

AGENDA

Meeting: Northern Area Licensing Sub Committee
Place: The Large Hall, Calne Town Hall, The Strand, Calne SN11 0EN
Date: Tuesday 30 November 2021
Time: 10.30 am
Matter: Application for a Variation of a Premises Licence made by Venue Catering and Events Ltd, The Pear Tree, Purton, Swindon, SN5 4ED

Please direct any enquiries on this Agenda to Kevin Fielding, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line or email

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Allison Bucknell
Cllr Trevor Carbin

Cllr Kevin Daley

Substitutes:

Cllr Tim Trimble

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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 - 10*)

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 11 - 20*)

To determine an application for a variation of a Premises Licence in respect of The Pear Tree, Purton, Swindon, Wiltshire, SN5 4ED made by Venue Catering and Events Ltd.

The report of the Public Protection Officer – Licensing is attached.

6a **Appendix 1 - Variation Application** (*Pages 21 - 46*)

6b **Appendix 1a - Plans submitted with the Variation Application**
(*Pages 47 - 50*)

6c **Appendix 2 - Update to Variation Application** (*Pages 51 - 56*)

6d **Appendix 3 - Further submission from Venue Catering & Events Ltd** (*Pages 57 - 156*)

6e **Appendix 4 - Current Premises Licence and Plan** (*Pages 157 - 164*)

6f **Appendix 5 - Plan showing the location of other Licensed Premises** (*Pages 165 - 166*)

6g **Appendix 5a - Plan showing the location of other Licensed Premises** (*Pages 167 - 168*)

6h **Appendix 6 - Email to Galloping Gourmet** (*Pages 169 - 170*)

- 6i **Appendix 7 - Warning Letter** (*Pages 171 - 174*)
- 6j **Appendix 8 - Representations against the Variation Application**
(*Pages 175 - 228*)
- 6k **Appendix 9 - Plan of the Location of Representations** (*Pages 229 - 230*)

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.

“**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 in public.

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 the Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:

- A refuse to permit them to return;
- B permit them to return 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 in writing 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 at least 10 copies at the start of their submission.

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 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 so that the decision may be considered in private, and to consider any legal issues raised by the Members.
- 11.2 The decision, and brief reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.
- 11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.

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).

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

30 November 2021

Application for a Variation of a Premises Licence; The Pear Tree, Purton, Swindon, Wiltshire, SN5 4ED

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of The Pear Tree, Purton, Swindon, Wiltshire, SN5 4ED made by Venue Catering and Events Ltd.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of The Pear Tree, Purton, Swindon, Wiltshire, SN5 4ED has been made by Venue Catering and Events Ltd. for which twenty relevant representations have 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 35(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 necessary 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 licence as applied for.
 - ii) To modify the conditions of the licence.
 - iii) To reject the whole or part of the application.
- 2.5 On the 14 October 2021 an application for a variation to the premises licence was received and accepted as a valid application.

2.6 The variation applied for is summarised as follows:

- Addition of a Noise Management Plan (NMP) to be approved by the local authority to mitigate noise nuisance for local residents.
- Supply of alcohol for consumption ON and OFF the premises, Monday – Sunday inclusive.
- The supply of alcohol for residents and their bona-fide guests 24 hours daily, Monday to Sunday inclusive.
- The supply of alcohol within all areas inside and out as per the property boundaries, as per the attached site plan.
- Late night refreshment – 23:00hrs to 05:00hrs Monday to Sunday inclusive.
- Regulated Entertainment indoors (both live and recorded music) 10:00hrs to 01:00hrs, Monday to Sunday inclusive (but subject to reduced hours as detailed within their specific sections).
- Acoustic music outdoors until 19:00hrs.
- Removal of Annex 2A – Converted conditions.

Licensable Activity	Timings	Days
<p>Live music (Indoors and Outdoors)</p> <p>Recorded Music (Indoors and Outdoors)</p> <p>Non-Standard Timings New Year's Eve to be extended from the normal terminal hour on New Year's Eve (into New Year's Day) until the normal commencement hour on New Year's Day.</p>	<p>10:00hrs to 01:00hrs (Indoors) 10:00hrs to 19:00hrs (Outdoors)</p> <p>10:00hrs to 01:00hrs (Indoors) 10:00hrs to 19:00hrs (Outdoors)</p>	<p>Monday to Sunday</p> <p>Monday to Sunday</p>
<p>Provision of late-night refreshment (Indoors and Outdoors)</p>	<p>23:00hrs to 05:00hrs</p>	<p>Monday to Sunday</p>
<p>Sale by retail of alcohol for consumption both ON and OFF the premises</p> <p>Non-Standard Timings New Year's Eve to be extended from the normal terminal hour on New Year's Eve (into New Year's Day) until the normal commencement hour on New Year's Day.</p>	<p>10:00hrs to 01:00hrs</p>	<p>Monday to Sunday</p>

Live music (further details)

- Performance of amplified live music outdoors will be restricted to background volume levels.
- Performance of amplified live music indoors for the purposes of entertainment (excluding music at background volume level) will not take place in the area outlined in red in Appendix A – ground floor plan at more than 20 events per calendar year and only between 10:00hrs – 23:30hrs.
- All other performances of amplified live music indoors for the purposes of entertainment to take place in the area outlined in green and between 10:00hrs to 01:00hrs.

Recorded music (further details)

- All outdoor recorded music between 10:00hrs – 19:00hrs only.
- Playing of recorded music outdoors will be restricted to background volume level.
- Playing of recorded music indoors for the purposes of entertainment (excluding music at background volume level) will not take place in the area outlined in red in appendix A – ground floor plan at more than 20 events per calendar year and only between 10:00hrs to 23:30hrs.
- All other playing of recorded music indoors for the purposes of entertainment to take place in the area outlined in green and between 10:00hrs to 01:00hrs.

A copy of the application form is attached as **Appendix 1**. All plans submitted with the application are attached separately as **Appendix 1a**.

- 2.7 A further update was received on 1 November 2021 to clarify the application. A copy is attached as **Appendix 2**.
- 2.8 Further supporting information from the Applicant, after receiving all representations against the application, is attached as **Appendix 3**.
- 2.9 The Premises Licence for The Pear Tree, Purton, Swindon, SN5 4ED commenced on 24 November 2005 following an application for an existing licence to be converted to a premises licence under the Licensing Act 2003. No variations were applied for since the commencement date until receipt of this application. A copy of the current Premises Licence and Plan are attached as **Appendix 4**.
- 2.10 For reference, other premises licensed for ON Sales / ON and OFF Sales, Late Night Refreshment and Regulated Entertainment in the area, are detailed as follows.

	Premises	Activities	Timings
1	Purton House, Church End, Purton, SN5 4EB	Live Music and Recorded Music (Indoors and Outdoors)	Sunday to Thursday 10:00hrs to 23:00hrs Friday and Saturday 10:00hrs to 00:00hrs
		Late Night Refreshment (Indoors and Outdoors)	Thursday to Saturday 23:00hrs to 00:00hrs

		Sale of Alcohol (for consumption ON and OFF the premises)	Sunday to Thursday 10:00hrs to 23:00hrs Friday and Saturday 10:00hrs to 00:00hrs
2	The Angel Hotel, High Street, Purton, SN5 4AB	Live Music and Recorded Music (Indoors) Late Night Refreshment (Indoors) Sale of Alcohol (for consumption ON and OFF the premises)	Sunday to Thursday 10:00hrs to 23:00hrs Friday and Saturday 10:00hrs to 00:00hrs Sunday to Thursday 23:00hrs to 00:00hrs Friday and Saturday 23:00hrs to 02:00hrs Sunday to Thursday 10:00hrs to 00:00hrs Friday and Saturday 10:00hrs to 02:00hrs
3	The Royal George, Pavenhill, Purton, SN5 4BZ	Live Music and Recorded Music (Indoors) Sale of Alcohol (for consumption ON and OFF the premises)	Sunday to Thursday 10:00hrs to 23:00hrs Friday and Saturday 10:00hrs to 00:00hrs Sunday 11:00hrs to 00:00hrs Monday to Thursday 10:00hrs to 00:00hrs Friday and Saturday 10:00hrs to 01:00hrs
4	Purton Red House Ltd., Church Street, Purton, SN5 4AZ	Live Music (Indoors) Recorded Music (Indoors) Sale of Alcohol (for consumption ON and OFF the premises)	Friday and Saturday 19:00hrs to 23:00hrs Monday to Thursday 19:00hrs to 23:00hrs Friday to Sunday 19:00hrs to 00:00hrs Sunday to Thursday 12:00hrs to 23:00hrs Friday and Saturday 12:00hrs to 00:00hrs

5	Purton Village Hall, Station Road, Purton, SN5 4AJ	<p>Live Music and Recorded Music (Indoors)</p> <p>Late Night Refreshment (Indoors)</p> <p>Sale of Alcohol (for consumption ON the premises)</p>	<p>Sunday 08:30hrs to 23:00hrs</p> <p>Monday to Friday 08:30hrs to 01:00hrs</p> <p>Saturday 08:30hrs to 00:00hrs</p> <p>Monday to Friday 23:00hrs to 01:00hrs</p> <p>Saturday 23:00hrs to 00:00hrs</p> <p>Sunday 08:30hrs to 23:00hrs</p> <p>Monday to Friday 08:30hrs to 01:00hrs</p> <p>Saturday 08:30hrs to 00:00hrs</p>
6	Purton Working Men's Club, 9 Station Road, Purton, SN5 4AH (Club Premises Certificate)	<p>Live Music and Recorded Music (Indoors)</p> <p>Sale of Alcohol (for consumption ON and OFF the premises)</p>	<p>Sunday 12:00hrs to 22:20hrs</p> <p>Monday to Thursday 19:00hrs to 23:00hrs</p> <p>Friday 14:00hrs to 00:00hrs</p> <p>Saturday 11:00hrs to 00:00hrs</p> <p>Sunday 12:00hrs to 22:20hrs</p> <p>Monday to Thursday 19:00hrs to 23:00hrs</p> <p>Friday 14:00hrs to 00:00hrs</p> <p>Saturday 11:00hrs to 00:00hrs</p>
7	The Sun Inn, The Street, Lydiard Millicent, SN5 3LU	Live Music (Indoors)	<p>Sunday to Thursday 10:00hrs to 00:00hrs</p> <p>Friday and Saturday 10:00hrs to 01:00hrs</p>

		Late Night Refreshment (Indoors and Outdoors)	Sunday to Thursday 23:00hrs to 00:00hrs Friday and Saturday 23:00hrs to 01:00hrs
		Sale of Alcohol (for consumption ON and OFF the premises)	Sunday to Thursday 10:00hrs to 01:00hrs Friday and Saturday 10:00hrs to 01:00hrs

A plan showing the location of the above premises is attached as **Appendix 5 and 5a.**

- 2.11 The applicant obtained planning consent on 21 November 2017 for changes to the premises being the demolition of existing conservatories to the rear and erection of replacement extension together with extension to ceremonial room, internal reconfiguration to create additional guest rooms and other alterations, external sweeping staircase and associated hard and soft landscaping.
- 2.12 On 6 March 2018, following a conversation with Roy Bahadoor (Licensing Officer) where the intention to transfer the premises licence, refurbish the premises and potentially operate as a wedding venue was discussed, an email was sent to a representative of Galloping Gourmet (previous company name of Venue Catering and Events Ltd.) explaining the current licence, conditions and stated:
- “If there will be changes to the premises you may require amending the plans attached to the licence, either by way of a Variation or Minor Variation. You could also apply to vary any of the hours or activities on the licence. You may therefore wish to consider whether the current licence suits the prospective activities, and possibly whether a New Application at this time may suit you better than transferring, varying the DPS and then Varying the Licence.”*
- A copy of this email is attached as **Appendix 6.**
- 2.13 On 26 April 2018 a transfer application was received as a valid application, transferring the Premises Licence from Pear Tree at Purton Ltd. to Galloping Gourmet (Coulsdon) Ltd.
- 2.14 On 19 February 2020 the company changed its name from Galloping Gourmet (Coulsdon) Ltd. to Venue Catering and Events Ltd.
- 2.15 On 18 July 2021 a noise complaint was received from Councillor Lay on behalf of several local residents.
- 2.16 On 18 August 2021 Tessa Hares (Environmental Health Officer) and Jemma Price (Licensing Officer) visited The Pear Tree, Purton to meet with Scott Bradbury (Group Bar Manager, Venue Catering and Events Ltd.) and Sarah Sweeney (General Manager, The Pear Tree) to discuss the noise complaint and ascertain how the premises was currently operating.

- 2.17 On 2 September 2021 an application for a review of a premises licence under the Licensing Act 2003 was made by Sue Jenks and received as a valid application this was subsequently withdrawn on 8 September 2021.
- 2.18 On 10 and 11 September 2021 noise monitoring was undertaken by Tessa Hares (Environmental Health Officer) and Jemma Price (Licensing Officer) in the gardens of residents who had complained about the noise.
- 2.19 On 7 October 2021 Brett Warren (Senior Environmental Health Officer) and Jemma Price (Licensing Officer) met with Angus Hastie (Director, The Pear Tree), Scott Bradbury (Group Bar Manager, Venue Catering and Events Ltd.) and Sarah Sweeney (General Manager, The Pear Tree) at The Pear Tree, Purton to discuss the findings of the noise monitoring undertaken by Tessa Hares and Jemma Price and the non-compliance issues associated with the current Premises Licence.
- 2.20 A Warning Letter for non-compliance at the premises was sent on 17 November 2021. A copy is attached as **Appendix 7**.
- 2.21 Fifteen Temporary Event Notices (TENs) were submitted on 8 October 2021 to cover the following activities.
- Regulated entertainment – 23:00hrs to 23:30hrs inside the main building of the premises
 - Sale by Retail of Alcohol for consumption both ON and OFF the premises – 12:00hrs to 00:00hrs (to include, main building, orangery, and gardens)
 - Late Night Refreshment – 23:00hrs to 00:00hrs Indoors and Outdoors (to include main building, orangery, and patio area)

The dates for which they applied are as follows.

- Saturday 16th October 2021
 - Sunday 17th October 2021
 - Thursday 21st October 2021
 - Saturday 23rd October 2021
 - Sunday 24th October 2021
 - Monday 25th October 2021
 - Tuesday 26th October 2021
 - Thursday 28th October 2021
 - Saturday 30th October 2021
 - Monday 1st November 2021
 - Saturday 6th November 2021
 - Friday 12th November 2021
 - Saturday 13th November 2021
 - Saturday 20th November 2021
 - Thursday 25th November 2021
- 2.22 The Licensing Authority is aware that the Business and Planning Act 2020 which commenced Section 172F of the Licensing Act 2003 and the Live Music Act 2012, the Legislative Reform (Entertainment Licensing) Order 2014 and

Deregulation Act 2015 which amended Schedule 1 Part 2 of the Licensing Act 2003, are also currently in effect where applicable for licensed premises.

3. Consultation and Representations

3.1 The application process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted in a local newspaper circulating in the local area. During the consultation period twenty relevant representations have been received from two Responsible Authorities and eighteen Interested Parties.

3.2 Responsible Authorities

1. Tessa Hares, Environmental Health Officer – Wiltshire Council, Monkton Park, Chippenham, SN15 1ER
2. Linda Holland, Licensing Manager – Wiltshire Council, County Hall, Trowbridge, BA14 8JN

3.3 Interested Parties

1. Representation 1 - Waite Meads Close, Purton, SN5 4ET
2. Representation 2 - The Hyde, Purton, SN5 4EA
3. Representation 3 - Church Path, Purton, SN5 4DR
4. Representation 4 - The Hyde, Purton, SN5 4DY
5. Representation 5 - Church End, Purton, SN5 4ED
6. Representation 6 - The Hyde, Purton, SN5 4EA
7. Representation 7 - Hoggs Lane, Purton, SN5 4BU
8. Representation 8 - Church End, Purton, SN5 4EB
9. Representation 9 - Church End, Purton, SN5 4EB
10. Representation 10 - Church End, Purton, SN5 4EB
11. Representation 11 - Purton Parish Council, Purton Village Hall, Station Road, Purton, SN5 4AJ
12. Representation 12 - Church End, Purton, SN5 4EB
13. Representation 13 - Church End, Purton, SN5 4EB
14. Representation 14 - Church End, Purton, SN5 4EB
15. Representation 15 - The Hyde, Purton, SN5 4EA
16. Representation 16 - The Hyde, Purton, SN5 4EA
17. Representation 17 - College Road, Purton, SN5 4AR
18. Representation 18 - College Road, Purton, SN5 4AR

3.4 All representations related to the licensing objective: Prevention of Public Nuisance.

3.5 The relevant representations are attached as **Appendix 8**. Attached as **Appendix 9** is a plan which shows the locations from where representations have been made.

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 Responsible Authorities and Interested Parties 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 Responsible Authorities and Interested Parties 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 Premises Licence Holder, the Responsible Authorities and Interested Parties 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 an Interested Party 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 an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.

Report Author:

Jemma Price

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

22 November 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**

- **The Legislative Reform (Entertainment Licensing) Order 2014**
- **Live Music Act 2012**
- **Deregulation Act 2015**
- **Business and Planning Act 2020**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Variation Application**
- 1a Plans submitted with the Variation Application**
- 2 Update to Variation Application**
- 3 Further submissions from Venue Catering and Events Ltd.**
- 4 Current Premises Licence and Plan**
- 5 Plan showing the location of other Licensed Premises**
- 5a Plan showing the location of other Licensed Premises**
- 6 Email to Galloping Gourmet**
- 7 Warning Letter**
- 8 Representations against the Variation Application**
- 9 Plan of the Location of Representations**

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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.

I/We Venue Catering and Events Ltd

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 000003080

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Pear Tree, Purton, Swindon, Wiltshire, SN54ED			
Post town	Purton	Postcode	SN5 4ED

Telephone number at premises (if any)	01793 781270
Non-domestic rateable value of premises	£100,000.00

Part 2 – Applicant details

Daytime contact telephone number	0208 9162146		
E-mail address (optional)	sarah.sweeney@peartreepurton.co.uk		
Current postal address if different from premises address	Venue Catering and Events Ltd, Suite 2A, Rossett Business Village, Rossett, Wrexham, LL12 0AY		
Post town	Rossett	Postcode	LL12 0AY

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? X Yes No

If not, from what date do you want the variation to take effect? DD MM YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes X No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

- Addition of a Noise Management Plan to be approved with the local authority to mitigate noise nuisance for local residents (a copy of that 'Noise Management Plan' is attached, appendix B).
- Supply of alcohol for consumption ON and OFF the premises, Monday – Sunday inclusive.
- The supply of alcohol for residents and their bona-fide guests 24 hours daily, Monday to Sunday inclusive.
- The Supply of alcohol within all areas inside and out as per the property boundaries, as per the attached site plan (appendix A).
- Late night refreshment, 23:00 – 05:00, Monday to Sunday inclusive.
- Regulated entertainment indoors (both live & recorded music) 10:00 to 01:00, Monday to Sunday inclusive (but subject to reduced hours as detailed within their specific sections).
- Acoustic music outdoors until 19:00.
- Removal of Annex 2A – Converted conditions.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend: N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	X
f) recorded music (if ticking yes, fill in box F)	X
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>

Provision of late night refreshment (if ticking yes, fill in box I) X

Supply of alcohol (if ticking yes, fill in box J) X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here (please read guidance note 5)</u> N/A		
Tue					
Wed			<u>State any seasonal variations for performing plays (please read guidance note 6)</u> N/A		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)</u> N/A		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) N/A					
Mon								
Tue								
Wed						<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6) N/A		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7) N/A		
Sat								
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5) N/A
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6) N/A
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7) N/A
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) N/A		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6) N/A		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7) N/A		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	X
Mon	10:00 Indoors	01:00 Indoors	<p><u>Please give further details here (please read guidance note 5)</u></p> <ul style="list-style-type: none"> • Performance of amplified live music outdoors will be restricted to background volume levels • Performance of amplified live music indoors for the purposes of entertainment (excluding music at background volume level) will not take place in the area outlined in red in appendix A – ground floor plan at more than 20 events per calendar year and only between 10:00 – 23:30. • All other performance of amplified live music indoors for the purposes of entertainment to take place in the area outlined in green and between 10:00-01:00. 		
		10:00 Outdoors		19:00 Outdoors	
Tue	10:00 Indoors	01:00 Indoors			
		10:00 Outdoors		19:00 Outdoors	
Wed	10:00 Indoors	01:00 Indoors		<p><u>State any seasonal variations for the performance of live music (please read guidance note 6)</u></p> <ul style="list-style-type: none"> • New Year’s Eve to be extended from the normal terminal hour on New Year’s Eve (into New Year’s Day) until the normal commencement hour on New Year’s Day. 	
		10:00 Outdoors		19:00 Outdoors	
Thur	10:00 Indoors	01:00 Indoors			
		10:00 Outdoors		19:00 Outdoors	
Fri	10:00 Indoors	01:00 Indoors		<p><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)</u></p> <ul style="list-style-type: none"> • New Year’s Eve to be extended from the normal terminal hour on New Year’s Eve (into New Year’s Day) until the normal commencement hour on New Year’s Day. 	
		10:00 Outdoors		19:00 Outdoors	
Sat	10:00 Indoors	01:00 Indoors			
		10:00 Outdoors		19:00 Outdoors	
Sun	10:00 Indoors	01:00 Indoors			
		10:00 Outdoors		19:00 Outdoors	

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)</u> Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>	
Day	Start	Finish		
Mon	10:00 Indoors	01:00 Indoors		<u>Please give further details here (please read guidance note 5)</u> <ul style="list-style-type: none"> All outdoor recorded music between 10:00-19:00 only Playing of recorded music outdoors will be restricted to background volume level Playing of recorded music indoors for the purposes of entertainment (excluding music at background volume level) will not take place in the area outlined in red in appendix A – ground floor plan at more than 20 events per calendar year and only between 10:00 – 23:30. All other playing of recorded music indoors for the purposes of entertainment to take place in the area outlined in green and between 10:00-01:00.
	10:00 Outdoors	19:00 Outdoors		
Tue	10:00 Indoors	01:00 Indoors		
	10:00 Outdoors	19:00 Outdoors		
Wed	10:00 Indoors	01:00 Indoors	<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u> <ul style="list-style-type: none"> New Year’s Eve to be extended from the normal terminal hour on New Year’s Eve (into New Year’s Day) until the normal commencement hour on New Year’s Day. 	
	10:00 Outdoors	19:00 Outdoors		
Thur	10:00 Indoors	01:00 Indoors		
	10:00 Outdoors	19:00 Outdoors		
Fri	10:00 Indoors	01:00 Indoors	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</u> <ul style="list-style-type: none"> New Year’s Eve to be extended from the normal terminal hour on New Year’s Eve (into New Year’s Day) until the normal commencement hour on New Year’s Day. 	
	10:00 Outdoors	19:00 Outdoors		
Sat	10:00 Indoors	01:00 Indoors		
	10:00 Outdoors	19:00 Outdoors		
Sun	10:00 Indoors	01:00 Indoors		
	10:00 Outdoors	19:00 Outdoors		

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5) N/A		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6) N/A		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7) N/A		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 5) N/A</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6) N/A</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7) N/A</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	X
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) <ul style="list-style-type: none"> A facility for the provision of late-night refreshment for patrons. 		
Mon	23:00	05:00			
Tue	23:00	05:00			
Wed	23:00	05:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6) N/A		
Thur	23:00	05:00			
Fri	23:00	05:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7) N/A		
Sat	23:00	05:00			
Sun	23:00	05:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9) To include, main building, orangery and gardens.	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	X
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6) <ul style="list-style-type: none"> New Year's Eve to be extended from the normal terminal hour on New Year's Eve (into New Year's Day) until the normal commencement hour on New Year's Day. 		
Mon	10:00	01:00			
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	01:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	01:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) <ul style="list-style-type: none"> New Year's Eve to be extended from the normal terminal hour on New Year's Eve (into New Year's Day) until the normal commencement hour on New Year's Day. 		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>N/A</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6) <ul style="list-style-type: none"> Opening hours to be extended from the normal finish time on New Year's Eve (into New Year's Day), until the normal commencement time on New Year's Day.
Day	Start	Finish	
Mon	10:00	01:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7) <ul style="list-style-type: none"> Opening hours to be extended from the normal finish time on New Year's Eve (into New Year's Day), to the normal commencement time on New Year's Day.
	24 Hours	For bona fide resident	
Tue	10:00	01:30	
	24 Hours	For bona fide resident	
Wed	10:00	01:30	
	24 Hours	For bona fide resident	
Thur	10:00	01:30	
	24 Hours	For bona fide resident	
Fri	10:00	01:30	
	24 Hours	For bona fide resident	
Sat	10:00	01:30	
	24 Hours	For bona fide resident	
Sun	10:00	01:30	
	24 Hours	For bona fide resident	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Removal of all Conditions listed within Annex 2A (Converted Conditions).

[Empty box for identifying conditions to be removed]

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

The management team has extensive experience and expertise in managing licensed activities at similar venues across the UK. All aspects of health and safety and promotion of the licensing objectives are managed centrally to ensure the best practice is in place and up to date.

Our general steps to promote the licensing objectives include:

- Health & Safety management, training and reviews including safety, food safety and implementation of best practice.
- Careful event management aimed at problem prevention.
- Staff training and qualifications including Personal Licence and First Aid.
- Planning with clients to ensure proper child-care arrangements are in place.
- Complete and up to date risk assessments and documentation.
- Regular Bar Audits to make sure all paperwork is up to date.
- External health & Safety advice (Peninsular Business Services).
- CCTV coverage.

b) The prevention of crime and disorder

In addition to any overlapping issues listed within a, c, d & e, the venue is not open to the public and is only private hire for licensed activities other than a small number of limited promotional events such as wedding open days.

