

## Western Area Licensing Sub Committee

### Decision Made on 19 November 2024

Application for a Premises Licence – Thoulstone Park, Chapmanslade, Westbury, Wiltshire, BA13 4AQ

#### Councillors:

Cllr Peter Hutton (Chair), Cllr Stewart Palmen and Cllr Tim Trimble

#### 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 **GRANTED** for the licensable activities as amended and shown below:

Licensable Activities	Days	Timings
Sale of alcohol (on sales)	Friday	12:00 – 23:00
	Saturday	12:00 – 23:00
	Sunday	12:00 – 22:00
Plays, Films, Live Music, Recorded Music, Performance of Dance and the Provision of anything similar to live music, recorded music or performance of dance (indoors and outdoors)	Friday	12:00 – 23:00
	Saturday	12:00 – 23:00
	Sunday	12:00 – 22:00

Subject to the following conditions as proposed by the Principal Environmental Health Officer and accepted by the Applicant prior to the hearing:

1. The frequency of events involving regulated entertainment shall be limited to:
  - a) a maximum of 5 separate events per year with a gap of at least 1 calendar month between each event
  - b) a maximum of 10 event days per year

2. A Noise Management Plan (NMP) shall be submitted to the licensing authority at least 4 months prior to the first event involving regulated entertainment. The NMP shall set out the practical steps on how noise will be managed at events including:
  - a) A map showing location of external noise monitoring positions located at nearby noise sensitive dwellings
  - b) Details of sound propagation testing arrangements prior to the event start
  - c) The background noise level (expressed as a LA90) and maximum music noise level not to be exceeded during an event (expressed as an LAeq) at each monitoring position
  - d) Details on noise monitoring arrangements during an event including the qualification of the person undertaking the monitoring and procedures to be followed in the event of a breach of the music noise level at a monitoring position
  - e) Communications to local residents, Chapmanslade and Upton Scudamore Parish Councils and the local unitary Councillors and inclusion of a noise 'hotline' to allow residents to contact the event organiser should they need to make a complaint during the event
  - f) Compliant handing procedure.
  
3. A post event noise report shall be submitted by the applicant within 4 weeks of any request by the Licensing Authority. The report shall detail:
  - a) All monitoring data at monitoring positions during the event
  - b) Confirmation on whether noise based licensing conditions were complied with
  - c) Any noise complaints received from residents and details of corrective actions taken.

### **The Applicant**

Jessica Gould of Heartwood Events Limited had applied for a Premises License in respect of Thoulstone Park, Chapmanslade, Westbury which would allow for regulated entertainment in the form of plays, films, live music, recorded music, performance of dance and the sale of alcohol at a limited number of family friendly events including a gardening event, a children's festival and a wellness event with camping where it is hoped that these events would attract the local community. It was becoming increasingly difficult to run viable events, and they wished to have a bar service to increase the potential income and felt that any music would be atmospheric but not the main focus of the events.

They have employed a Noise Management Consultant to advise prior to and during the events to minimise any disruption or noise nuisance to local residents and confirmed that they would be happy to reduce the event hours and work with the local community to build their confidence in their abilities to run an event that would not create disturbance to anyone.

## **Responsible Authorities**

There were no representations from any Responsible Authorities.

## **Representations**

Seventeen representations were received from 14 local residents, 2 Parish Council's and the local Councillor who had raised concerns about the application and 4 representations were made in support of the application. Of the 17 that had raised objections, 6 were in attendance at the hearing to raise concerns about the potential noise nuisance at the proposed events which would affect them, and the local businesses as had been the case at previous events held at Thoulstone Park. None of the members of the public that had written letters of support were in attendance.

## **Reasons**

In reaching its decision, the Sub Committee considered all the written evidence as well as the oral representations from all parties present at the hearing. The Sub Committee noted the concerns raised by local residents regarding potential noise nuisance to their residential amenity and in particular to a local horse livery and farm, acknowledging that generally these concerns arose from previous experience of events at the premises. They also took account of the statement made by the Applicant who stated that they were willing to reduce the times of the licensable activities at the events so that they would start at 12 noon each day of an event.

The Sub Committee considered that with the conditions proposed by the Principal Environmental Health Officer which included limiting the frequency of events, having a Noise Management Plan to be submitted to the Licensing Authority, having a 'hotline' to allow residents to contact the event organiser should they need to make a complaint during an event and that a post event noise report could be requested by the Licensing Authority this would go a long way to mitigate the concerns of residents and confirmed that they would wish for these to be included. They also wished to add that the communications should be sent to local residents AND both Parish Councils and local unitary councillors.

In addition, the Sub Committee considered the relevant provisions of the Licensing Act 2003; the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council. They heard no evidence that the Applicant would fail to promote the licensing objectives.

## **Right to Appeal**

The Premises Licence Holder, 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.

