

DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 16 October 2023

Application for a Premises Licence – Thoulstone Park, Chapmanslade, Westbury, Wiltshire made by Mr and Mrs Hughes-Hallett

Councillors:

Cllr Trevor Carbin, Cllr Kevin Daley (Chair) and Cllr Ruth Hopkinson

Decision:

Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for a Premises Licence in respect of Thoulstone Park, Chapmanslade, Westbury be REJECTED for the following reasons:

Reasons:

The vagueness of the application as to the purposes and events for the premises and the alteration in the licensable area during the hearing meant that the Sub Committee felt that there was insufficient evidence for them to be satisfied that the Licensing Objectives would be promoted.

The Sub Committee took account of the revisions to the proposed licensable area, made by Applicants during the hearing, amending it to include only the marquee on site rather than the boundary of Thoulstone Park. The Sub Committee also noted that the Applicant had agreed to proposed changes by the Senior Environmental Health Officer, as listed in Appendix 2 of the report, that included a restriction that live and recorded music would cease on the site by 23:00 every day. The Sub Committee were content to consider the application as amended on the basis that the marquee would not be extended or moved from the location listed in the application.

Although concerns were raised by the changes to the area to be licensed by some members of the public that had made representations, the Sub Committee were satisfied that the representations made remained relevant given that the revised proposed licensable area fell within the boundary of the original application and had been explicitly defined. The Sub Committee were also content that the substantive issues raised by those objecting to the application were still the same.

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from all parties present at the hearing. The Sub Committee noted the concerns raised by the local residents at the hearing concerning the anticipated public noise nuisance, including its impact on livestock and local businesses.

The Sub Committee were not able to consider any issues raised concerning parking or highway matters as these representations were not concerned with the promotion of the Licensing Objectives. The Sub Committee can only hear evidence concerning the licensing application and the promotion of the Licensing Objectives.

The Sub Committee noted a representation from the Applicants who urged the Sub Committee not to consider complaints about previous issues with Temporary Event Notices on the site, as they had not been the Applicants on those occasions. The Sub Committee heard that the Applicants were intending to build and run up to 30 holiday cottages at Thoulstone Park, so it would be in their interests to limit noise pollution. The Sub Committee were informed by the Applicants that they did not yet have plans for any specific events and it was their intention to hold a small number of events to add to the amenities on offer at the site.

Although the Sub Committee received assurances from the Applicants regarding the merits of their application, particularly in relation to their community focus and desire to limit public nuisance, they did not have confidence that the licence being requested indicated that the Applicant had put a comprehensive plan in place to promote the Licensing Objectives. This was particularly the case as that the licence, if granted, would allow events to take place 365 days a year for up to 500 people. The lateness of the changes requested to the licensable area also meant that the Sub Committee did not have confidence that the Applicants would be able to restrict the consumption of alcohol to that area.

Having heard evidence from the representatives on behalf of parties who had made representations, including the Applicant and the Responsible Authorities, the Sub Committee did not feel there was sufficient evidence to show that the necessary requirements to ensure the Licensing Objectives would be promoted would be met.

The Sub Committee therefore concluded on the basis of the evidence presented that the application should be rejected and that such a rejection was reasonable, proportionate and necessary to promote the Licensing Objectives.

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

Right to Appeal

The Applicant, any Responsible Authority(ies) and Interested Parties who made representations were informed that they may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the

Magistrates Court within 21 days of the written notification of the decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.