- Maximum guest numbers to ensure fire safety compliance
- A live working bar compliance folder to include incident logging
- Designated Premises Supervisor
- Staff training and personal licences with record keeping
- Staff awareness of underage sales and conflict management training
- Zero tolerance drugs policy
- Crime prevention measures including alarms, security lighting, well-lit public areas, lockable store for bar stock, safe for bar takings regular bar audits by the Group Bar Manager
- Ensure the clients are aware of closing times and have made suitable provision for transport.

c) Public safety

In addition to any overlapping issues within a, b, d & e, Venue Catering & Events take all objectives very seriously including public safety.

- Compliance with statutory regulations.
- Regular reviews of fire safety measures, staff training (including casual staff), fire drills up to date evacuation plans and testing of fire equipment.
- Maximum guest numbers to ensure fire safety compliance.
- Up to date risk assessments.
- Food safety, health and safety and food safety course completed for all permanent staff, conflict management and drug awareness training for all staff including casual staff.
- Gas safe storage / PAT testing / Mains electric testing.
- Qualified First Aid staff on site, First Aid safety records book and complete first aid kit training.
- Ongoing staff training.
- All public areas to have sufficient lighting.
- CCTV coverage

d) The prevention of public nuisance

In addition to any overlapping issues within a, b, c & e, the Noise Management Plan attached will apply (please see attached Appendix B). We are currently working with the local authority, on further recommendations.

e) The protection of children from harm

In addition to any overlapping issues within a, b, c & d, Venue Catering & Events conduct regular training and conduct regular bar audits to make sure all paperwork is completed and up to date. With regards to the protection of children from harm the following is applied:

- Proof of age requirement for bar sales, Challenge 25, (passports, driving licence or approved ID).
- Bar staff are trained, especially regarding underage drinking. Underage drinking is not permitted and is also highlighted in our T & C.
- Risk assessment and client awareness of any potential hazards.
- Security checks of all public areas throughout each event.

- All public areas are well lit.
- Regular staff training undertaken and documented.

Checklist:

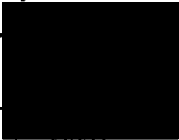
Please tick to indicate agreement

- I have made or enclosed payment of the fee; or X
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I understand that I must now advertise my application. X
- I have enclosed the premises licence or relevant part of it or explanation. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	14 th October 2021
Capacity	Solicitors instructed for and on behalf of the Applicant.

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

(Ref: Mr C Bruder)
VC Law Limited
56, Tithebarn Street,

Post town Liverpool

Post code L2 2SR

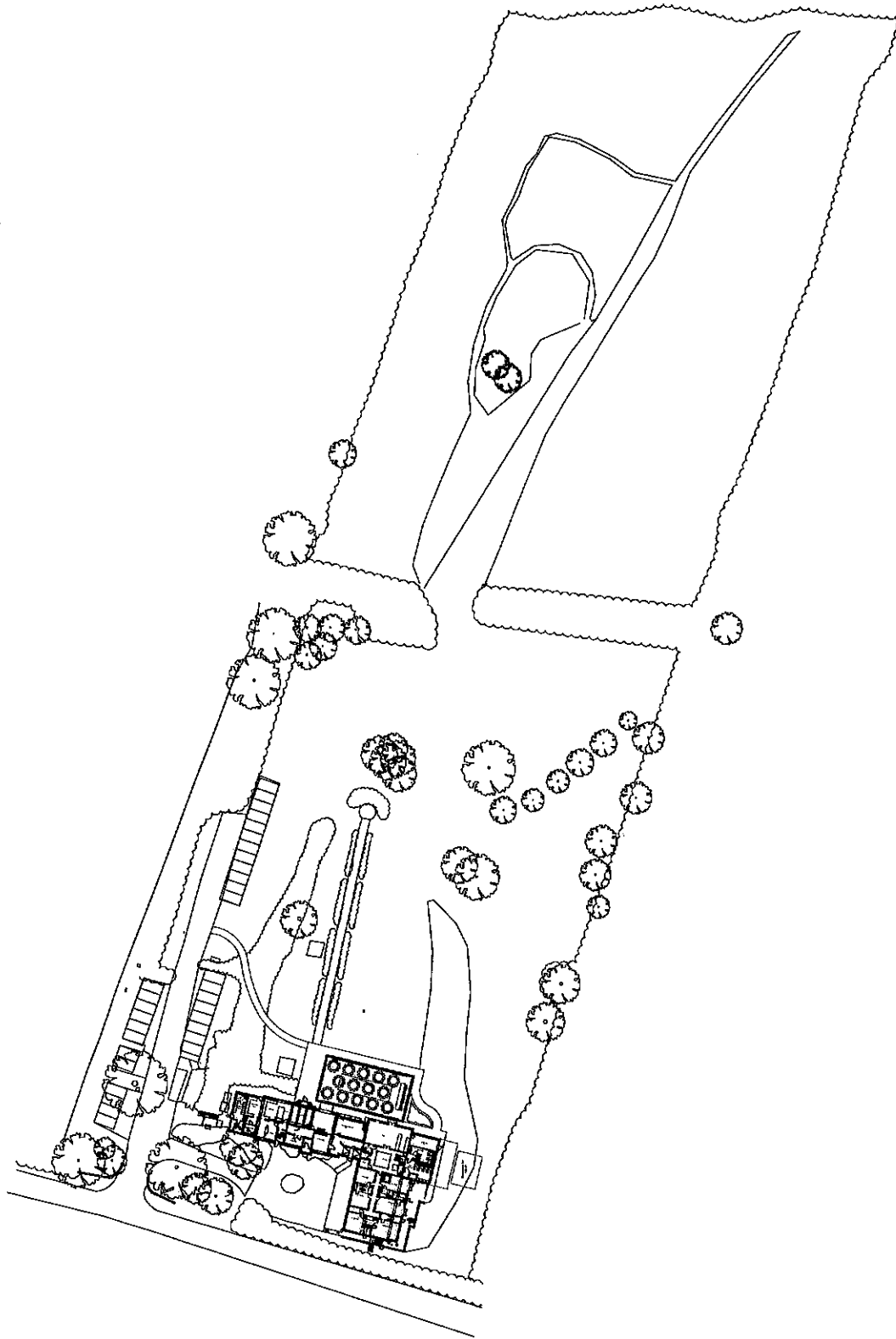
Telephone number (if any) [REDACTED]

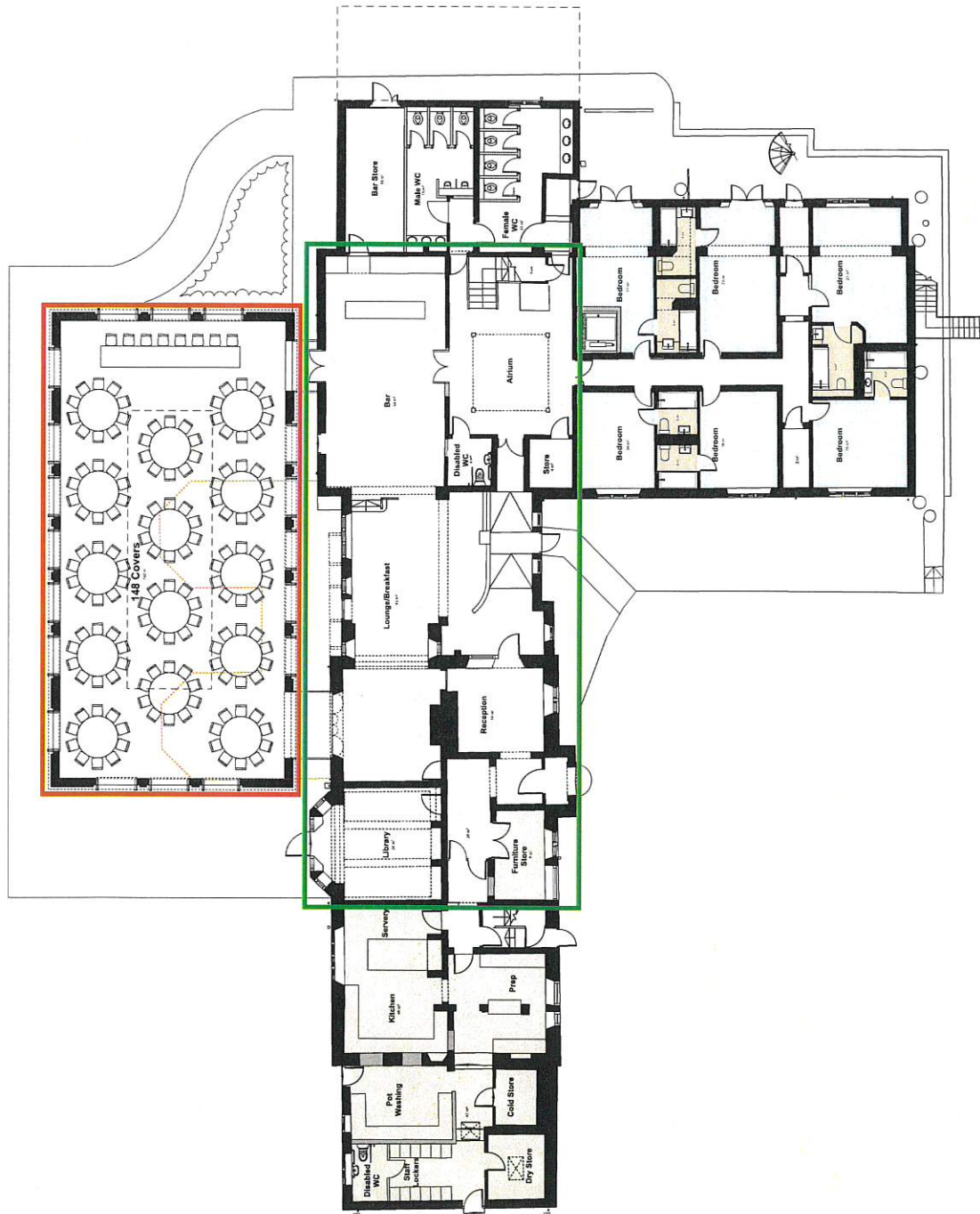
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
carl.bruder@vclaw.co.uk

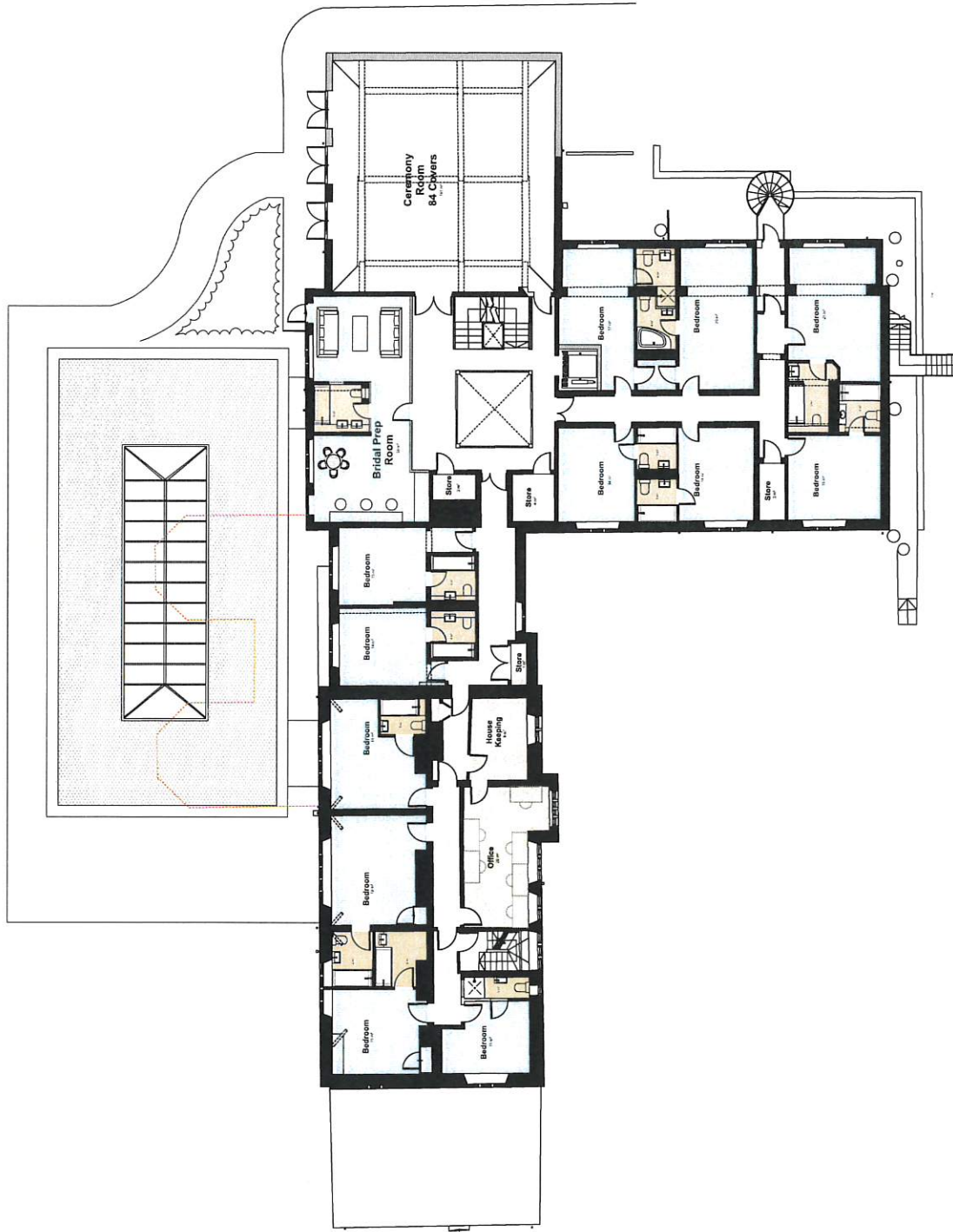
Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.









NOISE MANAGEMENT PLAN (Appendix B)

The aim of this Noise Management Plan (NMP) is to put in place reasonable measures to reduce the noise impact of sources associated with events held at The Pear Tree. It exists to promote the Prevention of Public Nuisance objective and as such seeks to reduce noise impact on the local community and neighbors.

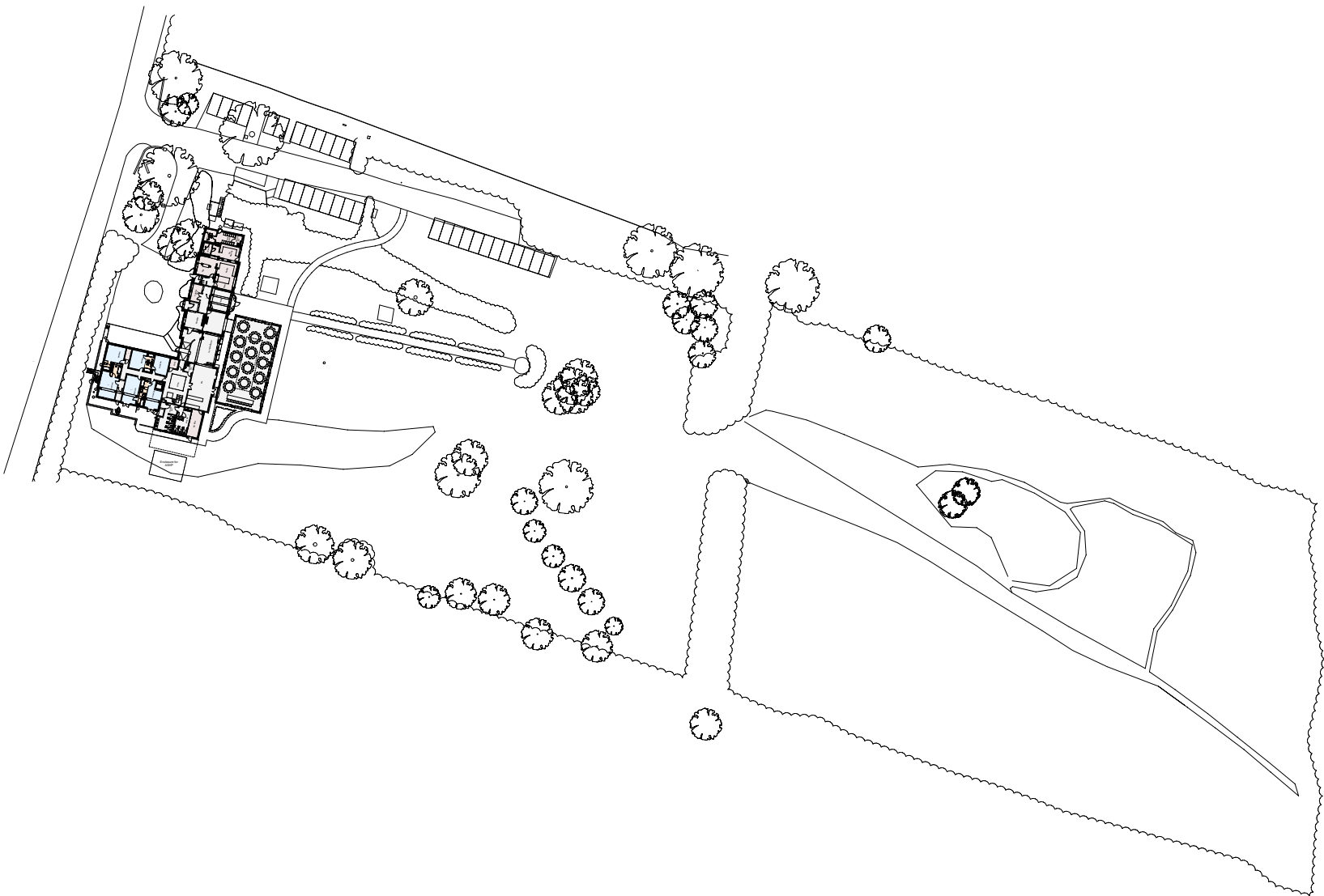
Noise must be managed in accordance with this NMP. Any changes to the NMP will be agreed in writing by the Local Authority.

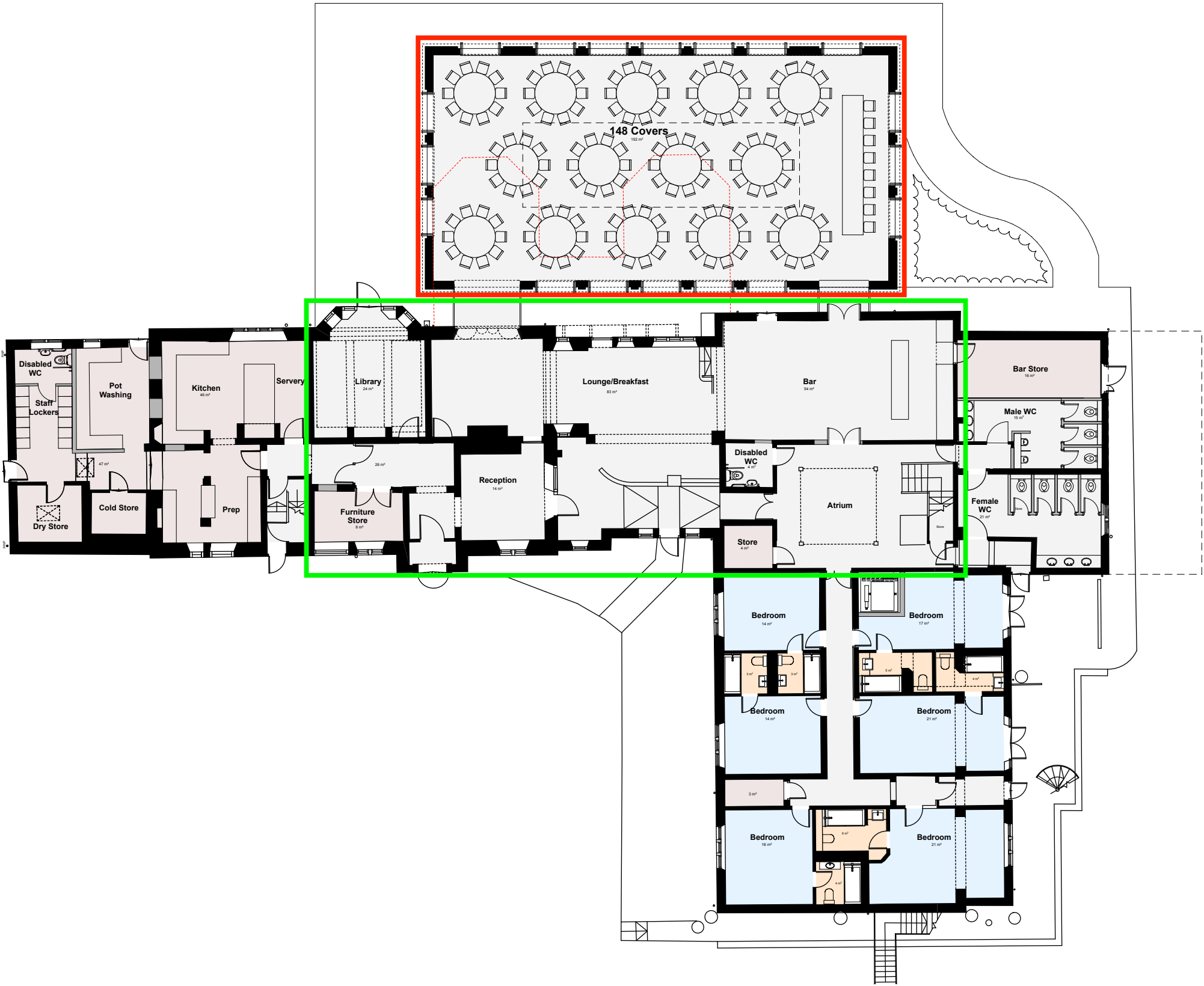
Revised: 14 October 2021

Noise Element	Measures in place or to be taken accordingly
General	<ul style="list-style-type: none"> • The manager shall ensure that all staff are briefed on the licensing objectives in particular, no underage drinking, no drunkenness on the premises or outside the premises, no use of drugs, no violence or anti-social behavior and that there is a need to protect children from harm. • An incident log will be maintained showing a detailed note of incidents and the log will be inspected and signed by the DPS or the bar manager. • Responsible management at all times • Zero tolerance to drunken or anti-social behaviour • All staff trained to promote quiet departure of patrons • All training undertaken by staff members shall be fully documented and recorded and this should be completed every six months. • All events will be carefully managed to minimise the impact on neighboring residential properties.
Indoor Noise	<ul style="list-style-type: none"> • The performance or playing of amplified live or recorded music for the purposes of entertainment will not take place in the orangery (outlined in green) at more than 20 events per calendar year. On all other occasions, music in the orangery will be restricted to background volume levels. • Other than on the occasions above, all performance or playing of amplified live or recorded music indoors above background volume levels will be restricted to the areas within the main part of the building (outlined in red) • External doors and windows will be kept closed after 20:00 when amplified music for the purposes of entertainment is being played, except for access and egress. • Self-closers will be installed on the doors in the orangery in order to keep the doors closed, except for access and egress. • A noise limiter will be operated at all times and the limit will be set at no more than 95dBs in the main part of the building and 87dBs in the orangery. • Management will make music suppliers aware of the venue closing times and require them to adhere to this. • Management will make music suppliers are aware of the responsible person on site and the requirement to accept instruction from them. • Management must be permitted to control volume levels.
Outdoor Noise	<ul style="list-style-type: none"> • Outdoor music is only permitted between 10:00 – 19:00. • Only instruments that have been agreed by management will be allowed to play outside. No saxophones, bagpipes, or trumpets will be permitted. • Amplified music only to be permitted at background volume levels and management will control volume levels. • Acoustically insulated fencing will be erected in the land behind the outdoor kitchen. • Regular staff patrols to be made to ensure noise is kept to a minimum

	<ul style="list-style-type: none"> • Periodic monitoring and record keeping of dB levels at property boundary • The manager on duty will encourage patrons leaving the premises to do so in such a manner that it does not unreasonably disturb residents by noise, unruly or unsociable behavior. • Signage to be displayed prominently inside and outside asking guests to respect the amenity of our local residents and to leave the premises and the area quietly.
Deliveries	<ul style="list-style-type: none"> • Only to be scheduled on weekdays between 8:00 – 18:00, excluding public holidays
External Seating Areas	<ul style="list-style-type: none"> • Tables and chairs must not be repositioned late at night
Customer Noise & Car Parks	<ul style="list-style-type: none"> • Clients will be encouraged to ask their guests to pre book taxis in advance. • For those without taxi bookings, a dedicated phone will be provided in the reception area for booking taxis to discourage guests from standing outside trying to find a phone signal. • Taxi companies to be recommended and guests will be encouraged to wait in the reception area until the taxi has arrived. • Taxi drivers encouraged to collect patrons from inside the venue. • Staff to leave site quickly and quietly, checking car park on exit • Encourage clients to hire a bus for all guests to leave site together at the appropriate time.
Refuse & Recycling Bins	<ul style="list-style-type: none"> • Only to be stored in the waste-bin store area. • Glass crates not to be emptied into glass bins after 22:00

It is anticipated that the NMP will evolve further as information is gathered from events taking place. It will be treated as a live document which intends to develop accordingly. The NMP will be reviewed at least annually and may be updated as required.









Update to Variation Application – The Pear Tree, Purton

- Supply of alcohol for both ON & OFF sales is correctly applied for within Box J. There is no proposal to seek permission to Licence the Premises beyond 01:00hrs for the supply of alcohol. That is not requested within Section J. The reference to that within the ‘general description box’ should accordingly be amended, to delete any reference to that.
- Late night refreshment is applied for within Box I, is to cover the potential for the supply of hot food and drinks to residents and their bona-fide guests between 23:00hrs and 05:00hrs, which is wholly distinct from alcohol.
- Opening hours of 01:30hrs daily apply to non-residents.

