports Club Trading Ltd is in fact a "real club" as defined on Page 24 of the Licensing Policy. It is the Council's legal duty to do this and I would like to be assured that this matter has been properly investigated.

There is also the question of the rights of occupancy of the premises. The Wittersham General Sports Club Trading Ltd certainly does not currently occupy the premises and there must be serious doubts as to whether a trading company set up in this contrived way could lawfully occupy the premises under the terms of the Lease. Again I would like assurances that the Council has fully investigated this matter.

<b>Objector</b>	C Paterson
<b>Objector Address</b>	14 The Street, Wittersham, TN30 7ED
<b>Date Received</b>	15 July 2019
<b>Distance to premises</b>	232m (approx.)

#### **Objection Details**

Dear Sir

I as a resident of The Street Wittersham have been made aware of the application of the Committee of the playing field for a license to sell alcohol and have extended opening hours turning it almost into a social club and not as originally intended as a playing field for sporting activities I feel it my duty to complain on the grounds of it being a public nuisance. It is lovely to hear football matches during the day but I do not relish the thought of being woken up by noisy revellers after the sports pavillion has closed.

I hope that you will consider my objections to a license being granted

<b>Objector</b>	Mr & Mrs Avery
<b>Objector Address</b>	1 Forge Meads, Wittersham, TN30 7PE
<b>Date Received</b>	14 July 2019
<b>Distance to premises</b>	78m (approx.)

### Objection Details

I am writing to object to the application of a licence for the sale of alcohol at the Sports Ground Pavilion, Poplar Road, Wittersham, Kent TN30 7PD. I object under the following objectives:

**THE PREVENTION OF CRIME AND DISORDER AND THE PREVENTION OF PUBLIC NUISANCE.**

As a couple we are relaxed and easy going people and not ones to complain. We understand the need for a village pub in Wittersham. However when choosing to live somewhere there are certain things people take into consideration before purchasing your property. If I purchased a house near Brands Hatch for example, I would be a fool to then complain about the noise from the race track! The following scenario also applies to pubs and clubs etc. We did not choose to move next to either, and our property is directly opposite the Sports Club.

The sale of alcohol was permitted at the sports club a year or two ago. During this period ourselves and fellow neighbours, some of which have very young children, experienced many nights of disturbed sleep due to the drunken disorder of some of the users of the Sports Club. Often the noise caused by the club exceeded midnight, mostly by drunken people, or teenage children of these people shouting at each other in the car park! During summer months, many of us need to sleep with windows open to keep cool, however on warmer evenings the club obviously had more customers and the noise was exacerbated.

On several occasions we found people urinating in the hedges and gardens in the immediate vicinity of the Sports Club. The 'now removed' phone box also had its glass smashed during this period, although I can't prove it to be due to the drunken behaviour of club members.

I am sure that many of the Sports Club members would use the club how it is intended, as a local place to socialise and drink and leave the club quietly at night. However it seemed like quite a few users could not handle their drink and were effectively ruining it for other users. Signage asking patrons to leave quietly will not work with drunken people!

In summary, I feel that it is unfair to ruin the quality of sleep and life for people living in the immediate vicinity of the club just so people can have a drink. More effort should be placed into getting the village pub up and running again.

<b>Objector</b>	Mr A Barkel
<b>Objector Address</b>	7 Poplar Road, Wittersham, TN30 7PD
<b>Date Received</b>	12 July 2019
<b>Distance to premises</b>	31m (approx.)

### Objection Details

I am writing in response to the licencing application for the Wittersham Sports Club Trading Limited.

My representations for objection are the following;

Re: Prevention of Crime & Disorder & The Prevention of Public Nuisance

Under the previous licence held by the Wittersham Sports Club, the running of the club allowed members and their guests to leave the premises late in the evening in a loud and disorderly manner, using foul language, urinating in front of homes just outside of the sports club.

Also the use of foul language and lots of screaming/shouting in the afternoons while local residents are enjoying their gardens on summer afternoons. These acts happened regularly whilst the previous licence was in operation.

Re: Public Safety

Also under the previous licence held by the Wittersham Sports Club, members and their guests were allowed to leave the premises driving their vehicles whilst quite obviously over the alcohol limit. We have no police support in the village for monitoring such behaviour which is a large concern.

Whilst the previous licence was in operation, myself and some other local residents had a meeting with PC 10679 Alistair Pringle to express our concerns with the ongoing behaviour and drink-driving.