Non-Standard Timings (NST) – New Year’s Eve

The current Premises Licence already permits a Non-Standard timing element, from the end of normal permitted hours in New Year’s Eve, until the normal commencement time on New Year’s Day, so this is not an additional variation sought.

However, the Applicant now seeks to vary that element to install a reduced finish time for all NST Licensable Activities on New Year’s Eve (into New Year’s Day), save for the new Late Night Refreshment element sought of 23:00 to 05:00 daily, to 03:00 (closing to non-residents at 03:30).

Amended Appendix A – site plan (with updated purple line)

The Application as submitted is supported by an outside layout plan. Please find attached a new and revised ‘Outside Plan’, which illustrates an area demarked in purple where a portable bar will be located (instead of the whole of the outside area potential being Licensed). This plan shall supersede the original Outside Plan submitted with the Application.

Additionally, the Applicant will seek a finish time of 19:00hrs (not 01:00hrs) for any supply of alcohol outside within that demarked purple outside area. That 19:00hr finish time will then match the proposed finish time for any live & recorded music within the Orangery.

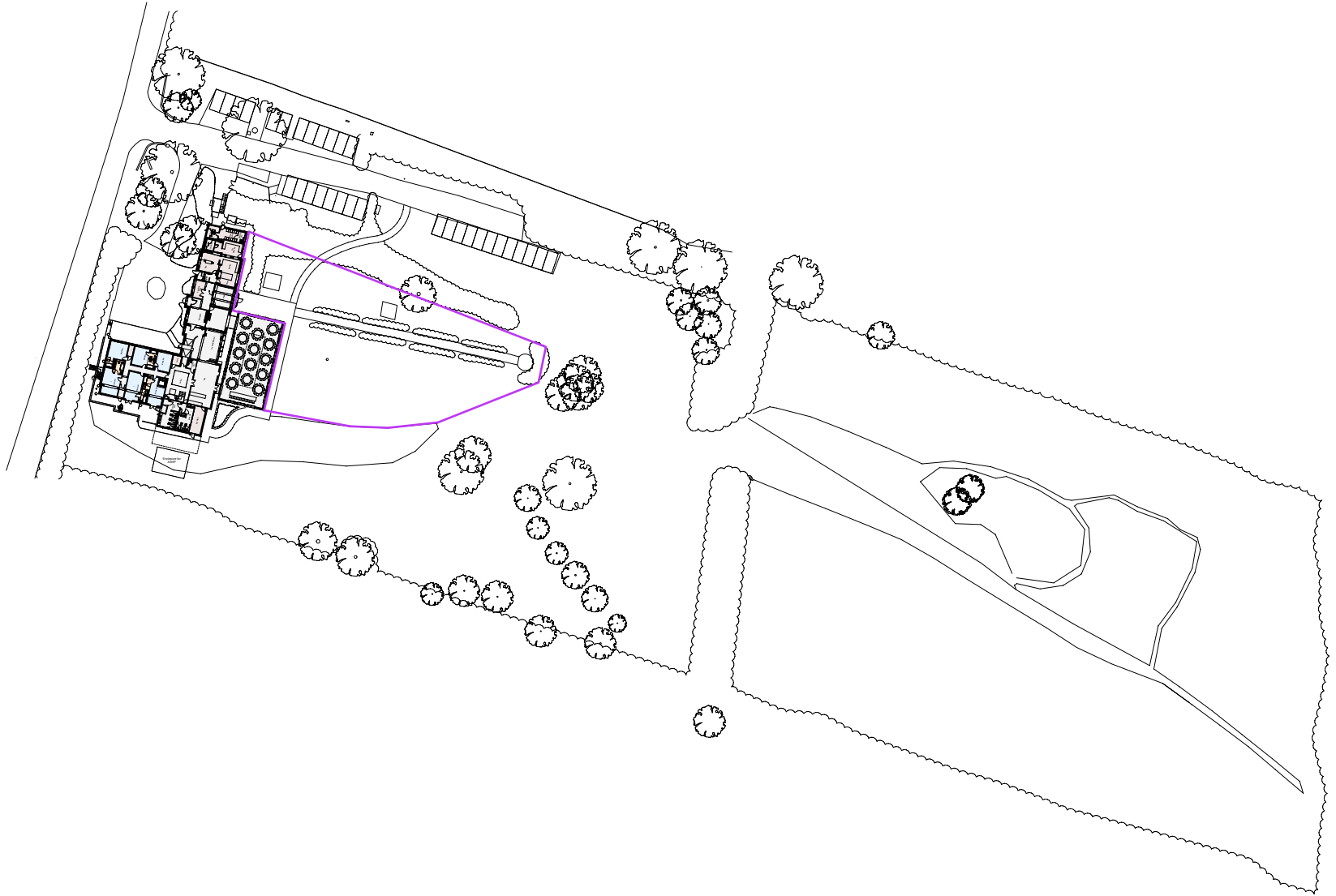
Amended Appendix A – first floor plan (with updated green line on ceremony room)

Please find attached an amended First Floor Level Plan, which highlights in green the ceremony room that the applicant seeks to have Licensed.

Whilst the first-floor level plan was served with the original Application, the specific location was not highlighted on that original plan (now demarked in green).

Noise Management Plan (NMP)

The reference to the Orangery within the NMP as being outlined in ‘green’ is a typographical error. It is of course correctly outlined in red, as per the Plan in support of the Application. Please find attached the amended NMP referring to the orangery as outlined in red.





NOISE MANAGEMENT PLAN (Appendix B)

The aim of this Noise Management Plan (NMP) is to put in place reasonable measures to reduce the noise impact of sources associated with events held at The Pear Tree. It exists to promote the Prevention of Public Nuisance objective and as such seeks to reduce noise impact on the local community and neighbors.

Noise must be managed in accordance with this NMP. Any changes to the NMP will be agreed in writing by the Local Authority.

Revised: 14 October 2021

Noise Element	Measures in place or to be taken accordingly
General	<ul style="list-style-type: none"> • The manager shall ensure that all staff are briefed on the licensing objectives in particular, no underage drinking, no drunkenness on the premises or outside the premises, no use of drugs, no violence or anti-social behavior and that there is a need to protect children from harm. • An incident log will be maintained showing a detailed note of incidents and the log will be inspected and signed by the DPS or the bar manager. • Responsible management at all times • Zero tolerance to drunken or anti-social behaviour • All staff trained to promote quiet departure of patrons • All training undertaken by staff members shall be fully documented and recorded and this should be completed every six months. • All events will be carefully managed to minimise the impact on neighboring residential properties.
Indoor Noise	<ul style="list-style-type: none"> • The performance or playing of amplified live or recorded music for the purposes of entertainment will not take place in the orangery (outlined in red) at more than 20 events per calendar year. On all other occasions, music in the orangery will be restricted to background volume levels. • Other than on the occasions above, all performance or playing of amplified live or recorded music indoors above background volume levels will be restricted to the areas within the main part of the building (outlined in green) • External doors and windows will be kept closed after 20:00 when amplified music for the purposes of entertainment is being played, except for access and egress. • Self-closers will be installed on the doors in the orangery in order to keep the doors closed, except for access and egress. • A noise limiter will be operated at all times and the limit will be set at no more than 95dBs in the main part of the building and 87dBs in the orangery. • Management will make music suppliers aware of the venue closing times and require them to adhere to this. • Management will make music suppliers are aware of the responsible person on site and the requirement to accept instruction from them. • Management must be permitted to control volume levels.
Outdoor Noise	<ul style="list-style-type: none"> • Outdoor music is only permitted between 10:00 – 19:00. • Only instruments that have been agreed by management will be allowed to play outside. No saxophones, bagpipes, or trumpets will be permitted. • Amplified music only to be permitted at background volume levels and management will control volume levels. • Acoustically insulated fencing will be erected in the land behind the outdoor kitchen. • Regular staff patrols to be made to ensure noise is kept to a minimum

	<ul style="list-style-type: none"> • Periodic monitoring and record keeping of dB levels at property boundary • The manager on duty will encourage patrons leaving the premises to do so in such a manner that it does not unreasonably disturb residents by noise, unruly or unsociable behavior. • Signage to be displayed prominently inside and outside asking guests to respect the amenity of our local residents and to leave the premises and the area quietly.
Deliveries	<ul style="list-style-type: none"> • Only to be scheduled on weekdays between 8:00 – 18:00, excluding public holidays
External Seating Areas	<ul style="list-style-type: none"> • Tables and chairs must not be repositioned late at night
Customer Noise & Car Parks	<ul style="list-style-type: none"> • Clients will be encouraged to ask their guests to pre book taxis in advance. • For those without taxi bookings, a dedicated phone will be provided in the reception area for booking taxis to discourage guests from standing outside trying to find a phone signal. • Taxi companies to be recommended and guests will be encouraged to wait in the reception area until the taxi has arrived. • Taxi drivers encouraged to collect patrons from inside the venue. • Staff to leave site quickly and quietly, checking car park on exit • Encourage clients to hire a bus for all guests to leave site together at the appropriate time.
Refuse & Recycling Bins	<ul style="list-style-type: none"> • Only to be stored in the waste-bin store area. • Glass crates not to be emptied into glass bins after 22:00

It is anticipated that the NMP will evolve further as information is gathered from events taking place. It will be treated as a live document which intends to develop accordingly. The NMP will be reviewed at least annually and may be updated as required.

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THE PEAR TREE PURTON

APPLICANT'S SUBMISSIONS

INTRODUCTION

1. Venue Catering and Events Ltd has applied to vary the premises licence in respect of the Pear Tree at Purton. Angus Hastie is the chief executive of the holding company that owns Venue Catering and Events Ltd and operates The Pear Tree. The company operates 12 venues including Syrencot, Pelham House and The Old Palace at Chester. The company has previously never had an issue with any of its licences. When the company bought The Pear Tree at Purton it took over a business which was not commercially viable and had therefore closed. The previous owners had closed its doors and laid off its staff. The company began a £4 million restoration and refurbishment of the premises which were in a poor state of repair. The intention was (and is) to run these premises along the lines of the previous operation. Namely, as a hotel, weddings and events venue.

ALTERATIONS

2. Part of the refurbishment involved the demolition of two conservatories which fell within the ambit of the existing licence, and to replace them with an Orangery. It is accepted that these alterations required permission from Wiltshire Council under The Licensing Act 2003 to update the plan attached to the license in order to license the new parts of the structure for the supply of alcohol and regulated entertainment. No such permission was sought. The fact that permission was not sought was an oversight. In fact, the footprint of the two conservatories covered two thirds of the area now occupied by the Orangery. The Council's officers accept that this was an oversight, and do not suggest otherwise. When the error was discovered, The Orangery was not used for licensable activities unless there was a TEN in place.

OFF-SALES

3. There was further concern expressed by Council Officers as to whether off-sales were permitted by the existing licence. The license issued to the previous operators was transferred to the company and did not include off sales. The Company subsequently submitted a change of DPS details to Wiltshire Council and an updated license was issued by Wiltshire Council on 20th March 2020. This copy of the license, which remained in effect throughout 2020, indicated that off sales were permitted. When hosting wedding functions, alcoholic drinks served for receptions and during meals are prepaid by the hosts, whereas a pay bar typically operates in the evening. The consumption of alcohol by a guest in the gardens when the event is pre-paid is not as a matter of law an off-sale. The purchase by a guest of a drink inside the premises for consumption in the gardens or in the Orangery, as opposed to within the footprint of the existing building, is an off-sale. All of this is, to an extent, academic because The Business and Planning Act 2020 (as amended) permits off-sales by premises that hitherto were only allowed on sales. The Act came into force on 22nd July 2020. This is a temporary measure and extends only until September 2022. This variation application seeks, amongst other things, to make the provision of off sales permanent.

RESIDENTS/NOISE NUISANCE

4. Up until 17th November 2021, Angus Hastie was under the mistaken impression that all of the concerns of the residents were being addressed. He had undertaken a number of remedial measures outlined in his statement. In summary:
 - A number of meetings were held on site including one on 9th August 2020 with six neighbours in order to discuss their concerns
 - Angus Hastie offered to attend meetings of the parish council and updated parish councillor, Jacqui Lay, on progress with noise control measures (see appendix pp 14-18)
 - On 2 September 2021 (prior to the second site meeting with the EHO), Angus Hastie imposed new restrictions on outside music and entertainment including a total restriction on amplified instruments and specific instruments that are loud without amplification including saxophone, trumpet and drums.

- From 15 October 2021, the evening entertainment was moved from the Orangery to the internal part of the original building.
- The Company wrote to future booked couples to inform them of the changes (see appendix pp 19-23) and held regular and ongoing site meetings and phone calls with individual couples to discuss and ensure agreement to the changes.
- A noise management plan has been proposed as a condition of the license variation, subject to the agreement of Wiltshire Council environmental protection. Whilst the license variation and the investigation by the environmental protection team are ongoing, the measures therein have already been implemented or are in the process of being implemented. A copy of the noise management plan was provided to the local authority on 14 October 2021 for their input and has been further updated to reflect points raised through the representations, including the representation from Tessa Hares from Wiltshire environmental health.
- The Company instructed a qualified acoustic consultant, Clear Acoustic Design, on 8 September 2021 to produce a report including a set of practical recommendations (see acoustic report attached). We have offered full access to the report and consultant to the local authority.
- Regular noise monitoring has been carried out at every event since 15 October 2021 at different times and locations throughout each event, with dB readings and relevant comments on prevailing conditions and the type of entertainment (see appendix pp 24-37 and p.49).
- Work has commenced on an acoustically insulated fence along the side of the outdoor patio area to attenuate direct sound transmission to nearest neighbours (see appendix p 38). The acoustic consultants have confirmed that this is likely to have a significant impact on noise attenuation. We also intend to install fencing along the side of the car park to attenuate noise from guests departing in the evening. As a result of a further recent meeting with residents, the applicant is investigating whether further fencing is required.

- Additional staff resources have been employed to ensure doors remain closed in the evening while music is being played indoors above background level and to deal with loud guests in the outside areas.
 - Outside doors have been adjusted to auto-close and further closers have been fitted.
 - Additional signage requesting that guests respect the neighbours' peace and quiet has been put in place.
 - The noise limiter in the new evening entertainment space has been recalibrated to ensure effective operation.
5. On 17th November 2021 Angus Hastie became aware for the first time of email correspondence that his operations manager had had with some residents. He was appalled by the contents and tone of the emails which he categorises as rude, dismissive and condescending and in no way representative of his views. He immediately set about endeavouring to meet with as many neighbours as he could. He met with Mary and Dave Nettleton as well as Sue and Chris Jenks on 18th November 2021. It is clear from his conversations that the premises had made their lives a misery over the last four months, and for that he must take full responsibility. He had not appreciated the depth of feeling of the residents, and in hindsight he says that he would have handled the situation differently and communicated better. At these meetings he explained that a number of significant measures have already been undertaken to consider and mitigate the impact on the local community, as detailed above.
6. The impact of these operational changes has been significant, with noise levels dramatically reduced as evidenced by the regular noise monitoring that has been carried out at every event since the change. In addition to taking detailed dB measurements at regular intervals throughout all events, it is reported that music and noise from the new evening entertainment location is scarcely audible or inaudible beyond the property boundary. The change has also had a beneficial impact on guest behaviour with guests gravitating more to the internal area of the

building. Tessa Hare's representation acknowledges the change and states that ***"monitoring carried out on 30th October 2021 showed a vast improvement and music was not heard"***.

7. Additional staff resources are now employed during events to ensure that doors and windows remain closed while music is playing inside the venue above background levels. A night porter is also employed to manage the departure of guests at the end of events, including managing the booking of taxis and collection of passengers by taxi drivers from reception rather than outside. Further consideration is being given to how to manage guests' behaviour in the outside areas, including employing staff whose role includes asking any particularly loud groups or individuals outside to quieten down out of consideration for our neighbours. ***It is also proposed as a new condition of the Noise Management Plan that the gardens are closed from 10.30pm.***

8. CHANGES TO THE VARIATION APPLICATION

- A ***reduction*** in the standard finish time for the sale of alcohol from 01:00 to 00:00
- A ***reduction*** in the non-standard timings for New Year's Eve from the proposed finish time of 03:00 to 01:30
- ***Removal altogether*** of the application to supply alcohol in the outside areas
- A ***reduction*** of the standard finish time for the supply of late-night refreshment (ie. teas, coffees and hot food) to from 05:00 to 00:30
- A ***reduction*** in the standard finish time for playing music outdoors (which will remain at background level at all times) from 19:00 to 18:00
- A ***reduction*** in the standard finish time for playing music indoors from 01:00 to 00:00
- A ***reduction*** in the standard hours the premises are open to the public, excluding overnight guests, from 01:30 to 00:30 (sufficient given the proposed change to standard hours above to facilitate a more gradual departure of guests)
- ***Removal altogether*** of the application to have music above background level in the Orangery 20 times per year

THE FUTURE

9. All of the above, together with the updated noise management plan, should give confidence that the Orangery and outside space will be correctly managed going forward. Indeed, the license variation is an opportunity for the local authority to agree the noise management plan with the venue as a condition of the license for the benefit of local residents. The current license carries no such protections. The Licensing Authority representation states that the measures proposed by The Pear Tree need to be more detailed and conditioned especially in relation to management controls and noise management. The proposed noise management plan was submitted to the local authority for their input on 14 October 2021 and an updated version has been submitted with the variation taking into account all the points raised in the representation by Tessa Hares. The Applicant looks forward to receiving input from Council officers in relation to the Noise Management Plan.
10. The application has been severely pared down. If granted, the changes to the licence will amount to the following:
- The sanctioning of the works to The Orangery
 - The provision of off-sales
 - The provision of live and recorded music (in line with current hours for the sale of alcohol)
 - No net increase in hours save for the provision of late-night refreshment (00.30) and the supply of alcohol on a Sunday by 30 minutes to 00:00 in line with the other days of the week.
 - The imposition of a raft of restrictive measures contained in the noise management plan where no such restrictions had hitherto existed
 - A restriction on the use of the gardens after 22.30.

CONCLUSION

11. It is the Company's wish to be here for the long term as part of the Purton community, coexisting happily with its neighbours and bringing employment, amenity and prosperity to the area as a high-quality hospitality business. The business currently employs directly on site 9 full time staff and 37 casual workers, with plans to recruit further staff. It generates significant trade for surrounding suppliers and the tourism and hospitality industry. It is the sincere wish of Angus Hastie that the Licensing Sub-Committee grants his amended application, secure in the knowledge that he will faithfully undertake all that is required of him.

James Rankin
Francis Taylor Building
Inner Temple
London EC4Y 7BY

22nd November 2021

ANGUS HASTIE

STATEMENT

1. I am the chief executive of the holding company that operates The Pear Tree. My company bought The Pear Tree in 2018. The previous owners had closed the premises. It had become dilapidated and run down. We spent approximately £4 million restoring and refurbishing the premises and it was our intention to continue the previous operation of the premises as a hotel, wedding and events venue. We were due to open in Spring 2020 but the onset of the Covid pandemic forced our closure for around a year and a half. Since that point, the business has been operating under extremely unusual and difficult circumstances with the majority of staff on furlough until mid-2021 to ensure its survival. As with many in the hospitality industry, normal processes have been severely impacted.
2. Part of the refurbishment involved the removal of two conservatories which were included within the ambit of the licence, and their replacement with an Orangery. The footprint of the two conservatories covered approximately two thirds of the Orangery. We have, therefore, increased the previously licensed area by a third. We failed to apply to Wiltshire Council to update the building plan attached to the premises license. This was an error on my part for which I apologise. It is accepted by the licensing authority that we were unaware of the potential breach of license, and we were given a formal warning by Jemma Price on 17th November 2021.
3. A further concern of Jemma Price related to the playing of live and recorded music at the premises, as well as noise nuisance that was being generated at these events. The company was advised that a license is not required for the playing of music, live or recorded, at weddings as the business has no role or interest in the provision of regulated entertainment, which is booked by customers for their private, non-paying guests. Management and the DPS were therefore surprised to learn following the

second meeting on site with the licensing officer on 7 October 2021 (at which we expected to discuss only the noise issues) that the license did not cover the activity.

4. Jemma Price also had concerns relating to “off sales” at the premises. When hosting wedding functions, alcoholic drinks served for receptions and during meals are prepaid by the hosts, and therefore there is no sale on the day. A pay bar typically operates in the evening, although sometimes the host pays for the bar in advance. The purchase of a drink at the bar for consumption in the gardens or the Orangery is an off sale. The license issued to the previous operators was transferred to the us and did not include off sales. We subsequently submitted a change of DPS details to Wiltshire Council and an updated license was issued by Wiltshire Council on 20th March 2020. This copy of the license, which remained in effect throughout 2020, indicated that off sales were permitted. At a Teams meeting in October 2021 with the licensing officer, it was stated that the inclusion of off sales was a typographical error by Wiltshire Council and that was later removed in a subsequent issue. All of this is, to an extent, academic because no licensing offence actually took place on the occasions that we had a pay bar and a drink was consumed in the garden. The Business and Planning Act 2020 (as amended) permitted off sales by premises that were only allowed on sales. This was a temporary measure and extends only until September 2022. This variation application seeks, amongst other things, to make the provision of off sales permanent.
5. Through the variation application, we are seeking to address and regularise all of these issues with the license and those concerns raised through the representations and to adopt a new noise management plan that ensures ongoing mitigation of noise nuisance for our neighbours.
6. The company operates a number of successful venues, none of which has experienced any issues with the premises licenses held by the company. We have rigorous measures in place to ensure compliance and to promote the licensing objectives under The Licensing Act 2003. The Pear Tree has a general manager (GM) and bar manager (BM), both of whom are required to have a personal license

enabling them to act as the DPS. They are supported by the central bar support team managed by our Group Bar Manager, Scott Bradbury MBE. Scott is supported by three full-time bar managers, each with a personal license. Each member of staff at The Pear Tree, whether permanent or casual, is required to complete a licensing and social responsibility course via a third-party training provider within one month of their start date. Ongoing training and compliance measures include 6 monthly compliance refreshers, conflict awareness sessions and specific bar training. We also maintain thorough records of accidents and incidents, event reports, weekly bar system checks via Check-It, and quarterly central audits of the above.

7. The Pear Tree was made aware of complaints relating to noise nuisance by residents. A number of meetings were held on site including one on 9 August 2020 with six neighbours to discuss their concerns. It is a matter of some regret that on Wednesday 17th November 2021 I became aware of correspondence between my operations manager and a number of residents. The tone of these emails was rude, dismissive and condescending and in no way represent my views. They were sent without my knowledge, and I apologise absolutely for their content. I immediately set about endeavouring to meet with as many neighbours as I could. I met with Mary and Dave Nettleton as well as Sue and Chris Jenks on 18th November 2021. It is clear from our conversations that we have made their lives a misery over the last four months, and for that I must take full responsibility. I had not appreciated the depth of feeling of the residents, and in hindsight I would have handled the situation differently and communicated better. At our meetings I explained that a number of significant measures have already been undertaken to consider and mitigate the impact on the local community, as follows:
 - I offered to attend meetings of the parish council and updated parish councillor, Jacqui Lay, on progress with noise control measures (see appendix pp 14-18)
 - On 2 September 2021 (prior to the second site meeting with the EHO), we imposed new restrictions on outside music and entertainment including a total restriction on amplified instruments and specific instruments that are loud without amplification including saxophone, trumpet and drums.

- From 15 October 2021, we moved the evening entertainment from the Orangery to the internal part of the original building.
- We wrote to future booked couples to inform them of the changes (see appendix pp 19-23) and are holding regular and ongoing site meetings and phone calls with individual couples to discuss and ensure agreement to the changes.
- A noise management plan has been proposed as a condition of the license variation, subject to the agreement of Wiltshire Council environmental protection. Whilst the license variation and the investigation by the environmental protection team are ongoing, the measures therein have already been implemented or are in the process of being implemented. A copy of the noise management plan was provided to the local authority on 14 October 2021 for their input and has been updated to reflect points raised through the representations, including the representation from Tessa Hares from Wiltshire environmental health.
- We instructed a qualified acoustic consultant, Clear Acoustic Design, on 8 September 2021 to produce a report including a set of practical recommendations (see acoustic report attached). We have offered full access to the report and consultant to the local authority.
- Regular noise monitoring has been carried out at every event since 15 October 2021 at different times and locations throughout each event, with dB readings and relevant comments on prevailing conditions and the type of entertainment (see appendix pp 24-37 and p.49).
- Work has commenced on an acoustically insulated fence along the side of the outdoor patio area to attenuate direct sound transmission to nearest neighbours (see appendix p 38). The acoustic consultants have confirmed that this is likely to have a significant impact on noise attenuation. We also intend to install fencing along the side of the car park to attenuate noise from guests departing in the evening.

- Additional staff resources have been employed to ensure doors remain closed in the evening while music is being played indoors above background level and to deal with loud guests in the outside areas.
 - Outside doors have been adjusted to auto-close and further closers have been fitted.
 - Additional signage requesting that guests respect our neighbours' peace and quiet has been put in place.
 - The noise limiter in the new evening entertainment space has been recalibrated to ensure effective operation.
8. During this time, we have been providing full cooperation to the local authority with regard to the investigation into noise complaints (see appendix pp 39-47). We have sought understand the nature of the issues arising from their investigation and to respond quickly. A meeting was held on site between management and Tessa Hares (Environmental Health Officer) and Jemma Price (Public Protection Officer Licensing) on 18 August 2021 and a further site meeting was held with Brett Warren (Senior Environmental Health Officer) and Jemma Price on 7 October 2021 which I attended. It was confirmed in the meeting on 7 October 2021 that the noise investigation process is still ongoing.
9. The environmental protection team indicated at the meeting on 7 October 2021 that the playing of loud music and associated celebration by guests in the Orangery appeared to be a primary cause of noise issues, particularly given that part of the building features so much glazing and numerous doors and windows. It was reported that music could be clearly heard in neighbours' gardens. Measures put in place by The Pear Tree from 15 October 2021 mean that any evening disco or any source of music above background level must now all be located well inside the main building and controlled by a noise limiter. This change has presented an enormous challenge to the business but is one which we have undertaken prior to the conclusion of the local authority investigation.

10. The new music and entertainment location has no external doors or windows. In effect, the Orangery now acts as a large sound lobby, with the noise contained inside the original part of the building. Further sound-absorbent materials will be introduced into the internal areas such as heavy drapes and acoustic insulation panels as part of a full redesign associated with the change. The plan attached (see appendix p 48) illustrates the impact of the change in location of the evening music and celebration, together with the impact of the installation of the acoustic fencing along the side of the terrace. The old music location and source of noise escape is indicated in orange, the new location and containment of noise is indicated in magenta.
11. The impact of this change has been significant, with noise levels dramatically reduced as evidenced by the regular noise monitoring that has been carried out at every event since the change. In addition to taking detailed dB measurements at regular intervals throughout all events, it is reported by staff carrying out the monitoring that music and noise from the new location is scarcely audible or inaudible beyond the property boundary. The change has also had a beneficial impact on guest behaviour with guests gravitating more to the internal area of the building. Tessa Hare's representation acknowledges the change and states that ***"monitoring carried out on 30th October 2021 showed a vast improvement and music was not heard"***.
12. Additional staff resources are now employed during events to ensure that doors and windows remain closed while music is playing inside the venue above background levels. A night porter is also employed to manage the departure of guests at the end of events, including managing the booking of taxis and collection of passengers by taxi drivers from reception rather than outside. Further consideration is being given to how to manage guests' behaviour in the outside areas, including employing staff whose role includes asking any particularly loud groups or individuals outside to quieten down out of consideration for our neighbours. It is also proposed as a new condition of the Noise Management Plan that the gardens are closed from 10.30pm.

13. Additionally, and in acknowledgement of the representations, I make the following amendments to my variation:

- A **reduction** in the standard finish time for the sale of alcohol from 01:00 to 00:00
- A **reduction** in the non-standard timings for New Year's Eve from the proposed finish time of 03:00 to 01:30
- **Removal altogether** of the application to supply alcohol in the outside areas
- A **reduction** of the standard finish time for the supply of late-night refreshment (ie. teas, coffees and hot food) to from 05:00 to 00:30
- A **reduction** in the standard finish time for playing music outdoors (which will remain at background level at all times) from 19:00 to 18:00
- A **reduction** in the standard finish time for playing music indoors from 01:00 to 00:00
- A **reduction** in the standard hours the premises are open to the public, excluding overnight guests, from 01:30 to 00:30 (sufficient given the proposed change to standard hours above to facilitate a more gradual departure of guests)
- **Removal altogether** of the application to have music above background level in the Orangery 20 times per year

14. All of the above, together with the updated noise management plan, should give confidence that the Orangery and outside space will be correctly managed going forward. Indeed, the license variation is an opportunity for the local authority to agree the noise management plan with the venue as a condition of the license for the benefit of local residents. The current license carries no such protections. The Licensing Authority representation states that the measures proposed by The Pear Tree need to be more detailed and conditioned especially in relation to management controls and noise management. The proposed noise management plan was submitted to the local authority for their input on 14 October 2021 and an updated version has been submitted with the variation taking into account all the points raised in the representation by Tessa Hares.

15. We understand there have been two reported incidents of cars parking on the verge on the public highway rather than in the car park of The Pear Tree. It is unclear why this has happened given there is sufficient car parking on site, but our terms will be updated to stipulate that all cars must be parked within the venue and staff will ask guests whose vehicles are parked on the highway to relocate them to the carpark.
16. This has been an incredibly challenging time for venues coming out of lockdown. Nearly all of our wedding bookings were postponed during the course of 2020 and the first half of 2021, mainly into the second half of 2021. We have therefore gone from being totally shut down to suddenly managing an unusually high concentration of weddings in the months after opening, against a background of difficulties in hiring hospitality staff. It has also been our experience, one shared right across the industry, that guest behaviour coming out of lockdown has been unusually exuberant. Both these factors have now significantly diminished. However, we accept that there has been an unacceptable level of noise during this period for our neighbours. We want to continue to work closely with environmental health and our neighbours to understand the nature of any remaining issues and to come up with effective solutions.
17. We wish to be here for the long term as part of the Purton community, coexisting happily with our neighbours and bringing employment, amenity and prosperity to the area as a high-quality hospitality business. We purchased The Pear Tree at a point when the previous business had reached a point of commercial failure and had closed its doors and made its staff redundant. We have since spent millions on pounds on the redevelopment as well as absorbing the cost of keeping the business going during the forced closure of the Covid restrictions. The business currently employs directly on site 9 full time staff and 37 casual workers, with plans to recruit further staff, and generates significant trade for surrounding suppliers and the tourism and hospitality industry.

18. We are not looking to create an antisocial 24/7 party venue; we simply want to trade successfully, operating in a way that does not create conflict with our neighbours. We regret that our relations with our neighbours have deteriorated, and we also recognise that our poor communication in response to their concerns has contributed to this. We are determined to rebuild positive relationships going forward.

19. Weddings and events are a vital component of our business which enable The Pear Tree to be commercially viable where the previous business was not. The hours and license conditions proposed including the further changes above are the true minimum required to be commercially viable. Without these variations, The Pear Tree will simply be unable to survive and continue to have a positive impact on the local economy and employment.

20. The closure of the business cannot be deemed a good outcome for the local community, the business, our customers, or the numerous local people we employ and businesses for which we generate trade. We hope it is recognised that the variation application is fair and reasonable. Whilst we fully recognise that we should have made the necessary changes to the premises license prior to opening in 2020, we are taking all practicable measures to address effectively the licensing objectives, and this is an opportunity to regularise the position whilst building in a comprehensive set of operational conditions for the benefit of local residents.

Angus Hastie

Encl:

Appendix

20th March 2020

Venue Catering and Events
Suite 2A
Rossett Business Village
Rossett
Wrexham
LL12 0AY

Public Protection Services
Licensing Team
Wiltshire Council
Monkton Park
Chippenham
Wiltshire
SN15 1ER

Our ref: LN/000003080

Dear Sir/Madam

Re: Licensing Act 2003
Premises: Purton Hall Limited, The Pear Tree, Purton, Swindon, Wiltshire

Further to your recent application to amend the licence for the above premises, please find enclosed an amended copy of the Premises Licence and Premises Licence Summary.

Please read the Licence and attached conditions carefully. Note that the mandatory conditions in Annex 1 are attached to all Premises Licences, but only apply in those premises where the specified activities take place.

Please also ensure that the following requirements are met.

- The Licensing Act 2003 requires that the Premises Licence Summary, or a certified copy, be displayed on the premises in a prominent position.
- The Premises Licence, or a certified copy, is kept at the premises in the custody of, or under the control of, either the Licence Holder or a person who has been nominated in writing for this purpose.

It should be noted that a Constable or an authorised person may require the Premises Licence, or a certified copy, to be produced for examination at any time that licensable activities are taking place.

Continued over .../

Please note that if your Licence is subject to an annual fee, the Licensing Act 2003 has been amended to require Licensing Authorities to suspend a Premises Licence/Club Premises Certificate if the annual fee is not paid within 21 days of the due date.

The penalty for conviction for offences under the Licensing Act 2003 is up to £20,000, up to 6 months imprisonment or both.

Should you require any further information please do not hesitate to contact the Licensing Team.

Please note:

1. If you run a food business, you must tell Wiltshire Council about any premises you use for storing, selling, distributing or preparing food (food business includes sale of alcohol) by formally registering the food business. You can do this online by following the link below. Notification must be received 28 days prior to the start of trading. You will receive automatic confirmation of your food business registration when you submit the form.

The link to the webpage that you will need to add is:

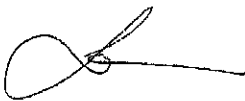
<http://www.wiltshire.gov.uk/communityandliving/publicprotection/foodsafety/foodsafetyinformationforbusinesses/foodbusinessregistration.htm>

2. Gaming machine notices must be held by the current premises licence holder. Unfortunately these cannot be transferred from one licence holder to another, therefore a new application must be made if you wish to have gaming machines at the premises, or if there are already gaming machines at the premises and the premises licence has been transferred over to you. If you wish to apply for a notification of 2 or less gaming machines at the premises you can do this online by following the link below.

<http://www.wiltshire.gov.uk/businesssupportandadvice/licencestretrading/applyforalicense/gamblingact2005.htm>

3. It is a requirement of the Regulatory Reform (Fire Safety) Order 2005 that a Fire Risk Assessment is completed for all licensed venues and that the significant findings are recorded. For further guidance on your responsibilities under this legislation please refer to the Dorset and Wiltshire Fire and Rescue Service website www.dwfire.org.uk or contact the Fire Safety team on 01722 691717.

Yours faithfully



Linda Holland
Licensing Manager
Tel.: 01249 706555
Email: publicprotectionnorth@wiltshire.gov.uk

**Licensing Act 2003
Premises Licence Summary**

LN/000003080

ISSUING LOCAL AUTHORITY

Wiltshire Council

PART 1 – PREMISES LICENCE SUMMARY & LICENCE HOLDER DETAILS

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Purton Hall Limited, The Pear Tree, Purton, Swindon, Wiltshire, SN5 4ED

NAME, (REGISTERED) ADDRESS AND CONTACT DETAILS OF HOLDER OF PREMISES LICENCE

**Venue Catering and Events
Suite 2A, Rossett Business Village, Rossett, Wrexham, LL12 0AY
Tel: 020 8916 2146 Email: sarah.sweeney@peartreepurton.co.uk**

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER

05134595

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Sarah Jennifer Sweeney

ISSUING AUTHORITY AND PERSONAL LICENCE NUMBER HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

LN/1995 - Tamworth Borough Council

WHERE THE LICENCE IS TIME LIMITED - THE DATES AND TIMES

Not Applicable

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

ON and OFF Sales

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Where applicable the provisions of Section 145 of the Licensing Act 2003 apply

PART 2 – LICENSABLE ACTIVITIES & TIMINGS

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE						
Licensable activities	Location	Day	Time From	Time To	Time From	Time To
Alcohol Sales	ON Sales	Sunday	12:00	23:30		
		Monday	11:00	00:00		
		Tuesday	11:00	00:00		
		Wednesday	11:00	00:00		
		Thursday	11:00	00:00		
		Friday	11:00	00:00		
		Saturday	11:00	00:00		
Non-Standard Timings & Seasonal Variations	On New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.					

Licence Commencement Date

24th November 2005

Prig

Licensing Officer

Last Amendment Date

19th February 2020

Prig

Licensing Officer

**Licensing Act 2003
Premises Licence**

LN/000003080

ISSUING LOCAL AUTHORITY

Wiltshire Council
Where everybody matters

PART 1 – PREMISES & LICENCE HOLDER DETAILS

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Purton Hall Limited, The Pear Tree, Purton, Swindon, Wiltshire, SN5 4ED

NAME, (REGISTERED) ADDRESS AND CONTACT DETAILS OF HOLDER OF PREMISES LICENCE

**Venue Catering and Events
Suite 2A, Rossett Business Village, Rossett, Wrexham, LL12 0AY
Tel: 020 8916 2146 Email: sarah.sweeney@peartreepurton.co.uk**

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER

05134595

NAME AND ADDRESS OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

**Sarah Jennifer Sweeney
54 Rycote Close, Grange Park, Swindon, SN5 6AR**

ISSUING AUTHORITY AND PERSONAL LICENCE NUMBER HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

LN/1995 - Tamworth Borough Council

WHERE THE LICENCE IS TIME LIMITED - THE DATES AND TIMES

Not Applicable

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

ON and OFF Sales

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Where applicable the provisions of Section 145 of the Licensing Act 2003 apply

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		Saturday	11:00	00:00		
Non-Standard Timings & Seasonal Variations	On New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.					

Licence Commencement Date
24th November 2005

Price

Licensing Officer

Last Amendment Date
19th February 2020

Price

Licensing Officer

ANNEX 1 - MANDATORY CONDITIONS

Supply of Alcohol

1. Where this Licence authorises the supply of alcohol:

No supply of alcohol may be made under this licence:

- (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence.
- (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where:-
 - (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question; admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section "children" means any person aged under 18; and "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

Irresponsible Promotions

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or,
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

Free Tap Water

1. The responsible person must ensure that free potable tap water is provided on request to customers where it is reasonably available. (This means that responsible persons at all premises must ensure customers are provided with potable (drinking) water for free if they ask for it.)

Age Verification Policy

- (a) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (b) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (c) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - i. a holographic mark, or
 - ii. an ultraviolet feature.

Drink Volume Measures

1. The responsible person shall ensure that:
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml.
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Permitted Price

1.
 - (a) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (b) For the purposes of the condition set out in paragraph 1—
 - A. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - B. “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$
 where—
 - i. P is the permitted price,

- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

C. "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

D. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

E. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

2. Where the permitted price given by Paragraph B of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

3.

(1) Sub-paragraph (2) applies where the permitted price given by Paragraph B of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door Supervision (except theatres, cinemas, bingo halls and casinos)

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - (b) in respect of premises in relation to:
 - i. any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - ii. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

C. "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

D. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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 - i. any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - ii. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
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 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

ANNEX 2A – CONVERTED CONDITIONS

The premises must be bona fide used for the purpose of:

- Habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
- Habitually providing for reward board and lodging including breakfast and at least one of the other customary main meals.
- Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
- Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.
- There shall be afforded in the premises for persons provided with board and lodging for reward, adequate sitting accommodation in a room not used or to be used for sleeping accommodation for the service of substantial refreshment or for the supply or consumption of intoxicating liquor.
- Persons residing there or their private friends, bona fide entertained by them at their own expense, and for consumption by such a person or his private friend so entertained by him either on the premises, or with a meal supplied at but to be consumed off the premises.

ANNEX 2B - OPERATING SCHEDULE

PREVENTION OF PUBLIC NUISANCE

- None

PUBLIC SAFETY

- None

PROTECTION OF CHILDREN FROM HARM

- None

PREVENTION OF CRIME AND DISORDER

- None

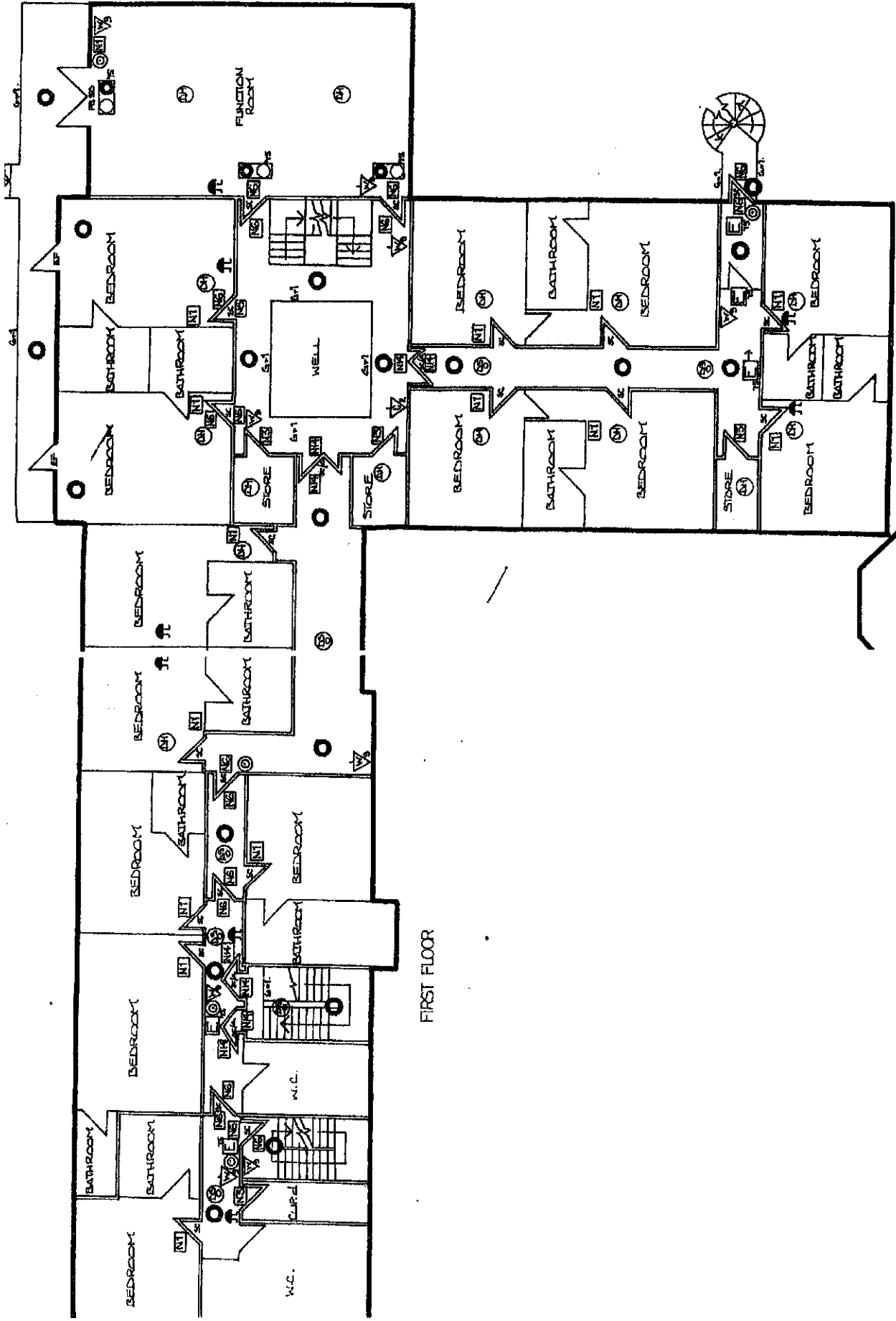
ANNEX 3 - CONDITIONS ATTACHED AFTER HEARING

None

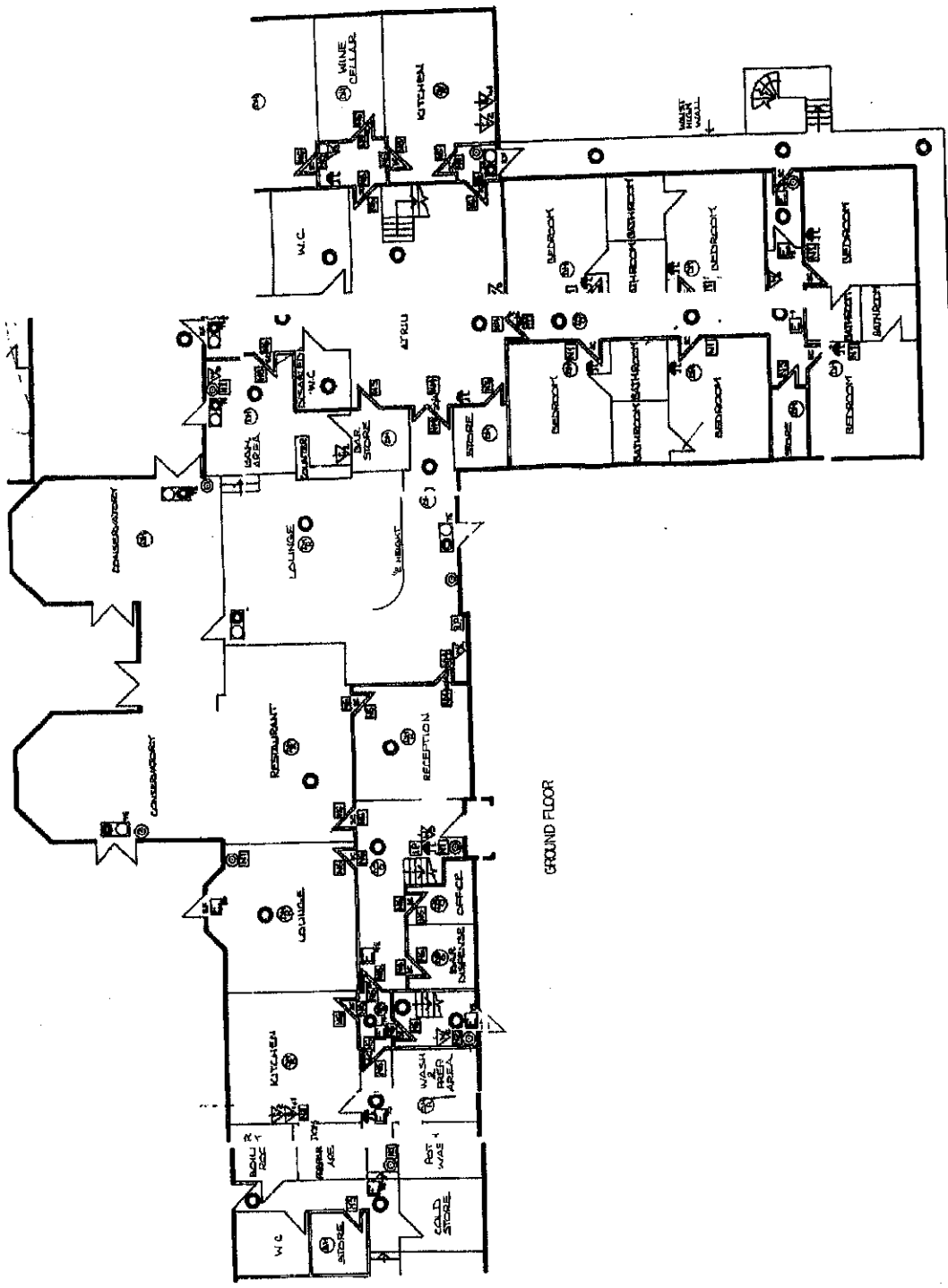
ANNEX 4 - PLANS

Attached, dated: 24th November 2005

1st floor



FIRST FLOOR



GROUND FLOOR

From: "Lay, Jacqui" <Jacqui.Lay@wiltshire.gov.uk>
Subject: RE: The Pear Tree at Purton
Date: 11 October 2021 at 16:57:42 BST
To: Angus Hastie <angus.hastie@peartreepurton.co.uk>

Hi Angus – I think at this stage probably best to be further ahead with any proposals you might want to do to address the issues and then once you know what you are planning to do to then be in contact with Deborah Lawrence the parish clerk and see if she would like you to attend or it may be a written report would be sufficient for them to relay back to anyone else who might have had issues and perhaps not contacted Wiltshire Council as I think it was well known that the residents from Church End were in touch with the Council and The Pear Tree.

Deborah's contact details are as follows: - Deborah Lawrence
deborah.lawrence@purtonparishcouncil.gov.uk

I will however mention tonight at their meeting your offer so if they feel differently then I can let you know.

Jacqui

From: Angus Hastie <angus.hastie@peartreepurton.co.uk>
Sent: 11 October 2021 16:42
To: Lay, Jacqui <Jacqui.Lay@wiltshire.gov.uk>
Subject: Re: The Pear Tree at Purton

Hi Jacqui

Just thinking, would it be helpful if I were to attend a parish council meeting to speak to any local residents who might want to discuss this directly? I'm very happy to engage with the local community - the issue until now is that we haven't really know what the problem has been or what solutions might work, so didn't want to give an incorrect steer on any of this. If you think that would be helpful, just let me know.

Kind regards
Angus

On 8 Oct 2021, at 13:50, Lay, Jacqui
<Jacqui.Lay@wiltshire.gov.uk> wrote:

Hi Angus – this all sounds really positive. The Pear Tree and the family who operated the old Hotel has been in the past an active part of our community and good to keep that relationship going for the future. It is a shame that the venue cannot also be used as a restaurant etc. for private parties but perhaps that is something that might evolve in the future if the opportunity arises.

Are you aware of the Redhouse Club at the Village Centre? This is part of one of the charities in the village which the parish councillors are trustees for! They have been revamping it and making it potentially a more used space. Just thought I would mention it as a point of interest of other venues that people go to for parties etc. There is a licensed bar and it regularly has events in the past there and in the future.

The area includes the football pitch, tennis courts, bowls area and children's play park.

Jacqui

From: Angus Hastie <angus.hastie@peartreepurton.co.uk>
Sent: 08 October 2021 13:40
To: Lay, Jacqui <Jacqui.Lay@wiltshire.gov.uk>
Subject: Re: The Pear Tree at Purton

Hi Jacqui

Thanks for this link. One of the measures we're looking at implementing asap is to erect some fencing along the side of the garden behind the patio area that has acoustic insulation. That should have a meaningful impact on the direct travel of sound. We're also looking at closers on doors (and how to prevent people from propping them open!).

Probably most importantly, we're looking at moving the music in the evening out of the orangery altogether and into the bar area. We are already communicating to any new bookings that outdoor music must be acoustic only and that certain instruments (including saxophones, trumpets, and bagpipes) are not permitted, even unamplified, because the sound carries so far.

I'm confident that we will get this right - I really do appreciate how stressful it must be for local residents to have the quiet enjoyment of their homes disturbed. We pride ourselves on having good relations with our neighbours everywhere we operate, so this needs fixing. We need to find a way to coexist so that we can trade successfully whilst not creating a nuisance.

You'll appreciate that things take some time to work through the system with wedding bookings - couples have booked a long time in advance (particularly because of covid) based on a certain understanding of how they may use the venue, and as we change that we need to bring them along with us and work through existing bookings, some of which might not fall in line with how we wish to operate going forward.