I do support the Sports Club for use for sporting events as these are great for our village (my support includes donations of sausage rolls free of charge for the cricket club home matches) - however;

I strongly **object** to the use of the Wittersham Sports Club being used as a club for drinking as I am extremely concerned for how it will be used - for public safety, crime, disorder & nuisance behaviour.

<b>Objector</b>	Ms Gillian Kirk
<b>Objector Address</b>	The Gothic House, The Street, Wittersham, Kent, TN30 7ED
<b>Date Received</b>	11 July 2019
<b>Distance to premises</b>	195m (approx.)

### Objection Details

**Wittersham General Sports Club Limited application dated June 2019 for a Club Premises Certificate for a Liquor License for the premises Wittersham Sports Ground and Pavilion, Poplar Road, Wittersham**

As a resident on the Street in Wittersham with the rear of our house facing the sports field and within sight of the Sports Pavilion, I object wholeheartedly to the terms of the application set out by Wittersham General Sports Club Trading Limited.

1. The hours of trading with the sale of alcohol the company is applying for are totally unreasonable especially in a quiet residential area and are likely to cause public nuisance. Ashford Borough Council should seriously consider the times applied for as being totally excessive for a small village sports club, which has residential housing beside it and opposite it.
2. The sale of liquor well into the night is likely to disturb residents further afield i.e. Poplar Road and The Street especially if, as the company has requested, members are able to spill out of the Club house within a 30 metre radius of the pavillion with alcoholic drinks.
3. The Club's assertion that they will provide extra bins in the car park and at the exit gate to contend with extra rubbish, is frankly inadequate judging by what we have experienced when there have been football tournaments and therefore greater larger numbers than members' nights at the club.
4. Inevitably the sale of liquor in a family orientated sports club rather than a public house will expose children participating in sports to rowdy adults which will be to their detriment.

My greatest concern is the excessive hours requested in this application and the noise pollution in a residential area. I would be grateful to Ashford Borough Council if they would carefully consider these points before granting any license to the above mentioned club.

Yours sincerely

<b>Objector</b>	Mr Daniel Bennett
<b>Objector Address</b>	The Old Post Office, 12 Poplar Road, Wittersham, TN30 7PG
<b>Date Received</b>	10 July 2018
<b>Distance to premises</b>	88m (approx.)

### Objection Details

#### **Club Premises Certificate (Sale of Alcohol) for Wittersham General Sports Club Trading Ltd**

I have received the Operating Certificate, Notice of Application and Plan for the above application. I live almost directly opposite the Pavilion on Poplar Road.

My objections are for the following reasons:

1. There are continuous problems with parking on the site as players park on the road down to our house, presumably because there isn't sufficient parking on site for the numbers who want to play. This causes an obstruction on a blind bend, with car drivers having to negotiate with only space for one car to pass at one time. With an alcohol licence from midday to 11pm every day, this is only likely to get worse and it is currently dangerous for me, my children and car drivers who use this main road between Tenterden and Rye;
2. The Pavilion wasn't intended to be a permanent public house, but a venue for sporting activity. I have two young children and I am concerned about noise, particularly late at night as my children's bedrooms are at the front of the house. Events which have taken place on the site previously have been extremely loud, with music and on hot summer evenings. On one occasion, the noise didn't stop until after 1am. Even with the windows closed, we couldn't sleep. This is likely to be a regular occurrence with a pub opposite my house;
3. With two young children, I am concerned about drunken behaviour and the noise of people leaving the premises after closing time. There is an established public house in Wittersham and there are plans supported by locals to re-open it. It would be much better to have a pub on a designated and established site than somewhere unfit with little or no soundproofing. This is an extremely quiet rural conservation area and AONB which would be spoilt by something wholly unnecessary;

4. It appears from the plans that alcohol can be consumed up to 30 metres from the Pavilion building, which would extend the area to the road and beyond. This is completely inappropriate. It is also clear that any sort of sporting activity which previously had to take place to justify the consumption of alcoholic beverages is unrelated to the more important business of drinking as extended hours are requested for Christmas and New Year. What sort of sporting activity is due to take place on those days, justifying meeting in the Pavilion?

<b>Objector</b>	Mr Spencer W King
<b>Objector Address</b>	Cullens, Wittersham Road, Wittersham, Kent, TN30 7PU
<b>Date Received</b>	6 July 2019
<b>Distance to premises</b>	2.6km (approx.)