I'll keep you posted as we work through all this and look at the noise management plan with the environmental protection team. In the meantime, we're getting on with all the things above rather than waiting.

Best

Angus

On 8 Oct 2021, at 13:15, Lay, Jacqui
<Jacqui.Lay@wiltshire.gov.uk> wrote:

[Increase of acoustic dampening sails - \(shadesailblinds.com\)](http://shadesailblinds.com) - this was a company I found locally in Calne – might be useful for you – Jacqui

From: Lay, Jacqui

Sent: 08 October 2021 13:13

To: Angus Hastie <angus.hastie@peartreepurton.co.uk>

Subject: RE: The Pear Tree at Purton

Dear Angus – this looks positive and hopefully a few changes on site will help with the noise. In hindsight perhaps it might have been better to have encouraged people to come out to the south of the new building towards the bank as this would have absorbed some of the noise of people. Noise in Purton does move around in a strange way! I live at the bottom of the village backing onto the railway. I get a short burst of noise from the railway as a train goes through but elsewhere in the village the train can be heard approaching in both directions! I also hear the football pitch and supporters yelling when I am at the back of the house more so than the front which actually faces the pitch. It does all depend on the weather at the time – calm days it is noisier!

Hopefully your acoustic consultants will come up with some schemes – I believe you can get these acoustic sails – which can also look quite architectural and pleasing – there is a company in Calne who do these! Not sure if they are outdoor ones as well! Also a self-closer on the outside doors might help keep noise indoors!

Shame the outside kitchen and serving area couldn't also have been on the south side by the bank but I suspect limited by the existence of the existing indoor kitchen.

I will let the parish council know of the current situation as they have also had the residents contacting them.

Kind regards
Jacqui

From: Angus Hastie <angus.hastie@peartreepurton.co.uk>
Sent: 08 October 2021 12:12
To: Lay, Jacqui <Jacqui.Lay@wiltshire.gov.uk>
Subject: Re: The Pear Tree at Purton

Hi Jacqui

I hope all's well.

I just wanted to give you a quick update on The Pear Tree.

I attended a really helpful meeting with the environmental protection and licensing officers on site yesterday to discuss their findings on the noise issues. As things currently stand, the level of noise is clearly unacceptable for our neighbours. We really do want to get this resolved and there are immediate measures we're looking to put in place to try to mitigate the problem.

Ultimately, we want to agree a noise management plan with the environmental protection team, so that is something we'll be working towards. We have also appointed our own acoustic consultants to report back to us on the range of possible solutions that can form part of that plan.

Jemma Price from the licensing team will be the point of liaison between The Pear Tree and our neighbours, so I don't want to cut across that line of communication, but I thought you'd appreciate an update that you might want to share with the neighbours.

Kind regards

Angus

By email only.

01st September 2021

Dear *Mr Smith, and Miss Jones,*

Like you, we are really looking forward with great excitement to your forthcoming big day at The Pear Tree. Having only been able to recommence operations during the Spring, it has been a very busy few months indeed. That said, we've also had plenty of fun along the way and each celebration has been a tremendous success.

We recognise that getting the entertainment right is an important part of creating the perfect atmosphere at every wedding celebration. It is for this reason that we are writing to you with the latest developments and information which will help you and your guests enjoy the party throughout the evening.

We have been working alongside the local licensing authority representatives to establish how evening parties at Pear Tree can be hosted with courtesy and minimal impact to the local residents and surrounding neighbours living in this idyllic village. Regrettably, there have been several complaints submitted. Although we responded promptly, investing in professional sound attenuation consultation to create a strategy and adopting this advice by implementing many noise reduction developments across the venue and site, we will need to implement restrictions on *some* instruments which, even when played within reasonable levels, can still create a disturbance.

In order to comply with the licensing conditions, we have installed a high-quality noise measuring device which will monitor the sound being produced to keep it within the permitted limit. This will help your entertainment personnel to manage their sound output effectively. If however, the sound rises above 95 decibels the device will cut power to their equipment. Presuming your chosen supplier works regularly they will be well-used to such systems. This decibel level still ensures you can host a fantastic evening reception and the volume will be more than loud enough for a party.

It is important to note, that in addition to the measures above, the following entertainment policy will be applicable from 01st November 2021:

1. NOISE LIMITATION:

A decibel measuring and limitation device is installed and constantly in operation in the Orangery. This is set to a maximum level of 95db. If the measuring device registers the maximum level has been reached for more than 3 seconds, the limiter will cut the electrical supply to all power sockets.

A traffic light system shows if the current noise level is:

- Green - acceptable
- Amber - becoming a concern
- Red - in danger of cutting power if it remains red for 3 seconds

Your entertainer/s will be shown how to read this system when they arrive onsite by the Events Manager coordinating proceedings. For obvious reasons we are not able to render the device inoperable at any stage. All entertainers and/or musicians must play through this device and not attempt to circumvent it by using an uninterpretable power supply.

2. AREAS DESIGNATED FOR MUSIC AND DANCING:

GROUNDS AND GARDEN SPACES AROUND THE VENUE:

- No amplified music at anytime
- Acoustic (only) until 18:00

CEREMONY ROOM – BLOSSOM:

- Acoustic can be played during your ceremony.
- Amplified music until 18:00
- Speakers must not be placed facing open doorways

ORANGERY:

- Acoustic until 23:30
- Amplified until 23:30
- Doors and windows to remain closed from 21:00
- Speakers must be placed facing towards the front of the venue

MUSICAL INSTRUMENTS AND SPEAKERS PROHIBITED AT ALL TIMES ANYWHERE AT THE PEAR TREE:

- Saxophones
- Sub-woofers
- All brass/woodwind instruments – except for light jazz bands
- Regular drums. **Only electronic drum kits can be used**

We trust you will find this information helpful.

Please confirm within 7 days that you have received this message and that you will arrange the musical entertainment at your wedding in accordance with the entertainment policy. Our team are on hand to discuss any of the details with you.

Yours sincerely,
The Pear Tree Events Team.



By email only.

19TH October 2021.

IMPORTANT UPDATE REGARDING YOUR WEDDING AT THE PEAR TREE.

We are writing to you with further information about the evening party for your wedding at The Pear Tree.

The great news post lockdown is that we've finally been able to throw open the doors of The Pear Tree to host so many special wedding celebrations, and we are delighted that our wonderful venue has already been enjoyed by so many.

Our aim when designing The Pear Tree was to create versatile spaces so that couples like you could personalise their wedding based on the number of guests attending and the range of entertainment they wished to provide. Several couples since launch have chosen to hold the final stage of their wedding day with the disco and dancefloor in The Orangery. Unfortunately, the noise generated from this space has resulted in several complaints from our neighbours and this has led to intervention from the council with whom we are working closely to resolve the issues which have arisen.

In cooperation with the council, solutions include placing the heart of the evening party and music in Bartlett, our dedicated evening space, together with clarification of the music policy. Many of our couples have been enjoying their evening party in Bartlett anyway as this was originally intended to be the primary space for evening music and dancing. This area is more intimate, next to the bar, and naturally darker, particularly during the long summer evenings, so the disco lights can really work to full effect. There are also considerably better acoustics to create a brilliant nightclub atmosphere, ideal for your first dance and to party with friends and family in style.

With Bartlett and The Orangery directly connected via wide links at either end, you can make use of both spaces in the evenings, with The Orangery ideal for break out seating spaces, evening food service and additional entertainment such as photobooths, sweet carts and casino games, and of course the cake cutting. Bartlett can also be set up for the evening entertainment during the day without disturbing your wedding breakfast in The Orangery.

For clarity, here is a copy of The Pear Tree's [music policy](#).

Whilst this is all new news to us too, we actually see it as an opportunity to make The Pear Tree even better. We have already engaged with our design consultants and over the next few months we intend to enhance this space, including a change to the décor, lighting and flooring to create the perfect vibe for a dedicated evening party space. The following [link](#) illustrates the changes and

The Pear Tree, Church End, Purton, Swindon SN5 4ED
T. 01793 781270 – weddings@peartreepurton.co.uk – peartreepurton.co.uk

Company Registration Number 12435879



enhancements that are already planned for this space as well as line drawings to show suggested formats.

As final details and styled shoots are available, we will share those with you, and of course we are on hand at any point if you'd like to discuss how the many spaces at The Pear Tree can be customised for your own wedding day.

The quickest way to answer any immediate questions is to send these by email to our events team on eventsteam@peartreepurton.co.uk and they will quickly reply. If you'd like to arrange a call to discuss things further, then please email sharon.lindon@wedding-venues.co.uk who leads the wedding office, and we'll arrange a specific time to call you to chat everything through. Alternatively, we will be arranging a few events for booked couples over the coming months where we will dress the venue ready to party so you can come and see exactly how the space can be best used and ask any questions at that point.

Whilst much of your day will remain unchanged, we're here to answer any questions, plan your perfect wedding, share great ideas for how to use each space in the evening, and make sure that yours is a night to remember!

Speak soon

The Pear Tree Events Team

The Pear Tree, Church End, Purton, Swindon SN5 4ED
T. 01793 781270 – weddings@peartreepurton.co.uk – peartreepurton.co.uk

Company Registration Number 12435879

Date	Time	Courtyard at the outside kitchen	Lawn	Pavillion	Bartlett	Inside Orangery	Main road entrance at the drive	Public walkway	Notes
15/10/2021	17:30	57	55	52	77	76	50	47	
	18:30	55	53	48	71	85	51	51	Road noise, no noise from us
	19:30	48	45	53	65	82	49	55	Taxi arriving with evening guests
	20:00	71	63	55	90	82	51	70	Church bells ringing
	20:30	53	47	53	81	64	50	49	Church bells ringing. Band sound check peak reached 94.6
	21:00	62	60	57	93	83	72	53	No venue noise audible from outside
15/10/2021	21:30	75	61	63	78	82	51	48	Some traffic noise
	22:00	67	54	70	93	79	67	48	Band on break
	22:30	63	58	66	87	80	48	63	Band back on
	23:00	61	63	57	94	75	47	49	
	23:30	63	50	44	87	74	50	44	2 Taxis idling. All music ceased.
	Average	62	55	56	83	78	53	53	
Max	75	63	70	94	85	72	70		

Music Type	Band
Music Location	Bartlett
Equipment used to take readings	Mastek MK09
Manager	Mark

Date	Time	Courtyard at the outside kitchen	Far end of Carpark by Sam's container	Pavillion	Inside Orangery	Main road entrance at the drive	Public walkway by the gate	Public walkway far end of grassed area	Notes
16/10/2021	15:00	46	43	46	76	57	47	44	
	16:00	50	46	46	76	50	49	42	Some traffic noise
	17:30	51	50	49	76	57	63	71	Loud motorbike in area
	18:30	71	49	55	80	62	46	49	Kids playing outside
	19:00	71	54	70	78	58	54	51	Kids playing outside DJ soundtrack 80dB.
	20:00	65	47	47	73	70	49	47	
	20:30	71	49	55	71	50	49	48	
	21:00	78	53	55	79	54	47	45	
	21:30	68	48	50	73	51	67	45	
	22:00	67	46	48	71	57	46	46	Guests starting to leave
22:30	56	56	50	77	50	47	44		
23:00	65	46	48	75	48	45	45	People in courtyard	
Average		63	49	52	75	56	51	48	
Max		78	56	70	80	70	67	71	

Music Type	DJ
Music Location	Bartlett
Equipment used to take readings	Meterk MK09
Manager	Mark

Date	Time	Courtyard at the outside kitchen	Fer end of Carnark by Sam's container	Pavillion	Inside Orangerie	Bartlett	Main road entrance at the drive	Public walkway by the gate	Public walkway far end of grassed area	Notes
	15:00	50	55	50	53		50	49	48	Sunny day, light traffic
	16:00	47	48	46	72		50	47	46	Start of wedding breakfast
	16:45	45	43	43	72		45	43	43	All blue notices in place
	17:30	47	43	43	73		46	43	42	Light traffic
	18:15	45	42	43	84		45	44	42	Speeches in orangerie
	19:30	48	43	44	83		46	46	52	Light traffic
17/10/2024	20:00	48	40	44	79	87	49	46	48	Disco in flow
	20:30	78	60	52	78	82	53	45	43	Loud guest laughing, guests sitting outside
	21:00	65	52	52	74	79	54	43	42	Cars passing
	21:30	53	43	56	75	80	45	43	40	Guests having photos
	22:00	52	42	45	74	80	45	43	42	
	22:30	56	42	44	75	82	45	43	42	
	23:00	60	43	44	74	85	45	42	41	Traffic
Average		53	46	47	74	82	48	44	44	
Max		78	60	56	84	87	54	49	52	

Music Type	DI
Music Location	Bartlett
Equipment used to take readings	Meterk MK09
Manager	Scott

Date	Time	Courtyard at the outside kitchen	Far end of Carpark by Sam's container	Pavillion	Inside Orangerly	Main road entrance at the drive	Public walkway by the gate	Public walkway far end of grassed area	Notes
21/10/2021	15:30	52	51	66	76	66	55	57	
	16:30	48	44	52	71	53	47	45	
	17:30	54	54	48	73	64	52	51	
	18:30	56	51	50	74	64	61	54	Band practice
	19:30	53	51	53	72	54	56	54	First dance
	20:30	64	49	54	82	49	52	52	
	21:15	75	50	55	83	52	53	49	BBQ on and guests outside
	22:00	56	52	46	78	65	49	47	Motorbike passing
	23:00	53	47	46	79	56	50	49	
Average		57	50	52	77	58	53	51	
Max		75	54	66	83	66	61	57	

Music Type	Band
Music Location	Bartlett
Equipment used to take readings	Wetrek MK09
Manager	Ben

Date	Time	Courtyard at the outside kitchen	Far end of Carpark by Sam's container	Pavillion	Inside Orangery	Main road entrance at the drive	Public walkway by the gate	Public walkway far end of grassed area	Notes
23/10/2021	15:30	54	47	50	76	51	50	47	No music in the Orangery
	16:30	49	47	49	76	53	52	47	Harplst in Orangery
	17:30	49	47	47	82	51	51	47	Harplst in Orangery
	18:30	50	45	46	81	49	49	47	
	19:30	55	48	48	83	52	51	47	DI Started
	20:15	56	50	52	83	52	50	51	Guests by pizza oven
	21:00	53	46	48	80	52	51	47	
	21:45	51	46	48	84	51	50	46	
	22:15	53	46	47	83	51	51	46	
	23:00	51	46	46	76	50	49	46	
Average		52	47	48	80	51	50	47	
Max		56	50	52	84	53	52	51	

Music Type	DI
Music Location	Bartlett
Equipment used to take readings	Meterk MK09
Manager	Ben

Date	Time	Courtyard at the outside kitchen	Far end of Carpark by Sam's container	Pavillion	Bartlett	Inside Orangery	Main road entrance at the drive	Public walkway by the gate	Public walkway far end of grassed area	Notes
24/10/2021	14:00	54	35	39	78	68	42	42	35	Saxophone inside
	15:00	55	37	40	75	70	43	41	36	light traffic
	15:30	65	40	40	70	68	43	41	35	Raining, wedding breakfast started
	16:30	52	40	40	60	82	46	41	33	Lots of smokers outside
	17:00	70	37	38	63	79	42	40	33	
	17:30	75	36	38	62	80	40	40	36	
	18:00	42	42	40	60	75	41	37	37	Speeches
	18:30	42	40	39	60	78	37	37	36	Light rain
	19:00	43	40	39	72	63	37	37	36	Speeches in Orangery
	19:30	60	40	39	88	78	37	36	36	
	20:00	72	54	40	91	80	39	36	37	
	20:30	75	54	39	95	80	37	37	35	Asked to turn music down
21:00	60	52	40	95	82	38	37	37		
21:30	65	54	39	96	80	38	35	47	Could hear people laughing outside	
22:00	62	53	39	98	80	38	35	39	Asked DJ to turn music down	
22:30	58	50	38	94	80	38	33	39	Outside lights off	
Average		59	44	39	79	76	40	38	37	
Max		75	54	40	98	82	46	42	47	

Music Type	DJ with SAX
Music Location	Bartlett
Equipment used to take readings	Waterk MKU9
Manager	Scott

Date	Time	Courtyard at the outside kitchen	Far end of carpark by Sam's container	Pavillion	Inside Orangery	Main road entrance at the drive	Public walkway by the gate	Public walkway far end of grassed area	Notes
25/10/2021	17:30	55	49	61	61	73	57	50	Traffic noise
	18:30	61	47	61	64	54	55	48	
	19:00	50	49	51	60	56	46	47	DJ sound check 86dB
	19:30	55	46	47	75	47	45	42	Some noise from outside games
	20:00	55	46	46	75	38	47	44	Some noise from outside games
	20:30	57	48	55	73	47	44	54	
	21:00	49	47	47	74	47	46	46	
	22:00	62	46	48	73	47	47	49	Outdoor games being put away
	22:30	51	46	46	71	63	44	46	Some guests leaving
	23:00	46	44	47	57	47	46	46	
Average		45	46	43	52	50	44	47	End of evening
Max		53	47	50	67	52	47	47	
	Max	62	49	61	75	73	57	54	

Music Type	DJ
Music Location	Bartlett
Equipment used to take readings	Meterk MK09
Manager	Mark

Date	Time	Courtyard at the outside kitchen	Far end of Carpark by Sam's container	Pavillion	Inside Orangery	Main road entrance at the drive	Public walkway by the gate	Public walkway far end of grassed area	Notes
26/10/2021	17:00	51	49	53	73	50	45	48	
	18:00	47	48	49	72	49	46	48	
	19:00	46	49	50	74	50	47	46	Band sound check - average of 95dB
	19:30	47	48	49	81	48	46	52	
	20:00	52	46	49	77	61	48	47	Traffic noise
	20:30	71	51	47	79	54	46	48	
	21:00	64	47	46	75	56	49	51	
	21:30	55	47	49	77	50	42	47	
	22:00	52	47	48	78	52	44	46	
	22:30	52	46	46	82	53	47	44	
Average	23:00	50	50	51	79	54	49	47	
	23:30	47	48	44	72	50	47	46	
		53	48	48	77	52	46	48	
Max		71	51	53	82	61	49	52	

Music Type	Band
Music Location	Bartlett
Equipment used to take readings	Meter/MK03
Manager	Mark

Date	Time	Courtyard at the outside kitchen	Far end of Carpark by Sam's container	Pavillion	Bartlett	Inside Orangery	Main road entrance at the drive	Public walkway by the gate	Public walkway far end of grassed area	Notes
28/10/2021	16:00	55	49	49	68	72	48	47	47	
	16:30	54	48	49		75	48	49	47	Meal Service
	17:00	51	48	49		75	49	50	50	Meal Service
	17:30	51	49	50		76	49	50	49	Meal Service Speeches
	18:00	52	48	49		75	49	51	49	
	18:30	54	49	49		72	49	49	47	
	19:00	54	49	49		75	48	46	47	Band Practice
	19:30	70	49	75	60	58	48	46	47	Cheering for photo. Spatdles.
	20:00	50	47	48	98	80	54	52	52	First Dance - sound cut out
	20:30	50	48	47	72	88	52	52	52	Rainning light wind
	21:00	52	53	49	74	65	49	47	47	
	21:30	52	54	49	82	75	49	47	47	
22:00	49	50	48	95	82	47	48	48	Lots of singing	
22:30	48	50	49	102	82	47	48	48	Singing	
23:00	47	46	49	92	81	47	47	47		
Average		53	49	51	81	74	49	49	48	
Max		70	54	75	102	82	54	52	52	

Music Type	Bard
Music Location	Bartlett
Equipment used to take readings	Masterk MK09
Manager	Scott

Date	Time	Courtyard at the outside kitchen	Far end of Carpark by Sam's container	Pavillion	Bartlett Orangery	Inside entrance at the drive	Main road walkway by the gate	Public walkway by far end of grassed area	Notes
30/11/2021	16:00	50	47	45	52	47	46	46	
	16:30	48	47	45	60	47	45	46	
	17:00	47	47	46	60	45	45	47	
	17:30	47	48	47	55	47	46	47	
	18:00	48	47	45	64	50	46	46	
	18:30	48	48	45	58	48	48	47	Speeches
	19:00	48	47	45	82	47	45	45	Band Practice
	20:00	47	49	46	87	46	46	47	First dance
	20:30	50	48	44	94	48	47	47	Light rain
	21:00	49	43	44	80	43	45	45	
21:30	48	43	43	80	44	43	43		
22:00	47	44	44	79	43	44	44		
22:30	45	44	43	89	42	43	43		
23:00	46	43	43	90	43	44	44		
Average		48	46	45	72	46	45	46	
Max		50	49	47	87	50	48	47	

Music Type	Band
Music Location	Bartlett
Equipment used to take readings	Meterk MWK09
Manager	Scott

Date	Time	Courtyard at the outside kitchen	Far end of Carpark by Sam's container	Pavillion	Inside Orangery	Main road entrance at the drive	Public walkway by the gate	Public walkway far end of grassed area	Notes
	16:30	58	46	49	76	45	52	47	
	16:30	58	45	49	77	46	53	42	
	17:00	57	46	49	78	46	50	43	
	17:30	58	45	52	75	52	52		
	18:00	57	49	77	70	53	55		Large group in garden laughing, asked to move.
	18:30	56	48	80	75	54	56		
	19:00	70	55	85	73	63			
	19:30	54	53	52	81	55	54		
01/11/2021	20:00	58	52	52	86	54	53		
	20:30	69	46	54	79	53	52		
	21:00	72	70	61	79	56	53		
	21:30	75	67	59	85	54	54		
	22:00	73	69	49	80	56	53		
	22:30	70	46	49	79	47	52		
	23:00	68	48	50	80	46	51		
Average		64	52	58	78	52	53	44	
Max		75	70	85	86	63	56	47	

Music Type	DJ
Music Location	Bartlett
Equipment used to take readings	Meterk MK09
Manager	Lee

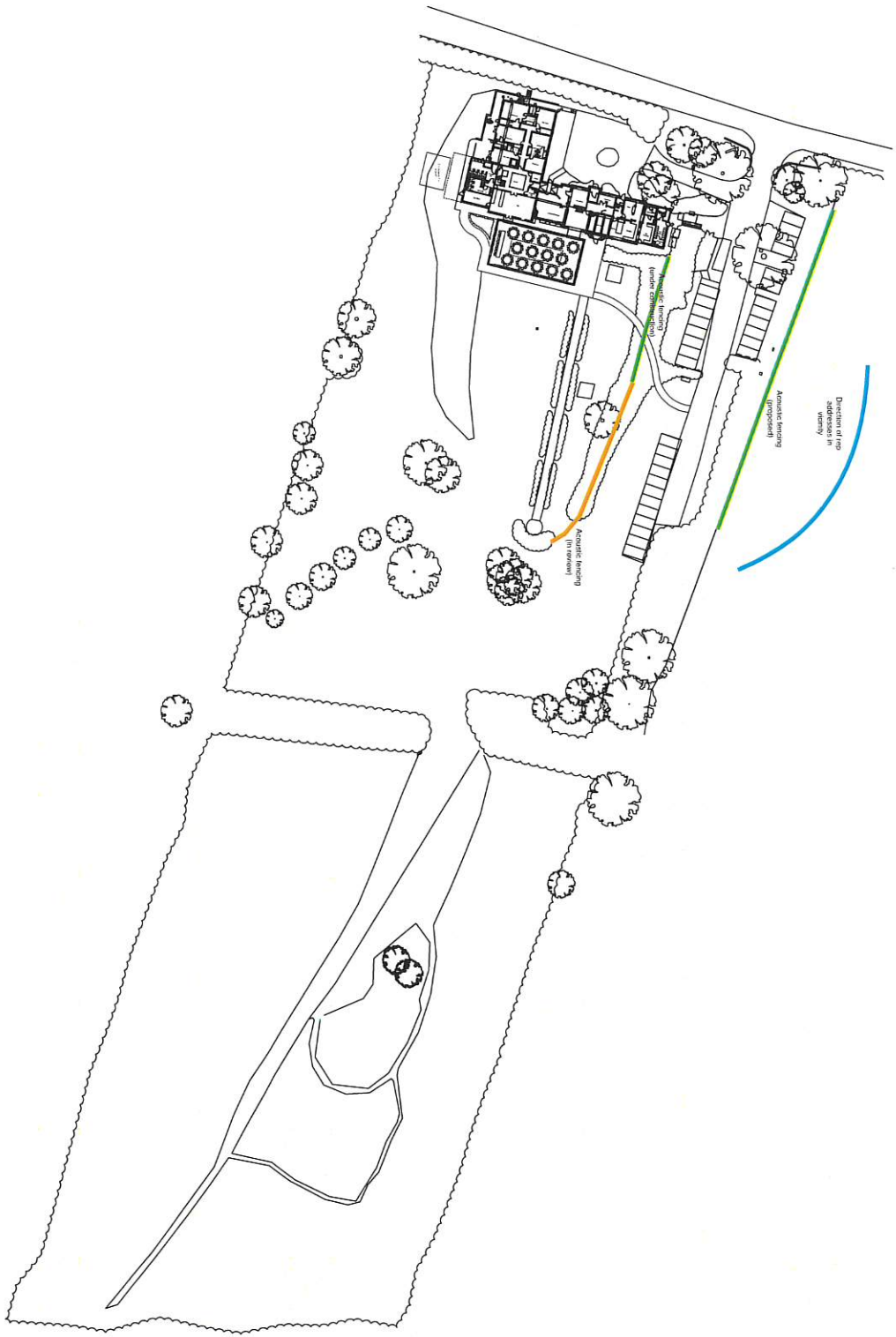
Date	Time	Courtyard at the outside kitchen	Far end of Carpark by Sam's container	Pavillion	Bartlett	Inside Orangery	Main road entrance at the drive	Public walkway by the gate	Public walkway far end of grassed area	Notes
06/11/2021	16:00	49	51	49		75	44	44	43	
	16:30	45	48	48		73	43	46	46	Wedding breakfast
	17:00	44	49	49		75	43	43	43	Wedding breakfast
	17:30	46	48	48	58	72	46	45	45	Wedding breakfast
	18:00	44	47	50	60	75	49	49	49	Fireworks in village
	18:30	43	47	50	60	60	55	55	49	Fireworks in village
	19:00	68	49	49	60	60	50	48	48	Outside group photo, clapping
	19:30	43	39	92		39	37	39	37	First dance in orangery
	20:00	44	37	76	85	37	39	39	36	Band playing
	20:30	44	37	75	84	39	40	40	35	Fireworks
21:00	44	37	76	89	42	40	43	35		
21:30	42	50	80	87	43	39	52	42	Fireworks in village	
22:00	44	40	39	89	86	37	39	39		
23:00	39	37	92	92	86	34	34	35		
Average		45	44	60	76	60	43	44	42	
Max		68	51	92	92	86	55	55	49	

Music Type	Live Band
Music Location	Bartlett
Equipment used to take readings	IVeterik MK09
First Dance In Orangery	
Manager	Scott

Date	Time	Courtyard at the outside kitchen	Far end of Carpark by Sam's container	Pavillion	Inside Orangeray	Main road entrance at the drive	Public walkway by the gate	Public walkway far end of Brass area	Notes
12/11/2021	17:00	45	45	55	77	44	43	45	
	17:30	43	44	56	78	43	45	46	
	18:00	46	42	47	74	48	44	47	
	18:30	46	42	49	76	46	46	47	
12/11/2021	19:00	46	44	49	69	49	47	44	Church bells ringing
	19:30	46	56	57	70	57	55	51	Church bells ringing
	20:00	55	44	42	75	48	48	43	
	21:00	47	64	53	75	64	68	70	Church bells ringing
	22:00	47	48	57	81	49	44	47	
Average	23:00	46	42	40	81	48	48	46	
	23:30	47	45	41	79	46	46	45	Guests leaving and band packing up.
	Mark	47	47	50	76	49	49	48	
Mark	55	64	57	81	64	68	70		

Music Type	Band
Music Location	Bartlett
Equipment used to take readings	Waterk MK09
Manager	Mark

Date	Time	Courtyard at the outside kitchen	Far end of Carpark by Sam's container	Pavillion	Bartlett	Inside Orangery	Main road entrance at the drive	Public walkway by the gate	Public walkway far end of grassed area	Notes	Music Type	Band and Sax
13/11/2021	15:30	57	57	57	57	76	69	70	53	Lawnmower, football noises	Music Location	Bartlett
	16:30	51	45	52	45	77	55	51	45	Wedding Breakfast		
	17:30	54	44	52	43	80	49	49	43	Band set up, crockery moving in kitchen	Equipment used to take readings	Meterk MK09 Scott/Ben
	18:30	54	42	43	80	44	46	43	43	no issues		
	19:00	50	43	43	95	80	45	45	43	band practice		
	19:30	49	43	48	60	80	54	52	52	Light traffic and fireworks		
	20:00	47	43	45	62	81	45	45	45	cake cutting (clapping)		
	20:30	45	45	56	88	75	47	45	45	First dance		
	21:00	45	45	52	68	70	46	45	45	guest outside laughing		
	21:30	45	43	51	70	69	45	44	44	background music		
	22:00	45	46	50	70	82	44	44	43	Music restarted		
	22:30	43	44	48	72	90	45	43	43	music		
	23:00	43	44	46	70	88	45	43	44	Music off		
Average		48	45	49	73	79	49	48	46			
Max		57	57	57	95	90	69	70	53			



From: Angus Hastie <angus.hastie@peartreepurton.co.uk>
Subject: Re: Noise complaints at The Pear Tree
Date: 13 October 2021 at 18:01:32 BST
To: "Hares, Tessa" <Tessa.Hares@wiltshire.gov.uk>
Cc: "Price, Jemma" <Jemma.Price@wiltshire.gov.uk>, "Warren, Brett" <brett.warren@wiltshire.gov.uk>

Dear Tessa

Thank you for your email.

We had a really constructive meeting with Jemma and Brett last week. We went into that meeting to listen and understand the nature of the problem, and they were clear that the noise issues were very significant. So whilst we have a process to follow to agree a noise management plan, we are already implementing the measures we think will make the greatest difference now. The most significant change is the relocation of the evening music which we are moving out of the orangery and into the heart of the main building. We have begun that process already, starting with tomorrow's wedding. It's fair to say that the change is not being universally well received by our couples and we're facing a considerable commercial challenge, but that's ultimately our problem.

I've been speaking to our acoustic consultant this afternoon too. They are still reviewing their monitoring data but they will share their report and recommendations with you when ready. In the meantime, we're looking to erect some acoustic fencing along the north edge of the patio which, together with the change to evening music arrangements, should result in a marked improvement, with further measures to come.

We are working on a draft noise management plan which I'll forward to you asap and which we will include in draft form, subject to approval, with our license variation application. I look forward to working with you further to resolve the noise issues.

Kind regards

Angus
07878735236

On 13 Oct 2021, at 15:24, Hares, Tessa
<Tessa.Hares@wiltshire.gov.uk> wrote:

Dear Mr Hastie,

Thank you for your email and I am sorry I was unable to attend the meeting with my colleagues last week.

It is good to know you are taking matters seriously as I can honestly say it really has been very intrusive for your neighbours.

I am just looking at the TENS applications and will email you shortly regarding my understanding of what is happening and where the music will be sited.

Kind regards
Tessa

Mrs Tessa Hares
Environmental Health Officer
Environmental Control and Protection (North and West)
Monkton Park
Chippenham
Wiltshire
SN15 1ER

tessa.hares@wiltshire.gov.uk
01249 706406

Please note I do not work Mondays

-----Original Message-----

From: Angus Hastie <angus.hastie@peartreepurton.co.uk>

Sent: 11 October 2021 16:32

To: Warren, Brett <brett.warren@wiltshire.gov.uk>

Cc: Hares, Tessa <Tessa.Hares@wiltshire.gov.uk>; Price, Jemma

<Jemma.Price@wiltshire.gov.uk>; Sarah Sweeney

<sarah.sweeney@peartreepurton.co.uk>; Simon Robson

<simon@venue-catering.co.uk>; Scott Bradbury

<scott.bradbury@venue-catering.co.uk>; Matthew Wilson

<matthew.wilson@venue-catering.co.uk>

Subject: Noise complaints at The Pear Tree

Dear Brett

Thank you for your time on Thursday. There was a lot to take in but it was a very helpful meeting.

We are keen to resolve the noise issues by implementing a range of practical measures. There are a number of steps we think we can take that will mitigate the problems, including physical changes (e.g. door closers, acoustic fencing), management measures (e.g. guest management and notices, restrictions on certain instruments) and, most significantly of all, moving the location of any evening parties deeper into the building so we are less susceptible to noise escape from the orangery. It is our intention to submit a comprehensive range of measures in a noise management plan for your approval which will then form part of our premises license variation. We have already appointed our own independent noise consultant to report on the issues and propose a range of practical solutions. We would be happy to give you direct access to our consultant and their conclusions.

We have already started to make a number of these changes on site. I hope it is evident that we wish to work with your team and our neighbours to achieve an outcome that addresses any noise nuisance whilst allowing The Pear Tree to continue to trade successfully.

I look forward to speaking to you further as your investigation progresses.

Kind regards

Angus Hastie
Director, The Pear Tree

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From: Angus Hastie <angus.hastie@peartreepurton.co.uk>
Subject: The Pear Tree: noise issues
Date: 20 October 2021 at 09:51:03 BST
To: Tessa Hares <tessa.hares@wiltshire.gov.uk>, Brett Warren
<brett.warren@wiltshire.gov.uk>
Cc: Jemma Price <Jemma.Price@wiltshire.gov.uk>
Bcc: Simon Robson <simon@venue-catering.co.uk>, Stuart Owens
<stuart.owens@wedding-venues.co.uk>, Sarah Sweeney
<sarah.sweeney@peartreepurton.co.uk>

Dear Tessa and Brett

Further to our recent meeting about noise issues at The Pear Tree, as discussed we have started to make significant changes to the way we operate in order to mitigate any problems.

The most significant (and contentious!) change is to move the evening party at weddings from the Orangery into the bar area in the main part of the building, together with changes to our music policy. This has been addressed already with all of our remaining 2021 bookings and this morning we are writing to all future bookings for 2022 and 2023. I have copied below the message that we are sending out with a link to the letter.

From the monitoring we have carried out since making this change, it appears to have been highly effective with the music in the evening inaudible at neighbours' property boundaries.

I look forward to speaking to you to understand the next steps in the process.

Kind regards

Angus

Dear Stuart & Sarah,

Please select the link below for an important update regarding your Pear Tree Wedding on 12/02/2022.

[Letter Regarding your Wedding at The Pear Tree](#)

Kind regards

The Pear Tree Wedding Office Team



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From: Angus Hastie <angus.hastie@peartreepurton.co.uk>
Subject: Re: The Pear Tree license variation application
Date: 12 November 2021 at 12:08:17 GMT
To: "Hares, Tessa" <Tessa.Hares@wiltshire.gov.uk>
Cc: Carl Bruder <carl.bruder@vclaw.co.uk>, "Price, Jemma" <Jemma.Price@wiltshire.gov.uk>, Brett Warren <brett.warren@wiltshire.gov.uk>

Dear Tessa

I hope you're well.

I wondered if there was any update on the noise complaints at The Pear Tree, your findings from your own investigations, and the process from here? Also, did you have any comments on the proposed noise management plan submitted with our premises license variation?

We continue to take noise level readings and observations for all events and see a dramatic improvement following the relocation of the evening entertainment to the internal lounge area and restrictions on outside music that we have set out in our noise management plan.

Kind regards

Angus

On 14 Oct 2021, at 14:28, Hares, Tessa <Tessa.Hares@wiltshire.gov.uk> wrote:

Dear Mr Hastie,

Thank you for keeping me updated. I am happy to look at the noise management plan however it will not be possible today due to other work commitments.

I will get back to you during the consultation period to advise on my

thoughts on the NMP application.

Kind regards
Tessa

Mrs Tessa Hares
Environmental Health Officer
Environmental Control and Protection (North and West)
Monkton Park
Chippenham
Wiltshire
SN15 1ER

tessa.hares@wiltshire.gov.uk
01249 706406

Please note I do not work Mondays

-----Original Message-----

From: Angus Hastie <angus.hastie@peartreepurton.co.uk>
Sent: 14 October 2021 12:36
To: Hares, Tessa <Tessa.Hares@wiltshire.gov.uk>
Cc: Carl Bruder <carl.bruder@vclaw.co.uk>; Price, Jemma
<Jemma.Price@wiltshire.gov.uk>
Subject: Re: The Pear Tree license variation application

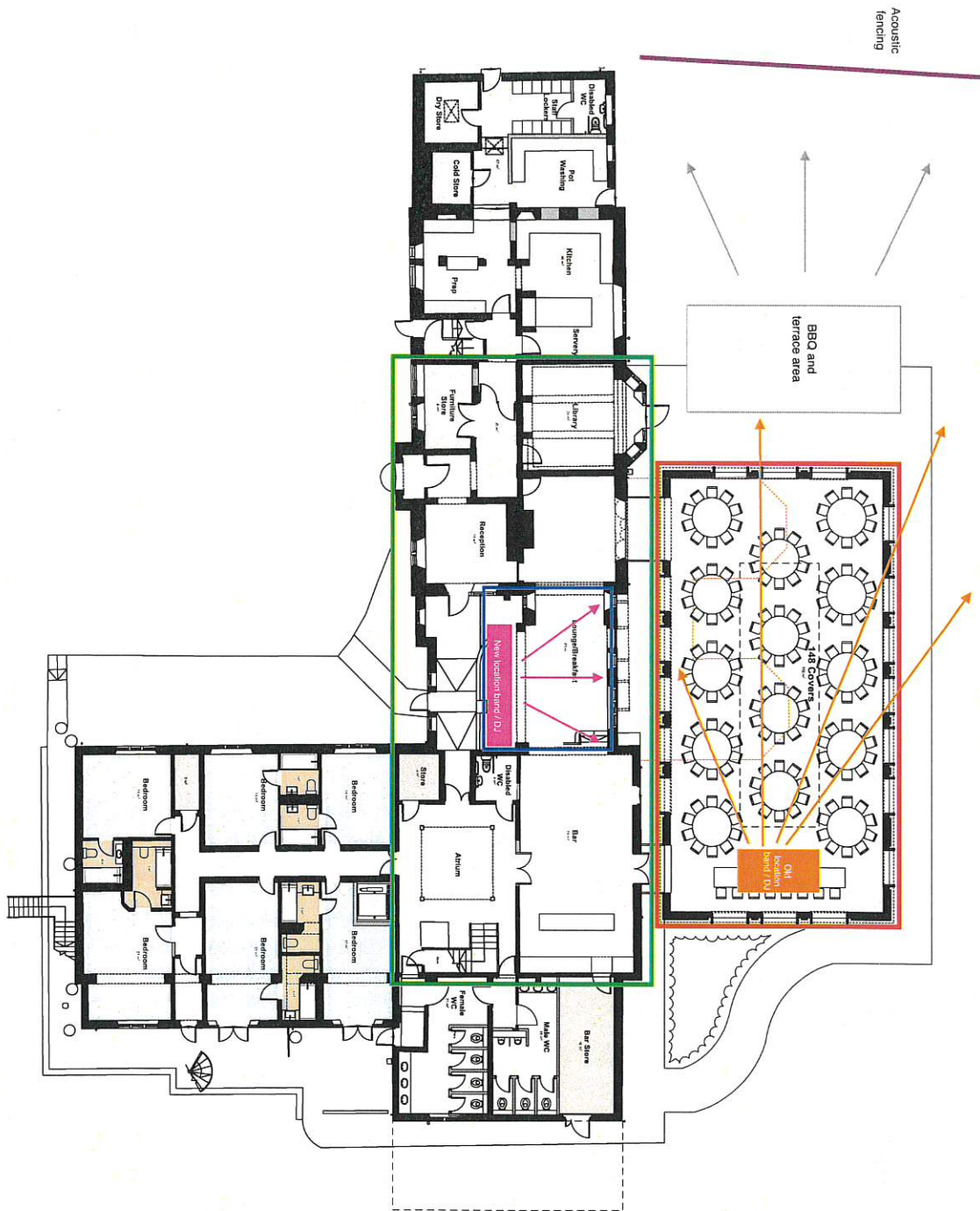
Dear Tessa

Just to keep you in the loop, Carl (who is advising us on the license application) has spoken to Jemma and agreed that we will submit the application as is. We can then make any tweaks as required. I will therefore remove the DRAFT heading and watermark from the noise management plan but for the avoidance of doubt, that is not an assumption by us that it is approved by you. I just wanted to flag that in advance.

I look forward to hearing from you with your feedback on the noise management plan and the investigation process.

Kind regards

Angus





NOISE MANAGEMENT PLAN (Appendix B)

The aim of this Noise Management Plan (NMP) is to put in place reasonable measures to reduce the noise impact of sources associated with events held at The Pear Tree. It exists to promote the Prevention of Public Nuisance objective and as such seeks to reduce noise impact on the local community and neighbours.

Noise must be managed in accordance with this NMP. Any changes to the NMP will be agreed in writing by the Local Authority. The NMP will be reviewed every 3 months and may be updated as required.

Revised: 22 November 2021

Noise Element	Measures
General	<ul style="list-style-type: none"> • The manager shall ensure that all staff are briefed on the licensing objectives in particular, no underage drinking, no drunkenness on the premises or outside the premises, no use of drugs, no violence or anti-social behavior and that there is a need to protect children from harm. • An incident log will be maintained showing a detailed note of incidents and the log will be inspected and signed by the DPS or the bar manager. • The premises will be responsibly managed at all times. • There will be zero tolerance to drunken, anti-social behaviour. • All staff will be trained to promote quiet departure of patrons. • All training undertaken by staff members shall be fully documented and recorded and this should be completed every six months. • All events will be carefully managed to minimise the impact on neighboring residential properties. • A dedicated telephone number will be provided to neighbouring residents and will be manned during operating hours.
Indoor Noise	<ul style="list-style-type: none"> • Music in the orangery will be restricted to background volume levels at all times. • All performance or playing of amplified live or recorded music indoors above background volume levels will be restricted to the areas within the main part of the building (outlined in green) and subject to a noise limiter at all times set to a level where music is not audible at residential dwellings. • External doors and windows of the Orangery will be kept closed at any time when amplified music for the purposes of entertainment is being played above background level inside any areas of the building, except for access and egress. • Self-closers will be installed on the doors in the orangery in order to keep the doors closed whilst music is being played above background level in the building, except during access and egress. • Management will make music suppliers aware of the venue closing times and require them to adhere to this. • Management will ensure music suppliers are aware of the responsible person on site and the requirement to accept instruction from them. • Management must be permitted to control volume levels.
Outdoor Noise	<ul style="list-style-type: none"> • Outdoor music will only be permitted between 10:00 – 18:00. • All outdoor music will be limited to background volume levels only. • Only instruments that have been agreed by management will be allowed to play outside. No brass, saxophones, bagpipes, or drums will be permitted outside. • Live music outdoors will be acoustic (unamplified) only.

	<ul style="list-style-type: none"> • Periodic monitoring and record keeping of dB levels at the property boundary and at points close to the boundary with residential properties will be undertaken, with target noise levels agreed with the EHO. Monitoring locations are shown in the appendix to the variation application. • Written observations of music and people noise shall be made at agreed points on the perimeter of the premises and corrective actions will be noted. • Management will control volume levels. • Acoustically insulated fencing will be erected in the land behind the outdoor kitchen. • Regular staff patrols will be made to ensure people noise is kept to a minimum. • The manager on duty will encourage patrons leaving the premises to do so in such a manner that it does not unreasonably disturb residents by noise, unruly or unsociable behavior. • Signage will be displayed prominently inside and outside asking guests to respect the amenity of local residents and to leave the premises and the area quietly. • The garden and terrace will be closed to the public from 10.30pm. Staff will instruct any guests in the garden and terraced areas as this time to move indoors. Smokers will be required to use the front courtyard area after 10.30pm. • No alcohol sales will be made outside. • Late night refreshment will be restricted to indoors only. • The immediate lawn and terrace outside the orangery will be the designated area for alcohol consumption. • No fireworks shall be permitted.
Deliveries	<ul style="list-style-type: none"> • Deliveries will only be scheduled on weekdays between 8:00 – 18:00, excluding public holidays.
External Seating Areas	<ul style="list-style-type: none"> • Tables and chairs must not be repositioned late at night.
Customer Noise & Car Parks	<ul style="list-style-type: none"> • Clients will be encouraged to ask their guests to pre book taxis in advance. • For those without taxi bookings, a dedicated phone will be provided in the reception area for booking taxis to discourage guests from standing outside trying to find a phone signal. • Taxi companies will be recommended and guests will be encouraged to wait in the reception area until the taxi has arrived. • Taxi companies will be asked to instruct their drivers to collect passengers from inside the venue. • A designated member of staff will manage guest departure. • Staff will leave site quietly, checking the car park on exit. • Guests leaving together will be encouraged to share transport
Refuse & Recycling Bins	<ul style="list-style-type: none"> • Refuse and recycling will only be stored in the waste-bin store area. • Glass crates will not be emptied into glass bins after 22:00

REPORT



The Pear Tree Hotel Environmental Noise Assessment

Date of Issue: 19/11/2021

Compiled By: Stefan Hannan BSc(Hons) PGDip MIOA

Issued by: Stefan Hannan BSc(Hons) PGDip MIOA

Revision: 0



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1.0 Introduction

Clear Acoustic Design has been appointed to carry out an environmental noise assessment in relation to the Pear Tree Hotel, wedding and events venue in Purton, Swindon.

The venue has recently reopened following years of re-development and has recently received noise complaints from local residents. The noise complaints mainly relate to entertainment noise from the Orangery, which is an extension to the main building and has been holding the evening events. The highly glazed nature of this space means noise can escape more easily, especially when internal noise levels are at high level from live bands or DJ's.

The venue also has an outdoor kitchen and outdoor seating area to allow guests to be outside during the warmer weather. Concerns have also been raised by local residents regarding noise from guests in this outdoor area.

In recent weeks the entertainment has been moved to the existing Bartlett Lounge area, which is a more internal space in the main building. It is hope that by moving the entertainment into this space that the noise impact on nearby residents will be reduced.

This report assesses the noise created from entertainment noise, both from the Orangery and the Bartlett Lounge, people outside and the car park, and uses an acoustic model to look at the effectiveness of external noise barriers in controlling noise levels.

This report has been compiled and issued by Stefan Hannan of Clear Acoustic Design who holds full corporate membership of the Institute of Acoustics (MIOA), and 15 years of consulting experience.

2.0 Performance Standards & Guidance

2.1 Local Authority Requirements

There are no specific requirements from the local authority at this stage. The standards which have been applied are seen to be in line with the typical requirements of this local authority, and as such are seen to be appropriate.

2.2 National Planning Policy – NPSE, NPPF, PPG-Noise

The Noise Policy Statement for England (NPSE) was published in 2010 and sets out the governments vision and guiding principles regarding noise and sustainable development.

The vision and policy aims are summarised below.

Noise Policy Vision

Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.

Noise Policy Aims

Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- **avoid significant adverse impacts on health and quality of life;**
- **mitigate and minimise adverse impacts on health and quality of life; and**
- **where possible, contribute to the improvement of health and quality of life.**

The National Planning Policy Framework (NPPF), updated in 2021, sets out the governments planning policies and how these should be applied. This framework along with the Planning Policy Guidance for noise (PPG-Noise) advises on how planning can manage potential noise impacts in new development.

The National Planning Policy documents and guidance do not provide any specific design targets or acceptable noise levels that can be followed for a specific scenario. Therefore, every development and situation are deemed to be different and needs to be assessed on its own merits and context.

The PPG for Noise explains the principle of 'observed effect levels'. The 3 main observed effect levels are described below.

- Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
- Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
- No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.

It also states the following:

"Although the word 'level' is used here, this does not mean that the effects can only be defined in terms of a single value of noise exposure. In some circumstances adverse effects are defined in terms of a combination of more than one factor such as noise exposure, the number of occurrences of the noise in a given time period, the duration of the noise and the time of day the noise occurs."

A noise exposure hierarchy table is also provided, which provides further explanation of the response and outcomes based on the different observed effect levels. This Table is shown overleaf.

Response	Examples of outcomes	Increasing effect level	Action	dB LAeq
No Observed Effect Level				30
Not present	No Effect	No Observed Effect	No specific measures required	
No Observed Adverse Effect Level				35
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.	No Observed Adverse Effect	No specific measures required	
Lowest Observed Adverse Effect Level				40
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum	
Significant Observed Adverse Effect Level				55
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid	
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent	65

Table 2.1 Noise exposure hierarchy table

2.3 BS 8233: 2014

BS 8233:2014 provides a range of internal noise level targets for many building types, including residential buildings. This British Standard is commonly used by planning authorities to place design targets on new residential developments near major sources of noise, such as transportation networks. The guideline internal noise levels for residential buildings, taken from BS 8233:2014 are shown in Table 2.2 below.

Activity	Location	Day (0700-2300)	Night (2300-0700)
Resting	Living Room	35 dB $L_{Aeq, 16hour}$	---
Dining	Dining Room / Area	40 dB $L_{Aeq, 16hour}$	---
Sleeping (Daytime Resting)	Bedroom	35 dB $L_{Aeq, 16hour}$	30 dB $L_{Aeq, 8hour}$

Table 2.2 BS8233:2014 internal noise level criteria

The 2014 version of this British Standard does not give guideline values for L_{Amax} noise levels in bedrooms at night. Maximum noise levels have the potential to cause excessive night time awakenings and it is recommended that this be considered in the assessment.

The World Health Organisation provides a guideline value of 45 dB L_{Amax} and states that this should not normally be exceeded more than 10-15 times in one night. These recommendations have therefore been used to carry out an assessment of maximum noise levels in bedrooms at night.

2.4 BS 4142: 2014

BS 4142: 2014 is a method of assessing the noise impact of industrial noise on sensitive receptors. This is done by comparing the proposed new sources of industrial noise (Rating Level $L_{A,T}$) against the existing level of background noise (L_{A90}).

BS4142:2014 suggests that the rating noise level should be designed to not exceed the existing background noise level, depending on the context. If this is achieved, it is a positive indication that the noise impact will be low.

BS 4142:2014 states that it is not intended to be applied to the assessment of sound from:

- a) Recreational activities
- b) Music and entertainment
- c) Shooting grounds
- d) Construction and demolition
- e) Domestic animals
- f) People
- g) Public address systems for speech; and
- h) Other sources falling within scopes of other standards or guidance

2.5 WHO Guidelines for Community Noise

The WHO issued a guidance document in 1999 relating to community noise (or environmental noise). The WHO guidance document states the following with regards to residential developments and associated outdoor areas.

To protect the majority of people from being seriously annoyed during the daytime, the outdoor sound level from steady continuous noise should not exceed 55 dB $L_{Aeq,T}$ on balconies, terraces and in outdoor living areas. To protect the majority of people from being moderately annoyed during the daytime, the outdoor sound level should not exceed 50 dB $L_{Aeq,T}$.

This provides a useful guide when assessing environmental noise in outdoor amenity areas, however the WHO recognise that this cannot be realistically achieved in all urban areas, where the provision of external amenity may still be desirable despite elevated noise levels.