### Objection Details

**Re: Wittersham General Sports Club Trading Limited application dated 19th June 2019 for a Club Premises Certificate for the premises Wittersham Sports Ground and Pavilion, Poplar Road, Wittersham.**

Please find set out below my objections to this licence application.

The above building was constructed to provide changing facilities and space for refreshment related to the sporting activities that were permitted on the surrounding sports field. The use of the pavilion building has largely related to the times of match fixtures or training related to those sports.

It was not authorised to provide alternative facilities to the village pub or village hall which both existed at that time.

It appears that the licence being sought is for general trading for the hours of midday to 11pm weekdays and weekends not specifically related to sporting activities. It is clear this relates to hours which are additional to those that related to the sports events and it seems unavoidable that increasing the occupation of this fairly basic building to operate on the basis of pub hours will cause increased noise nuisance to the residents that surround it. This would be both in terms of potential noise emanating from the building itself and from voices, car doors and traffic movements late at night after normal post sport refreshments would have ended.

It seems unlikely that much genuine sporting activity will take place during normal working hours of the normal working week as proposed in the application. At those times the sports activities are most likely to relate to school children having matches or training after school. Using the same pavilion building for general trading with alcoholic consumption while the main occupiers are likely to be children would be incompatible. Those just drinking socially would be unlikely to want to be surrounded by noisy children who themselves might generate friction with others using the building. This could put the children at risk of verbal abuse to suppress their exuberance and provide a poor example.

The purpose of the grant to the charity of the use of the field was to encourage healthy activity such as sport, not to create a social centre. The sale of refreshments including beers and spirits in the pavilion previously was related to the times of the sports activities or special events, not for general trading throughout the day as proposed by this application. The inclusion of 'trading' in the applicants' name implies that the purpose of this entity is to create profit from trading alcohol.

Wittersham does not have a village pub currently as viability has been the problem. There is a proposal currently for the existing pub building to re-open. This was purpose built unlike the sports club pavilion and has car parking. The parish council has encouraged introducing businesses which enhance the local economy. Rather

than splitting the customer base, the village would therefore be better served by any new alcohol licence being reserved for the re-opening village pub which can be used by everyone within walking distance but would also be available to tourists and anyone passing through rather than customers being excluded from using such premises unless they have previously become the member of a club.

I therefore oppose this application as it will create disturbance, could adversely affect and influence children due to conflicting uses during the hours proposed and does not enhance the facilities available to the village residents or visitors as it requires joining a club.

I shall be grateful if you will confirm safe receipt of this email and that these comments will be taken into account when determining this application.

<b>Objector</b>	Mr George Parkin
<b>Objector Address</b>	8 The Street, Wittersham
<b>Date Received</b>	2 July 2019
<b>Distance to premises</b>	205m (approx.)

#### **Objection Details**

I object to this application firstly on the grounds of public nuisance: the club house is designed for changing rooms and limited social use and is of basic construction providing little sound insulation to protect immediate neighbours from noise.

It doesn't meet the necessary building requirements for use a drinking establishment.

The access to the clubhouse is adjacent to a property in Poplar Rd. The path from the road runs the full length of the property, as does the limited car park. Both pedestrian and vehicular movement causing noise. The building also backs on to three other properties in Poplar Road all of which suffered from anti-social behavior, noise and litter nuisance on previous occasions a licence has been allowed.

The exit from the car park into Poplar Road is also an issue as cars leaving the car park on to Poplar Road on a narrow bend with parked cars either side.

I secondly object on the grounds of protecting children from harm. The majority of sports users of the clubhouse are under 18 years old. The changing rooms and toilets are accessible from the social area.

Prospective social club members are not of course subject to checks for criminal records and character, this means children could be using the changing rooms whilst unknown adults are accessing the toilets and potentially the changing room. The building is not designed for use as an open bar and sports venue, this could leave children at risk.

The clubhouse was established as a changing facility offering post-match refreshments it was never intended to be a fulltime drinking establishment.

<b>Objector</b>	Mr & Mrs Marshall
<b>Objector Address</b>	The Old Forge, 3 Poplar Road, Wittersham, TN30 7PD
<b>Date Received</b>	29 June 2019
<b>Distance to premises</b>	24m (approx.)