3.0 Site Description and Noise Climate

The Pear Tree is situated in Purton, just outside of Swindon. Figure 3.1 below provides an overview of the site, and the site layout.

The site and surrounding area are deemed quiet, due to its rural location, with the main source of noise affecting the site being road traffic from the adjacent road to the West.

There is a paintball centre to the South of the Pear Tree, however this was not in use during our site visit. It is expected that this Paintball site produces a degree of noise when operational. Also to the South East of the Pear Tree site is Purton Cricket Club which will also likely create a degree of noise at certain times but was also not operational on our site visit.



Figure 3.1 Site Overview

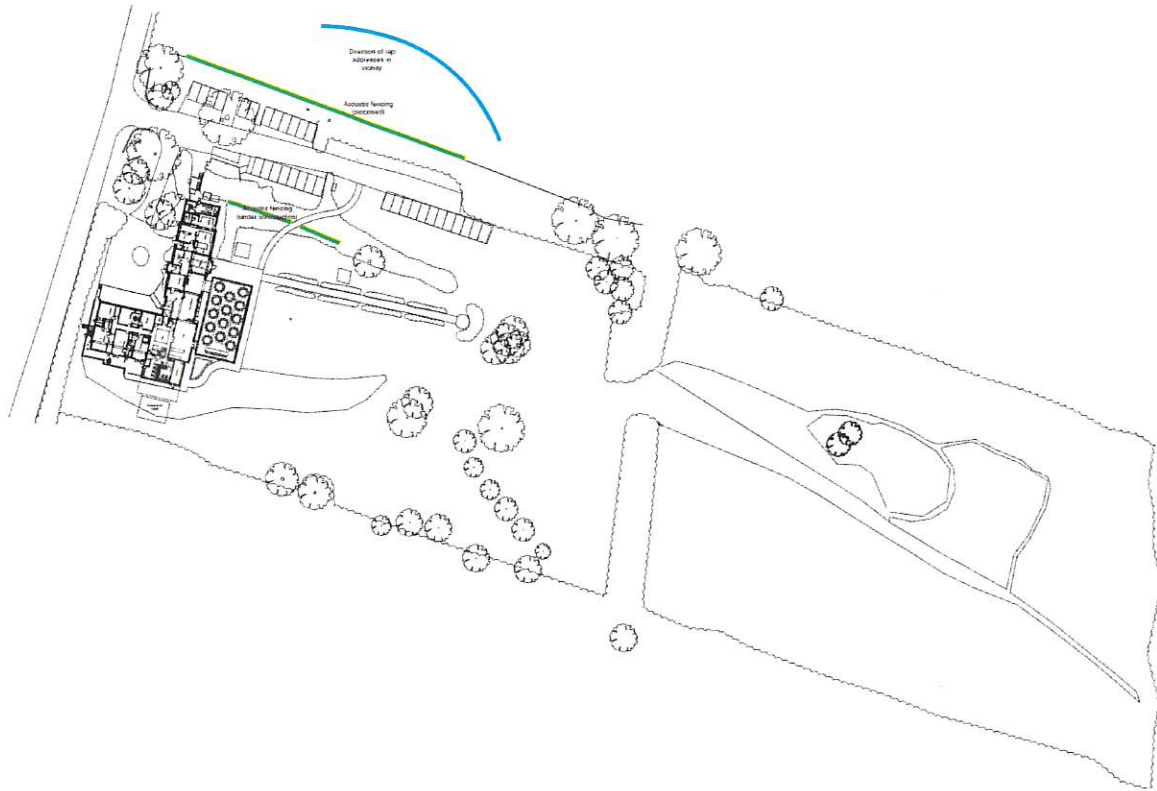


Figure 3.2 Site map



4.0 Environmental Noise Survey

In order to obtain a detailed picture of the environmental noise climate on site, un-attended noise monitoring was undertaken.

Noise levels were measured over an approximate week period to try and capture noise levels during a series of events at the Pear Tree, and also the noise levels when there were no events.

Weather conditions during this survey were erratic and often blustery which makes analysing the data more difficult as bad weather can significantly increase noise levels.

Noise levels were measured using 5-minute and 1-minute samples, in 1 fixed position, from 30/09/2021 – 07/10/2021. The fixed noise monitoring position is indicated in Figure 4.1 and is referred to as F1.

4.1 Measurement Equipment

Equipment	Serial Number	Calibration Date
NTi XL2 sound level meter – Class 1	A2A-16925-E0	28/11/2019
NTi Microphone Capsule - MC230A	A17732	28/11/2019
NTi Preampfier - MA220	8657	28/11/2019

Table 4.1 Measuring equipment used for survey

4.2 Noise Monitoring Location

Figure 4.1 below provides the noise monitoring location



Figure 4.1 Noise Monitoring Location – F1

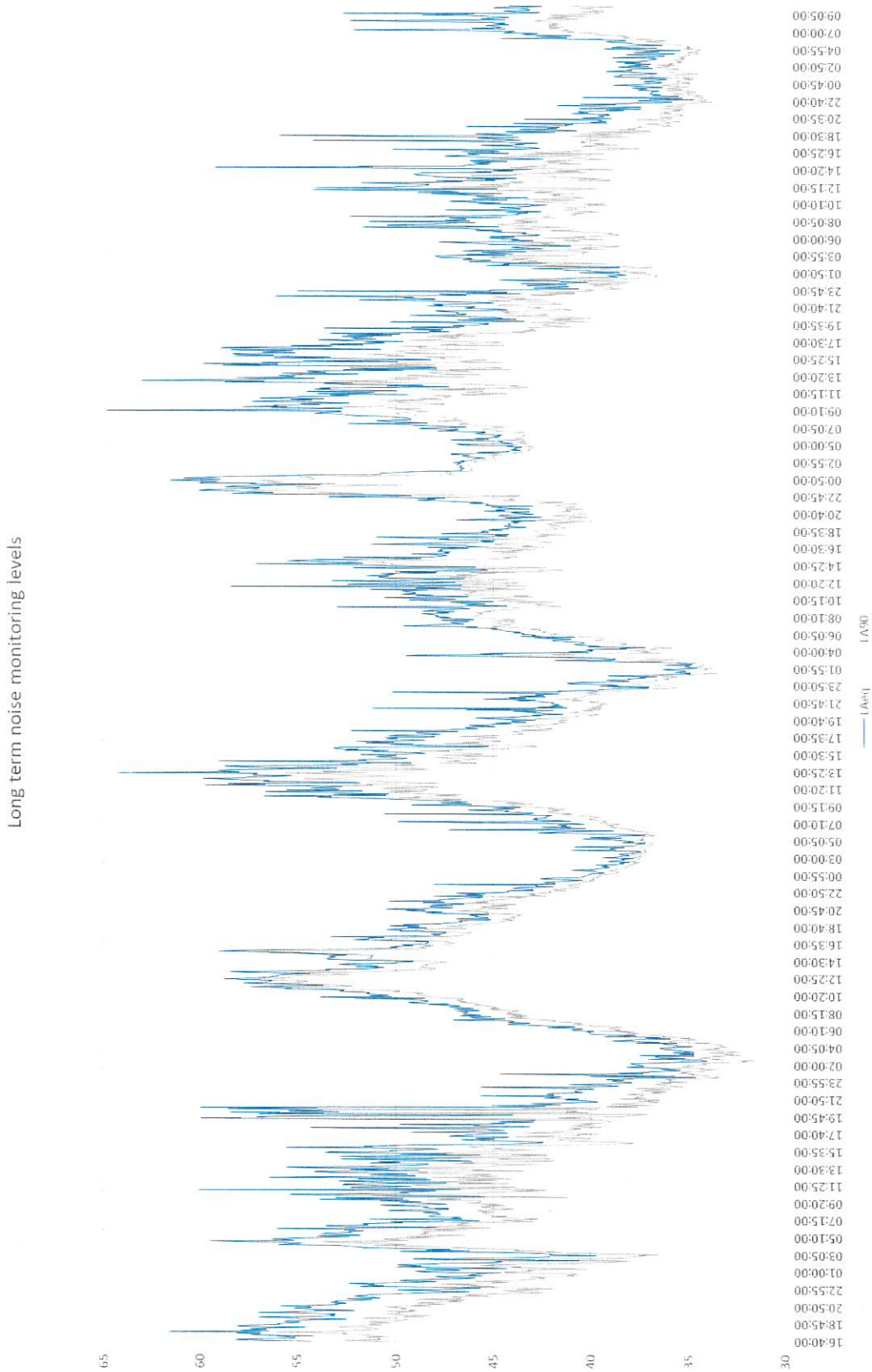


Figure 4.2 - Long term measured data at position F1

4.3 Results Analysis – Fixed Long Term Noise Monitoring

As mentioned previously the weather, especially the level of wind, was very erratic for most of the week. As the measurement position was near the closest residents' garden, and in close proximity to many large trees and bushes, any high or even moderate winds will have potentially significantly increased the ambient noise levels.

For this reason, only selected parts of the data have been analysed where weather conditions are deemed stable. By using the Pear Tree events and entertainment schedule we can see when significant events were taking place in the Orangery and can therefore attempt to spot any increase in noise that correlates with the events.

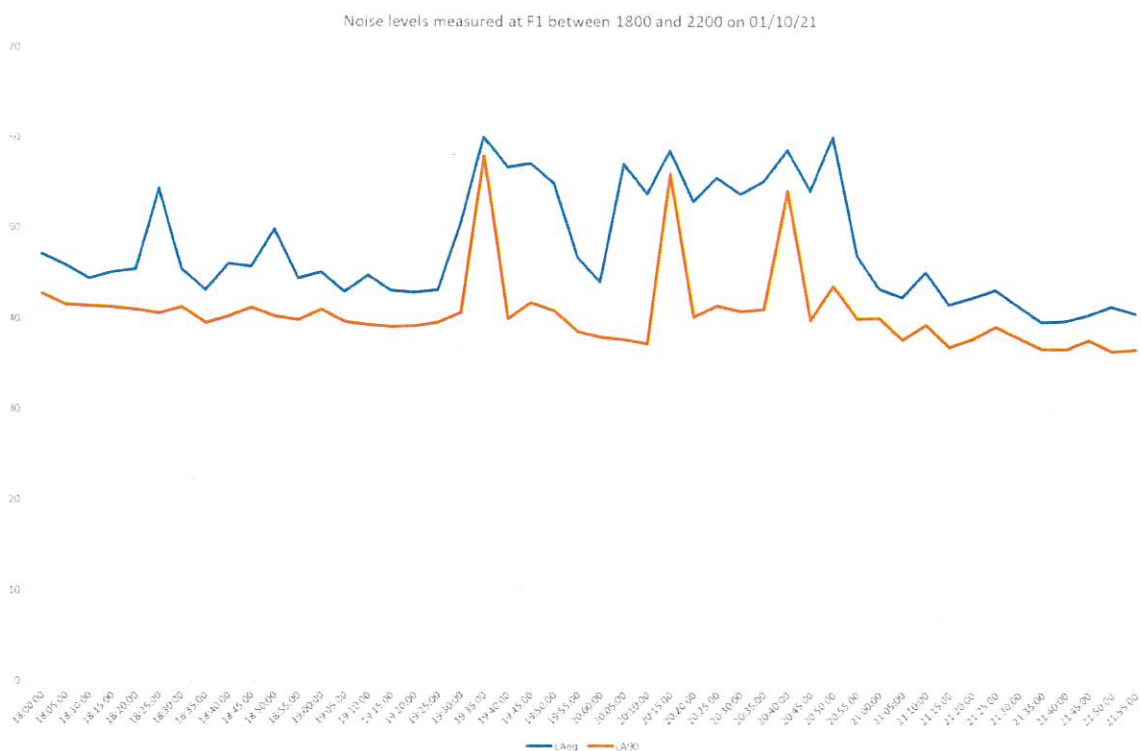


Figure 4.3 – Noise data measured between 1800-2200 on 01/10/21

Figure 4.3 shows the $L_{Aeq,5min}$ noise levels measured on 01/10/21. The events schedule provided by the Pear Tree indicates that a full band was playing in the evening on this day, although the exact timings are unknown. This day appears to be one of the calmer days of the



week and the general ambient noise levels throughout the day are stable and appear representative of normal conditions.

It can be seen in Figure 4.3 that the L_{Aeq} noise levels sharply rise at measurement position F1 at around 19:30 and fall again at around 21:00. This also seems consistent with when an evening band might perform.

The average noise level measured between 19:30 and 21:00 at position F1 was 56 dB L_{Aeq} . The noise level at the same position in the hours immediately before and after this time period were approximately 45 dB L_{Aeq} .

The measured L_{A90} levels, which are percentile values that represent the noise level exceeded for 90% of the time, show that the noise level at F1 is not constant at the same level. If the noise level was fully continuous then the L_{Aeq} and the L_{A90} would be very close together.

The measured L_{A90} noise levels indicate that for at least 10% of the time, noise levels were as low as 40 dB L_{Aeq} at the measurement position F1. This is true for most of the 5-minute sample across this time period. This is not seen to be due to the band stopping and starting, as this would be too many stops during typical band performance, it therefore seems to be due to the doors being opened regularly on the North facing elevation of the Orangery. The door on this elevation is the main access point, both in and out of the space, linking to the outdoor terrace and kitchen area.

It cannot be guaranteed that the higher average noise level of 56 dB L_{Aeq} is due to mainly entertainment noise with a door open, but it is deemed likely at this stage.

Date	Time	Measured Ambient Noise Level, dB L_{Aeq}
01/10/21	19:30 – 21:00	56
01/10/21	18:30 – 19:30 21:00 – 22:00	45

Table 4.2 Summary of measured ambient noise on 01/10/21

The quietest evening measured was the evening of Wednesday 06/10/21. There were no entertainment events on this date according to the Pear Tree events schedule. The weather on this day based on historical weather data was dry and calm, with much lower wind speeds. The ambient noise level on this day could therefore be considered an accurate representation of noise levels in the general area without any entertainment noise present, and calm weather.

Noise levels measured on 06/10/21 between 19:00-23:00 were in the region of 41 dB L_{Aeq}.

Date	Time	Measured Ambient Noise Level, dB L _{Aeq}
06/10/21	19:00 – 23:00	41

Table 4.3 Summary of measured ambient noise on 06/10/21

Wed 06, Oct 2021

Max: 15°C
Moonrise: 05:54 AM

Min: 7°C
Moonset: 05:57 PM

Sunrise: 06:16 AM
Phase: Waxing Crescent

Sunset: 05:34 PM
Illum: 7 %




Time	Weather	Temp	Feels	Wind	Gust	Rain	Humidity	Cloud	Pressure	Vis
00:00		8 °C	5 °C	19 km/h from W	33 km/h	0.0 mm	91%	27%	1015 mb	Excellent
03:00		7 °C	4 °C	19 km/h from WNW	33 km/h	0.0 mm	95%	39%	1017 mb	Excellent
06:00		7 °C	4 °C	17 km/h from WNW	31 km/h	0.0 mm	94%	18%	1020 mb	Excellent
09:00		10 °C	8 °C	21 km/h from WNW	27 km/h	0.0 mm	78%	11%	1021 mb	Excellent
12:00		15 °C	13 °C	18 km/h from NW	21 km/h	0.0 mm	61%	5%	1023 mb	Excellent
15:00		15 °C	15 °C	15 km/h from WNW	17 km/h	0.0 mm	57%	12%	1023 mb	Excellent
18:00		11 °C	10 °C	10 km/h from W	20 km/h	0.0 mm	82%	28%	1025 mb	Excellent
21:00		9 °C	8 °C	7 km/h from WSW	15 km/h	0.0 mm	90%	45%	1026 mb	Excellent

Figure 4.4– Historical weather data on 06/10/21 – taken from www.worldweatheronline.com

5.0 Noise Impact Assessment

This section provides a noise impact assessment of noise levels at the nearest residential receptor based on entertainment noise in the Orangery space and external noise from people. The Orangery is where the entertainment took place during the long-term noise survey.

5.1 Proposed Assessment Criteria

Various performance standards and guides are introduced in section 2 of this report. There are no universally agreed performance standards for wedding/entertainment venues, and no single standard/document that can be used to set a suitable design target.

Location	External Noise Level, L_{Aeq} dB
External Amenity Areas - NOAEL	35
External Amenity Areas - LOAEL	40
External Amenity Areas - SOAEL	55

Table 5.1 Proposed assessment criteria

Clear Acoustic Design recommend the assessment criteria presented in Table 5.1.

The proposed assessment criteria are based on the National Planning Policy Guidance for noise, issued by Gov.uk, and in particular the Noise Exposure Hierarchy Table shown in Table 2.1.

National planning policy documents such as the NPSE, NPPF and PPG for noise, do not provide specific design targets and it is therefore it is down to interpretation and context as to what the exact values should be. Clear Acoustic Design have therefore added recommended values to the Noise Exposure Hierarchy Table, these can be found in the last column of Table 2.1.

The NPSE states that where noise levels fall between the LOAEL and SOAEL, all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life



whilst also taking into account the guiding principles of sustainable development. This does not mean that such adverse effects cannot occur.

It also states that noise levels above the SOAEL should generally be avoided but not necessarily prevented.

Therefore, it is advised that if noise levels in private external amenity areas are greater than 40 dB L_{Aeq} , but less than 55 dB L_{Aeq} , then steps should be taken to mitigate noise levels as much as practically and reasonably possible. This would not however mean that the development should be avoided or prevented.

Noise levels below 40 dB L_{Aeq} in external amenity areas are seen to be below the LOAEL and also below the existing ambient noise levels at the receptors without any event noise, see Table 4.3. This does not mean that noise will not be audible, or not have any effect, but means that noise is unlikely to cause an adverse effect below this level.

5.2 Predicted Noise Levels – Orangery & External Sources

A computer-generated noise model has been built to accurately assess the spread of noise from the building to the residential receptors to the North.

The noise sources included in the modelling are entertainment noise from the Orangery extension, car park noise from the lower car park, and people noise from the outdoor kitchen area. These are the noise sources that are deemed predictable enough to warrant noise modelling. The free movement of individuals and small groups across the site cannot be easily modelled as this behaviour is highly unpredictable.

Smaller groups of people and individuals moving around the site will be less likely to create high noise levels as higher noise levels are usually a result of larger groups with individuals competing, and therefore raising their voices further, to be heard above the crowd.

It would be impossible to model every scenario of people moving across the site. This is also seen as unnecessary as unpredictable noise like this could happen on any site or development that has an outdoor area, not just a hotel, wedding and events venue. This would be better controlled in the noise management plan with measures to prevent larger groups forming in problematic areas.

It is understood that the building was formerly used as hotel, which hosted weddings and events and would also have had many guests, a car park, and a garden area, and therefore would also have created unpredictable noise at certain times from people in the external areas, especially in the summer months.

5.2.1 Modelling Results

Table 5.2 provides the predicted noise levels at 3 locations to the North of the site. One of these locations is the fixed measurement position and the other two are in the garden areas of the nearby residents to the North.

The façade of the building has been modelled using details taken from the architectural drawings and the known material specifications.

The internal reverberant noise level, for the purpose of the modelling, has been set at 100 dB L_{Aeq} , which is a high noise level and representative of a full live rock/pop band.

The model has been run with all doors closed and then with one of the double doors being open. The door open in the model is one of the doors that face North towards the residents in that direction.

The lower car park has been modelled with 60 spaces, with each space being used once in a 1-hour period, therefore 60 car movements per hour.

The external area by the outdoor kitchen has been modelled with an outdoor occupancy of 80 people. It has been assumed for the purpose of the model that a maximum of 50% of people will be talking at any one time and will all be using raised voices.

The model predicts L_{Aeq} noise levels for a worst case 1-hour period and includes all the noise sources outlined above.

Table 5.2 presents the results of this noise model.

Receptor	Orangery Door open / closed	Predicted Noise Level, dB $L_{Aeq, 1-hour}$	With proposed noise protection barriers, dB $L_{Aeq, 1-hour}$
Fixed Position	Closed	43.8	39.5
North Receptor	Closed	42.3	38.3
North East Receptor	Closed	39.0	36.5
Fixed Position	Open	57.2	53.1
North Receptor	Open	55.8	52.0
North East Receptor	Open	52.8	50.1

Table 5.2 Predicted noise from Orangery, car park and people

It can be seen in Table 5.2 that noise levels are significantly increased when a door is opened on the North facing elevation of the Orangery.

The predicted noise levels are consistent with the measured data at the fixed monitoring position.

It is assumed that the doors are frequently opened when events are taking place in the Orangery, especially in the warmer months when people will be outside talking, eating, and drinking.

The façade sound insulation of the Orangery is deemed to be good when the doors are all closed, with noise levels predicted to be in the region of 39-42 dBA at the residential gardens to the North. This level of noise is roughly equal to the existing ambient noise level without any event noise present.

The noise levels can potentially be reduced further at the residential receptors, with the introduction of noise barrier fencing, see the following section.



Figure 5.1 Model receptor locations

5.2.2 Noise Mitigation - Barrier Fencing

It is currently proposed to install barrier fencing in 2 locations. The first is on the high ground at the edge of the outdoor kitchen area. The second is along the northern edge of the car park. The proposed fencing locations can be seen in Figure 3.2 indicated by green lines.

The fences are proposed to be 2 metres high and have been included in the noise model.

Table 5.2 shows the predicted noise with the barriers included in the model. The predicted noise levels with the proposed fencing are in the region of 3-4 dBA lower overall at the receptors.

With the proposed fencing in place the predicted noise levels are below 40 dB L_{Aeq} , with doors closed. This is seen to be below the proposed LOAEL level and deemed unlikely to cause adverse effect. This noise level is also deemed to be below the existing ambient noise level at the receptors, without any event noise present.

With a door open noise levels with the proposed fencing are in the region of 50-53 dB L_{Aeq} . This is above the LOAEL level and would be seen to cause an adverse impact but fall just short of the SOAEL level for a significant adverse impact.

The modelling indicates that the key to keeping noise levels below the LOAEL level is to ensure that all doors can remain closed to reduce the entertainment noise break-out.

Figure 5.2 shows the individual contribution from each noise source in the noise model, at each receptor point, with and without the proposed noise barriers. The elements that start with a 'G' represent the various glazed doors around the Orangery.

It can be seen in Figure 5.2 that the dominant sources at the receptors are the open door, followed by the people in the outdoor kitchen area, and then the lower car park. When the door is closed however the dominant sources are the outdoor area, followed by the lower car park.



The noise levels could potentially be lowered further with higher barrier fencing, although this may not be practical for other reasons.

Source name	Level w/o Barriers	Level w Barriers	Source name	Level w/o Barriers	Level w Barriers
	Day dB(A)	Day dB(A)		Day dB(A)	Day dB(A)
Fixed Position - Total Noise Level	57.2	53.1	Garden North - Total Noise Level	55.8	52
G-D60	23.9	20.3	G-D60	22.7	19.3
G-D61	23.8	20.4	G-D61	22.7	19.5
G-D62	22.5	19.9	G-D62	21.3	19.1
G-D63	22.3	20.7	G-D63	21.2	17.4
G-D64	22.2	18.4	G-D64	21.1	17.3
G-D65	22.1	18.2	G-D65	21.1	17.2
G-D66	22	18.1	G-D66	21	17.1
G-D67	21.9	18	G-D67	20.9	17
G-D68	21.8	17.8	G-D68	20.8	16.8
G-D69	14.1	14.1	G-D69	14.3	14.3
G-D70	13.1	13.1	G-D70	13.2	13.2
G-D71	12.5	12.5	G-D71	12.4	12.4
G-W16	12	12	G-W16	13.9	13.9
G-W17	14.1	14.1	G-W17	15.7	15.7
G-W18	13.7	13.7	G-W18	15.5	15.5
G-W19	12.8	12.8	G-W19	13.8	13.8
G-W34	11.3	11.3	G-W34	10.3	10.3
lower parking	38.4	33.9	lower parking	36.4	32.6
Opening Door	57	52.9	Opening Door	55.6	51.8
Outdoor kitchen area	41.7	37	Outdoor kitchen area	40.3	35.8
Rooflight	24.4	24.4	Rooflight	23.1	23.4
Garden North East - Total Noise Level	52.8	50.1			
G-D60	21.6	20			
G-D61	20	19.4			
G-D62	18.8	18.8			
G-D63	18.8	18.8			
G-D64	18.7	18.7			
G-D65	18.6	18.6			
G-D66	18.6	18.6			
G-D67	18.5	18.5			
G-D68	18.5	18.5			
G-D69	13	13			
G-D70	12.1	12.1			
G-D71	11.4	11.4			
G-W16	13.3	13.3			
G-W17	13.2	13.2			
G-W18	13.2	13.2			
G-W19	11.1	11.1			
G-W34	8.2	8.2			
lower parking	32.3	30			
Opening Door	52.6	49.9			
Outdoor kitchen area	37.1	33.9			
Rooflight	21.1	21.1			

Figure 5.2 Noise contributions from each source in noise model – Orangery door open

5.3 Relocation of Internal Entertainment

It is understood that since the long-term noise survey, all forms of entertainment have been moved to a different internal area of the main building. This has been done with the aim of reducing the noise levels from the Orangery at the receptors and may allow the door to be opened without causing an adverse effect on nearby residents. It is also expected that this relocation will have the effect of drawing people more into the building and away from the terraced area outside the Orangery.