### Objection Details

Dear Sirs

Application for a Grant of a Club Premises Certificate: - Wittersham General Sports Club Trading Limited

I write to raise our concerns and observations regarding the above application especially as we are the nearest most effected neighbour to this venue which at its nearest is less than two metres from our own boundary fence to the pavilion. Please also note that we are making our case having knowledge of the problems that can arise for we have first-hand experience having witnessed the difficulties of the previous fore runner of this entity which also operated as a member's club. I am additionally cognisant that I can compare the new venture with the old as this limited entity is sponsored by or has common Directorships as those of the previous failed venture. I have now had the opportunity to view the application and plans which frankly are of poor quality and produced without true accurate detail and reference to our boundaries. I may also be writing a futile and pointless letter to highlight areas of concern and compromise because advertisements and notifications have already been circulated publicly in the village and neighbouring areas advising that the WGSC will be opening for business on the 11<sup>th</sup> of July 2019. I would although it seems the CPC has already been issued or guaranteed permissions like to put forward suggestions and comments. Moreover, I did hope that as with the last venture of this nature you might have been keen and prepared to meet with the neighbours to listen in person to our concerns and anxieties to demonstrate equanimity?

My initial anxiety with the application is the uneasiness at a request for such long hours of trading seven days a week notwithstanding the fact that the Swan our local public house did not even operate such expansive opening times until it closed recently; I ask is this really required appropriate or suitable for our small village. I also point out that Community Benefit Society led by the Chairman of the Parish Council is in talks to achieve the re-opening of the Swan public house in the village as a community hub and this application is therefore counter-productive to that endeavour. Surely opening Thursday through to

Sunday commencing at say 4 pm and closing at 11pm is enough for the purposes of a village club? I do also question why we require additional establishments and one to be allowed to hold two certificates to sell alcohol in such a small community as Wittersham. The Community Benefit Society led by the Parish Council intend to reopen the Swan public house a venue more suitable for such long opening hours.

Moving on however I shall list the worries and observations as per the four relevant areas to such applications.

#### Prevention of crime

Such extensive opening hours would I propose lead to a repeat or increase in anti-social behaviour and the drunkenness seen on occasion during the operation of the last concern. In the twenty years that we have lived at the Old Forge only after the last concern opened did, we suffer any problems with anti-social behaviour, and these stopped when it failed. Please note that these events of drunken behaviour were reported during a meeting with the licensing officer held with the neighbours regarding the operation and troubles caused about the last "club" which operated identical hours. We wish to be reasonable and though we find the methodology and hours operated by the current premises certificate holder Wittersham Football Club suitable to ensuring lawfulness and negating anti-social behaviour we are not closed to argument or inflexible. The current certificate holder has a proven record of law and order and of safeguarding children while promoting healthy activity. The opening hours requested by the new entity seem more suitable to a public house than a small village members club unless the plan is to widen the membership to beyond the village which would clearly negate any local community benefits. I am very concerned at anti-social behaviour such expansive hours would encourage and I may live a sheltered life, but I know of few people who wish to commence drinking alcohol at 0800 hours on Christmas Day. I am also naturally concerned by the prospect of drink driving with the Police hard pressed at this moment in time. Candidly such times of opening as requested are more conducive to a business venture than as an altruistic beneficial addition to the charitable status encouraging sports for one and all. I might add the village hall admirably serves the purpose of a community hub at the present time and has commenced opening "pop up" pubs. My contention is that if these hours of opening are allowed it would encourage rather than lessen crime in the area and it is a fact that we did not have any anti-social behaviour in this village prior to the last attempt at opening a members club with such extensive hours. Frankly I cannot understand, nor can I find during my research the necessity or lawfulness for two club premises certificates to be held by and at the same small venue.

#### Public safety

As experienced during the previous operation/trading period the current parking facilities were unsuitable for large numbers of vehicles and the minor road became the natural overflow. The single entrance to the car park also proved dangerous to both people and other vehicles because it leads directly out to the small A road that connects Tenterden to Rye. Moreover, considering the proposed expansion of use and materials utilised in the build of the pavilion I would advocate a thorough inspection of the pavilion in respect of its

worthiness and adherence to fire regulations and moreover its suitability as a venue for such wide-ranging hours of opening in respect of public safety. Please additionally note the last club did not have a designated smoking area and as such we found people wandering about wherever they wished smoking and drinking. I note the area on the plan within which people would drink eat and smoke and I have as advised proposed a reasonable compromise and amendment to this plan as cigarette smoke is a hazard and I suggest also a health and safety risk. We would ask for a designated smoking area situated well away from our wooden boundary and the pavilion to prevent any possible fire risk if this application is or has been granted and moreover to stop the cigarette smoke into our rear gardens. Likewise, the barbeque parties (currently being advertising as of the 11<sup>th</sup> of July) could these not be at the other end of the pavilion to negate not only the fire risk to our wooden fences but take the odours to the side of the pavilion without any neighbours at all. Finally, I am aware that the toilets within this building drain into a septic tank and I remember that last time this filled regularly with effluent that were emptied usually when the smells became too much or the toilets "backed up". I suggest that this is an environmental and health concern and must be addressed or inspected before allowing such expansive opening times as it is clearly not fit for the purposes of this application.

#### Public Nuisance

I have listed my most prominent disquiet within this section though it may be more apposite to our public safety. My side and rear windows and stable door face out to the pavilion and car park and vehicles were and are parked dangerously literally blocking light to our windows and almost touching our home. I have provided a photograph demonstrating how members of the club often park and not only is such parking blocking light to our windows, but it is not safe nor courteous. I have provided an amended drawing indicating the area I would suggest the CPC designates for parking and additionally to alleviate the problem could this new group not erect a small fence ensuring that cars are not parked within our boundary on our side path before any license is granted or approved? The noise pollution and disturbance as suffered from people outside the pavilion last time could be mitigated or reduced this time by a condition ensuring there is a specific area well away from the rear fences of our gardens and again the red line is my suggested amendment to their rather vague and not to scale plan. I am additionally unhappy with both the prospect of light and sound pollution as two large halogen lights have been added to the rear of the pavilion and when on they shine directly into all our adjacent houses and gardens and will operate if as before from early evening until well past closing hours. I would also respectfully expect tight stipulations in relation to the level of noise from people and music in and out of the pavilion.

#### Protection of Children from Harm

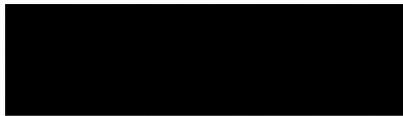
Safeguarding children at a club should form the basis of any application physical and otherwise. I suggest a direct physical risk exists as there is an unfenced pond and also a deep and dangerous ditch with often flowing water directly adjacent to the pavilion and we can attest to its menace as we witnessed first-hand last time these premises were open for such

long hours children playing and falling into this dyke/drain. Furthermore, as a sports venue originally formed and principally used all the time by children to play and train for sports, I suggest that these hours of opening as requested are not appropriate. Members smoking and drinking outside the pavilion while children watch train and play football on a regular basis fail in my mind to provide a good example; it is not only a bad role model but totally unhealthy and inappropriate in modern society.

It may be that this CPC has already been issued prior to the date on the application and as such we are writing a worthless letter expressing our concerns and suggestions, but I do hope not. Accordingly, I do therefore trust that our input will not be ignored as we have attempted to identify those risks and hazards as a result of allowing such an extensive and wide-ranging further certificate to be granted and our suggestions therein. In short, we would all appreciate and offer and request participation in any additional scrutiny of the process and application as the neighbours most affected by this application.

Yours Faithfully

Mr and Mrs Marshall



Amended Drawing





<b>Objector</b>	DA & C Craib
<b>Objector Address</b>	Vine Cottage, 6 The Street, Wittersham, Kent, TN30 7ED
<b>Date Received</b>	23 June 2019
<b>Distance to premises</b>	184m (approx.)

### **Objection Details**

Dear Sirs,

With regard to the above, we would make the following comments: We have lived in Wittersham for 22 years and in that time our understanding has been that the Sports Club is for the use of the children and young people with the aim of encouraging sports and other activities. On most weekends, from our house we can see that football and cricket take place according to the season and weather permitting.

Our objections relate to the following grounds:

**Public nuisance:** In the past when a 'social club' was started up we were subjected to search lights and floodlights till late. As our bedroom faces the sheep field and then the sports club, we considered this to be a nuisance and entirely out of keeping with a village environment. It is also of course an unnecessary increase in light pollution in an area of dark skies.

**The Protection of Children from Harm/ Prevention of Crime and Disorder:**

As this was, and is we assume, intended primarily for the use of children, it is difficult to see how they would not be affected by the use by adults as a drinking club. In fact, how would the organisers/proprietors protect children from unruly behaviour or worse? It is commonly known that when used previously for the 'social' purpose, illegal drugs were found on the premises. Therefore this must be a serious consideration.

<b>Objector</b>	Mrs Mary Walton
<b>Objector Address</b>	Bramble Cottage, Wittersham
<b>Date Received</b>	18 June & 23 June 2019
<b>Distance to premises</b>	208m (approx.)

### Objection Details

**Re : Wittersham General Sports Club Trading Limited application dated 10th June 2019 for a Club Premises Certificate ( CPC ) for the premises Wittersham Sports Ground and Pavilion, Poplar Road , Wittersham.**

I object to the above application on grounds that it is not compatible with the licensing objective " The Prevention of Public Nuisance ". The impact of this licensable activity at these specific premises would in my view be unreasonable to those persons living in the vicinity.

The Wittersham Sports Field ( 5 + acres ) , although centrally located within this quiet rural village, nevertheless faces out across open privately owned fields of pastureland and orchard. Noise carries readily across such terrain and it was for this reason that planning consent for the present sports pavilion ( 25th Aug. 1995 ) was subject *inter alia* to the following condition : ----

02 *No music and / or any other amplified sound shall be audible at the site boundary of any noise sensitive premises indicated on the attached plan.*

This planning condition shows a very reasonable consideration for the section of the public who live in the houses surrounding this open and rural centre to the village. The pavilion was not to be built without taking into account the effect of noise on surrounding properties.. Whereas the sight and sound of cricket, football and other sporting activities is quite simply delightful, the noise and disturbance that would result from a license to supply and sell alcohol 12.00 - 23.00 by a trading subsidiary company would cause a marked reduction in the living amenity and environment of those people living within the already identified noise sensitive zone. My cottage is one such property. The increased noise and disturbance was apparent for the short period during which a "social club " was incorrectly operating. It was not fair on the neighbours.

Suitable measures to prevent noise and disturbance are hard to envisage. The pavilion is a stand alone very basic structure situated at one side of the open sports field. It is not an appropriate building for running a bar business at all.

Litter is likewise an inevitable problem. On a recent " Village Litter Pick Day " I personally filled an entire black bin liner bag at the sports field in a very short space of time. Much of the rubbish was squashed drinks bottles.

Under the Licensing Act 2003 Public Nuisance retains its broad common law meaning. This includes loss of amenity and obstruction to a section of the public in the exercise of their rights. The sports field is subject to a charitable trust and classified at the Charity Commission for Education / Training . Amateur Sport for Children / Young People and other defined groups. It is the Commission's view that alcohol may only be supplied / sold when sport is in progress. ( It may yet be

found that there is no power under the trusts of the charity to supply / sell alcohol at all ). Unsurprisingly , children are the main users of the sports field, and the pavilion is there for their use and convenience when matches and training sessions are in progress. If the pavilion is being used for a separate purpose ( ie trading alcohol ) this is an obstruction to this young section of the public in the exercise and enjoyment of their rights. The pavilion is their own personal space at such times -- and in particular when it pours with rain.

I urge Ashford Licensing to consider very seriously the Public Nuisance implications of this application and to accordingly refrain from granting it.

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Dear Trevor,

Many thanks for your email of 19th June. May I confirm that I would like my objection to be resubmitted in respect of the new application for revised times, with the addition of the following extra note : ----

**Extra note** pursuant to resubmission of application with amended timings

The public nuisance element to this application is greatly exacerbated by the resubmitted timings, which are frankly absurd. The trustees have no power to allow occupation of the charity's premises by a trading company at such times.

" *the bar cannot operate as a social club or pub and can only operate to support sporting events ( for example , when a match is being played or during training sessions etc.....* " ( email to me from Charity Commission dated 29th April 2019 )

Since " sports" / pub games within the pavilion eg darts, pool are not generally regarded as sports for the purpose of charitable activity, and clearly do not amount to sports for the purposes of this designated 5 + acre field, it is hard to envisage what matches or training sessions would be in progress to 11 o'clock at night every day of the week , let alone late at night on Christmas Eve and New Year's Eve. Before even considering the considerable Public Nuisance element to this application it seems essential to confine the hours being applied for , by appropriate limiting condition, to those hours when the Charity Commission has at present stated that a bar might operate, ie when a match is being played or during training sessions, which means genuine outdoor sporting fixtures on the field.

And if sport is in progress on the field, the use of the land within a 30 metre radius of the sports pavilion by a trading company would constitute a clear Public Nuisance in its broad common law meaning which includes loss of amenity and obstruction to a section of the public in the exercise of their rights. The area thus delineated of greater than 2.827 sq. metres impinges upon the sports pitches themselves !

## **APPENDIX H - HUMAN RIGHTS**

### Article 8

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

### Article 1 of the First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws, as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

### Article 10

3. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
4. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.