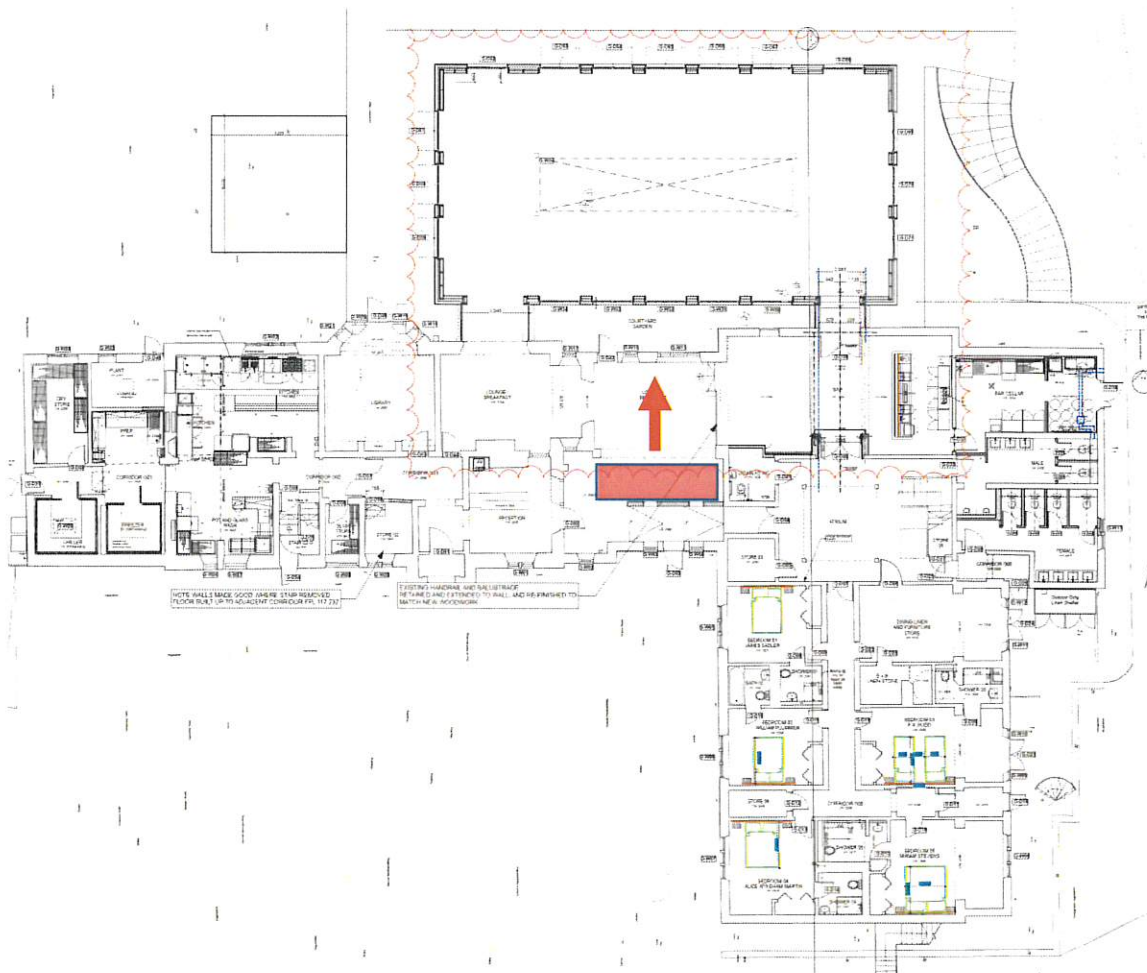


Figure 5.3 New location for Entertainment – shown in red

Internal noise level readings taken by The Pear Tree show maximum noise levels of 95-100 dB L_{Aeq} during live music in the Bartlett Lounge, with average levels below 95 dB L_{Aeq} . This is consistent with what we would expect and consistent with our assumptions in our noise models.

Our noise model has used an internal noise level of 100 dB $L_{Aeq,1-hour}$ and could therefore be considered a robust worst-case assessment of this noise source.

Noise readings have also been taken in the Orangery, whilst live music was taking place in the Bartlett Lounge. This shows that noise levels are approximately 20 dBA lower in the Orangery, which again is in line with our expectations.

5.4 Predicted Noise Levels – Bartlett Lounge & External Sources

A computer-generated noise model has again been built to accurately assess the spread of noise from the building to the residential receptors to the North.

The noise sources included in the modelling are entertainment noise from the Bartlett Lounge, the Orangery, car park noise from the lower car park, and people noise from the outdoor kitchen area.

5.4.1 Modelling Results

Table 5.3 provides the predicted noise levels at 3 locations to the North of the site. As previously, one of these locations is the fixed measurement position and the other two are in the garden areas of the nearby residents to the North.

The façade of the building has been modelled using details taken from the architectural drawings and the known material specifications.

The internal reverberant noise level in the Bartlett Lounge, for the purpose of the modelling, has been set at 100 dB L_{Aeq} , which is a high noise level and representative of a full live rock/pop band together with crowd noise. The noise level in the Orangery has been set at 80 dB L_{Aeq} as noise will spill into this space as there is an open corridor.

Again the model has been run with all doors closed and then with one of the double doors of the Orangery being open.



The lower car park has been modelled with 60 spaces, with each space being used once in a 1-hour period, therefore 60 car movements per hour.

The external area by the outdoor kitchen has been modelled with an outdoor occupancy of 80 people. It has been assumed for the purpose of the model that a maximum of 50% of people will be talking at any one time and will all be using raised voices.

The model predicts L_{Aeq} noise levels for a worst case 1-hour period and includes all the noise sources outlined above.

Table 5.3 presents the results of this noise model after moving the entertainment noise.

Receptor	Orangery Door open / closed	Predicted Noise Level, $dB L_{Aeq, 1-hour}$	With proposed noise protection barriers, $dB L_{Aeq, 1-hour}$
Fixed Position	Closed	43.4	38.8
North Receptor	Closed	41.8	37.5
North East Receptor	Closed	38.4	35.4
Fixed Position	Open	44.3	39.8
North Receptor	Open	42.8	38.6
North East Receptor	Open	39.4	36.5

Table 5.3 Predicted noise from Bartlett Lounge, Orangery, car park and people

With the entertainment moved to the Bartlett Lounge, and proposed fencing in place, the predicted noise levels are comfortably below 40 $dB L_{Aeq}$, with doors closed and with a door open in the Orangery. This is seen to below the proposed LOAEL level and deemed unlikely to cause adverse effect.

These predicted noise levels are also below the existing ambient noise level at the receptors, without any event noise.

The modelling indicates that the main benefit of moving the entertainment noise is that the North facing door to the Orangery can be used whilst entertainment is ongoing in the Bartlett Lounge and still comply with the proposed LOAEL noise level at the residential gardens.

Figure 5.4 shows the individual contribution from each noise source in the noise model, at each receptor point, with and without the proposed noise barriers. The elements that start with a 'G' represent the various glazed doors around the Orangery.

It can be seen in Figure 5.4 that the dominant sources in the model, at the residential receptors, are the people in the outdoor kitchen area, followed the lower car park and open door which are at a similar level.

It should be noted that the contribution of the entertainment noise is now shown to be between 30-32 dB L_{Aeq} , which is approximately 10 dB below the existing ambient noise level at the residential garden receptors when no events are taking place at the hotel.

The noise from the car park has been based on a worst-case 1-hour period, and will only occur at specific times, and possibly might not occur at all. Without the car parking noise included the predicted noise level in the gardens would be approximately 35-37 dB L_{Aeq} .



Source name	Level w/o Barriers	Level w Barriers	Source name	Level w/o Barriers	Level w Barriers
	Day dB(A)	Day dB(A)		Day dB(A)	Day dB(A)
Fixed Position - Total Noise Level	44.3	39.8	Garden North - Total Noise Level	42.8	38.6
bartlett window 1	5.8	5.8	bartlett window 1	4.6	4.6
bartlett window 2	5.3	5.3	bartlett window 2	4	4
bartlett window 3	13.4	13.4	bartlett window 3	12.4	12.4
bartlett window 4	9	9	bartlett window 4	8	8
entrance side 1	-0.9	-4.7	entrance side 1	-2.3	-5.9
entrance side 2	-8.6	-8.6	entrance side 2	-9.7	-9.7
G-D60	3.9	0.3	G-D60	2.7	-0.7
G-D61	3.8	0.4	G-D61	2.7	-0.5
G-D62	2.5	-0.1	G-D62	1.3	-0.9
G-D63	2.3	0.7	G-D63	1.2	-2.6
G-D64	2.2	-1.6	G-D64	1.1	-2.7
G-D65	2.1	-1.8	G-D65	1.1	-2.8
G-D66	2	-1.9	G-D66	1	-2.9
G-D67	1.9	-2	G-D67	0.9	-3
G-D68	1.8	-2.2	G-D68	0.8	-3.2
G-D69	-5.9	-5.9	G-D69	-5.7	-5.7
G-D70	-6.9	-6.9	G-D70	-6.8	-6.8
G-D71	-7.5	-7.5	G-D71	-7.6	-7.6
G-W16	-8	-8	G-W16	-6.1	-6.1
G-W17	-5.9	-5.9	G-W17	-4.3	-4.3
G-W18	-6.3	-6.3	G-W18	-4.5	-4.5
G-W19	-7.2	-7.2	G-W19	-6.2	-6.2
G-W34	-8.7	-8.7	G-W34	-9.7	-9.7
lower parking	38.4	33.9	lower parking	36.4	32.6
Opening Door	37	32.9	Opening Door	35.6	31.8
Outdoor kitchen area	41.7	37	Outdoor kitchen area	40.3	35.8
Rooflight	4.4	4.4	Rooflight	3.1	3.4
Garden North East	39.4	36.5			
bartlett window 1	1.4	1.4			
bartlett window 2	3.9	3.9			
bartlett window 3	9.6	9.6			
bartlett window 4	5.4	5.4			
entrance side 1	-6.1	-9.3			
entrance side 2	-11.4	-11.5			
G-D60	1.6	0			
G-D61	0	-0.6			
G-D62	-1.2	-1.2			
G-D63	-1.2	-1.2			
G-D64	-1.3	-1.3			
G-D65	-1.4	-1.4			
G-D66	-1.4	-1.4			
G-D67	-1.5	-1.5			
G-D68	-1.5	-1.5			
G-D69	-7	-7			
G-D70	-7.9	-7.9			
G-D71	-8.6	-8.6			
G-W16	-6.7	-6.7			
G-W17	-6.8	-6.8			
G-W18	-6.8	-6.8			
G-W19	-8.9	-8.9			
G-W34	-11.8	-11.8			
lower parking	32.3	30			
Opening Door	32.6	29.9			
Outdoor kitchen area	37.1	33.9			
Rooflight	1.1	1.1			

Figure 5.4 Noise contributions from each source– Music in Bartlett Lounge - Orangery door open

6.0 Conclusion

Clear Acoustic Design have carried out a long-term environmental noise survey and carried out extensive computer modelling, to understand the spread of noise from The Pear Tree and assess the likely noise impact.

With live music in the Orangery, and with a door open, noise levels have been measured and modelled to be in excess of the LOAEL and SOAEL levels and would constitute an adverse effect.

With the proposed noise barriers in place, and all other variables unchanged from above, the situation is improved, and noise levels are predicted to drop below the SOAEL level but remain well above the LOAEL level at the residential gardens to the North.

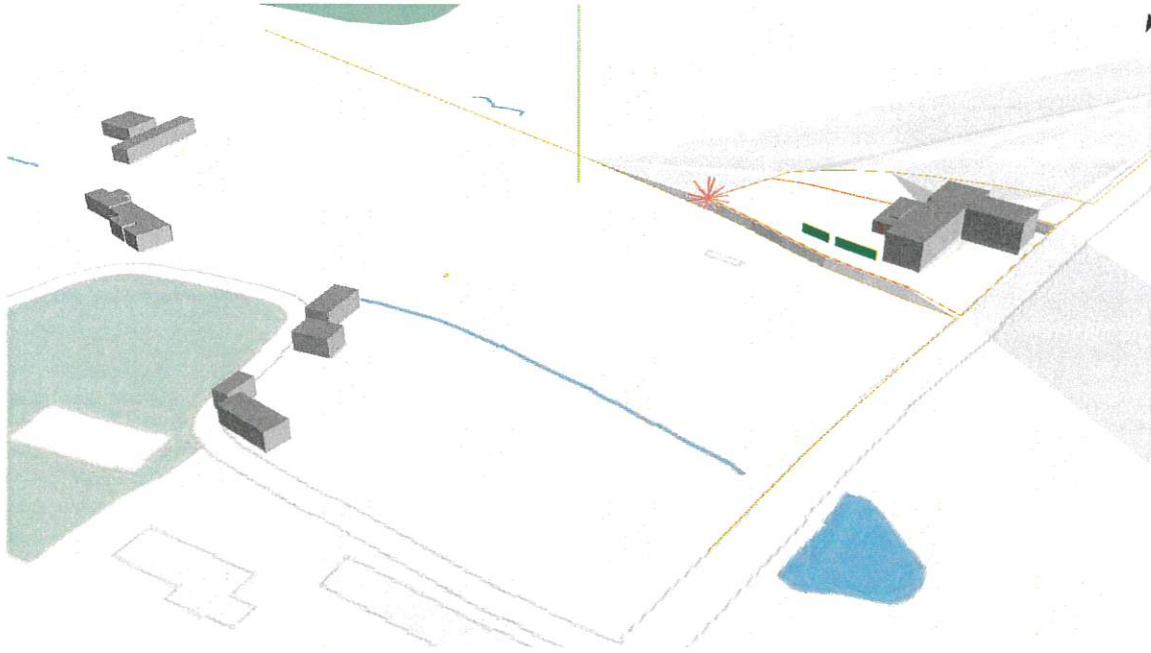
With all doors to the Orangery closed, and the proposed noise barriers in place, noise levels are seen to be greatly reduced. In this case noise levels have been predicted to be below the LOAEL level and there is not deemed to be any adverse effect. This does not mean there will be no effect at all, as this is still above the NOAEL, but an adverse effect is seen to be avoided.

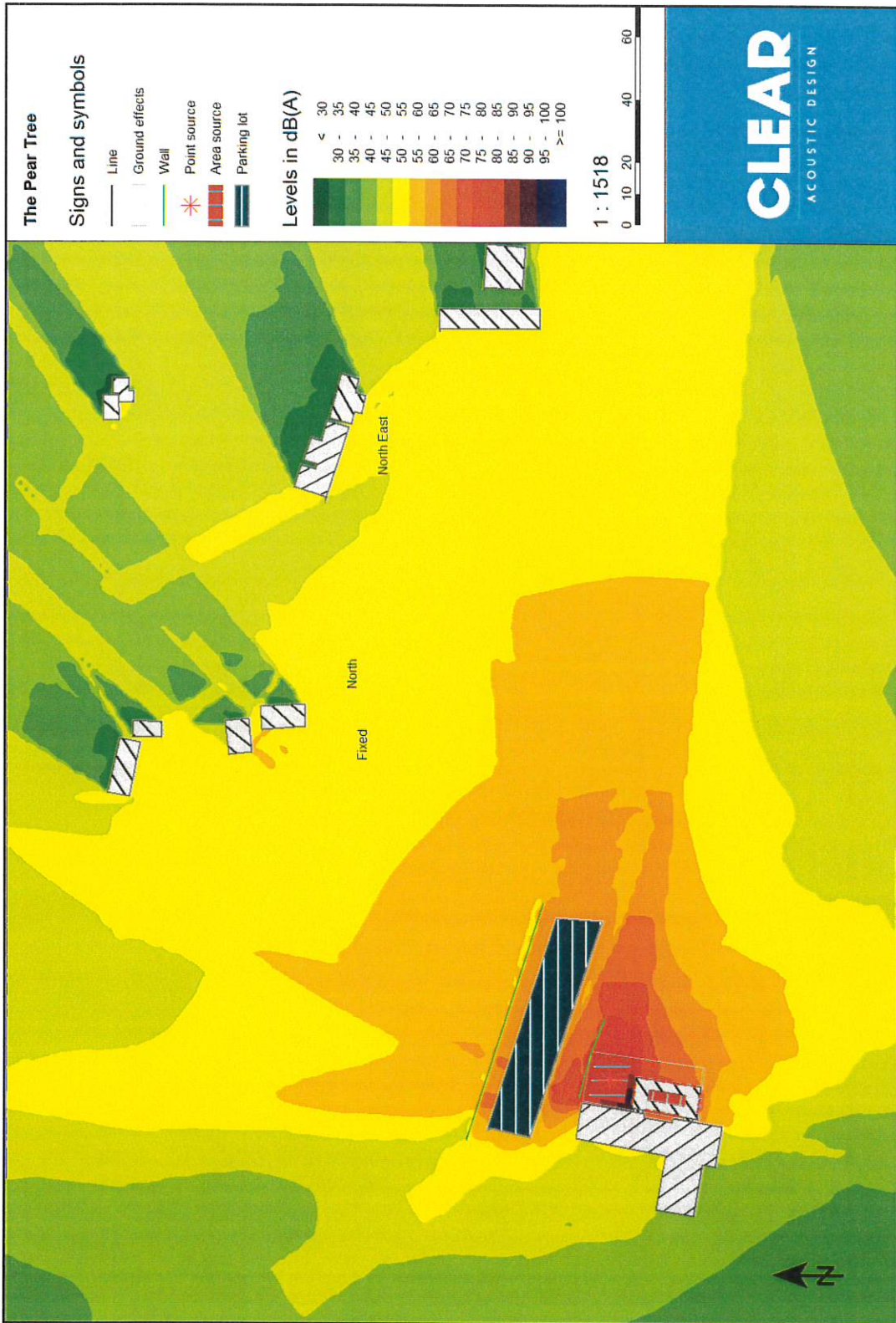
In order to further improve the situation, the entertainment has been moved to another more internal part of the hotel. Additional noise modelling has been carried based on this change with all external noise sources kept the same.

With the entertainment moved the contribution of entertainment noise in the gardens is 30-32 dB L_{Aeq} , which is approximately 10 dB below the existing ambient noise level at the residential garden receptors when no events are taking place at the hotel. Overall noise levels are predicted to be 37-39 dB L_{Aeq} with the other external noise sources having higher contributions.

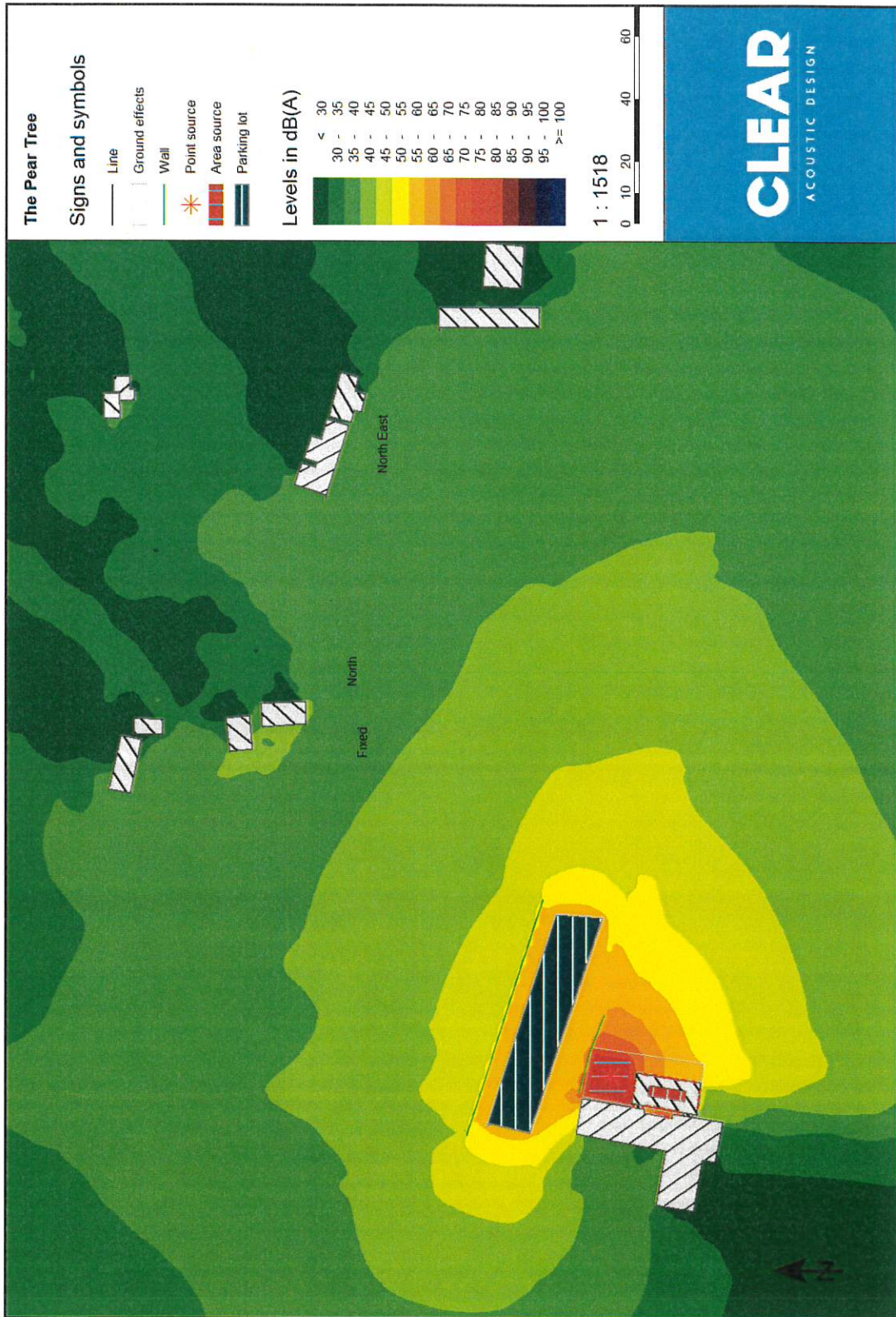
The moved entertainment has brought the modelled noise levels down below the LOAEL level, even with the door open to the Orangery, and with the car park and external terrace noise contributions. This is seen to be an acceptable noise level and follows significant efforts made by the hotel to lower the noise impact.

Appendix A – Noise Mapping Images





Entertainment in The Orangery – With Noise Barriers – Orangery door open



Entertainment in The Bartlett Lounge – With Noise Barriers – Orangery door open

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Licensing Act 2003
Premises Licence

LN/000003080

ISSUING LOCAL AUTHORITY

Wiltshire Council



PART 1 – PREMISES & LICENCE HOLDER DETAILS

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Purton Hall Limited, The Pear Tree, Purton, Swindon, Wiltshire, SN5 4ED

NAME, (REGISTERED) ADDRESS AND CONTACT DETAILS OF HOLDER OF PREMISES LICENCE

Venue Catering and Events
Suite 2A, Rossett Business Village, Rossett, Wrexham, LL12 0AY
Tel: 020 8916 2146

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER

05134595

NAME AND ADDRESS OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Sarah Jennifer Sweeney
[REDACTED]

ISSUING AUTHORITY AND PERSONAL LICENCE NUMBER HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

West Berkshire Council 018030

WHERE THE LICENCE IS TIME LIMITED - THE DATES AND TIMES

Not Applicable

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

ON Sales

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Where applicable the provisions of Section 145 of the Licensing Act 2003 apply

PART 2 – LICENSABLE ACTIVITIES & TIMINGS

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE						
Licensable activities	Location	Day	Time From	Time To	Time From	Time To
Alcohol Sales	ON Sales	Sunday	12:00	23:30		
		Monday	11:00	00:00		
		Tuesday	11:00	00:00		
		Wednesday	11:00	00:00		
		Thursday	11:00	00:00		
		Friday	11:00	00:00		
		Saturday	11:00	00:00		
Non-Standard Timings & Seasonal Variations	On New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.					

Licence Commencement Date

24th November 2005

J Price

Licensing Officer

Last Amendment Date

28th January 2021

J Price

Licensing Officer

ANNEX 1 - MANDATORY CONDITIONS

Supply of Alcohol

1. Where this Licence authorises the supply of alcohol:

No supply of alcohol may be made under this licence:

- (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence.
- (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where:-
 - (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question; admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

Irresponsible Promotions

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or,
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

Free Tap Water

1. The responsible person must ensure that free potable tap water is provided on request to customers where it is reasonably available. (This means that responsible persons at all premises must ensure customers are provided with potable (drinking) water for free if they ask for it.)

Age Verification Policy

- (a) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (b) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (c) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - i. a holographic mark, or.
 - ii. an ultraviolet feature.

Drink Volume Measures

1. The responsible person shall ensure that:
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml.
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Permitted Price

1.
 - (a) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (b) For the purposes of the condition set out in paragraph 1—
 - A. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - B. “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$
 where—
 - i. P is the permitted price,

- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

C. "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

D. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

E. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

2. Where the permitted price given by Paragraph B of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

3.

(1) Sub-paragraph (2) applies where the permitted price given by Paragraph B of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door Supervision (except theatres, cinemas, bingo halls and casinos)

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
- (b) in respect of premises in relation to:
 - i. any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - ii. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

ANNEX 2A – CONVERTED CONDITIONS

The premises must be bona fide used for the purpose of:

- Habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
- Habitually providing for reward board and lodging including breakfast and at least one of the other customary main meals.
- Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
- Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.
- There shall be afforded in the premises for persons provided with board and lodging for reward, adequate sitting accommodation in a room not used or to be used for sleeping accommodation for the service of substantial refreshment or for the supply or consumption of intoxicating liquor.
- Persons residing there or their private friends, bona fide entertained by them at their own expense, and for consumption by such a person or his private friend so entertained by him either on the premises, or with a meal supplied at but to be consumed off the premises.

ANNEX 2B - OPERATING SCHEDULE

PREVENTION OF PUBLIC NUISANCE

- None

PUBLIC SAFETY

- None

PROTECTION OF CHILDREN FROM HARM

- None

PREVENTION OF CRIME AND DISORDER

- None

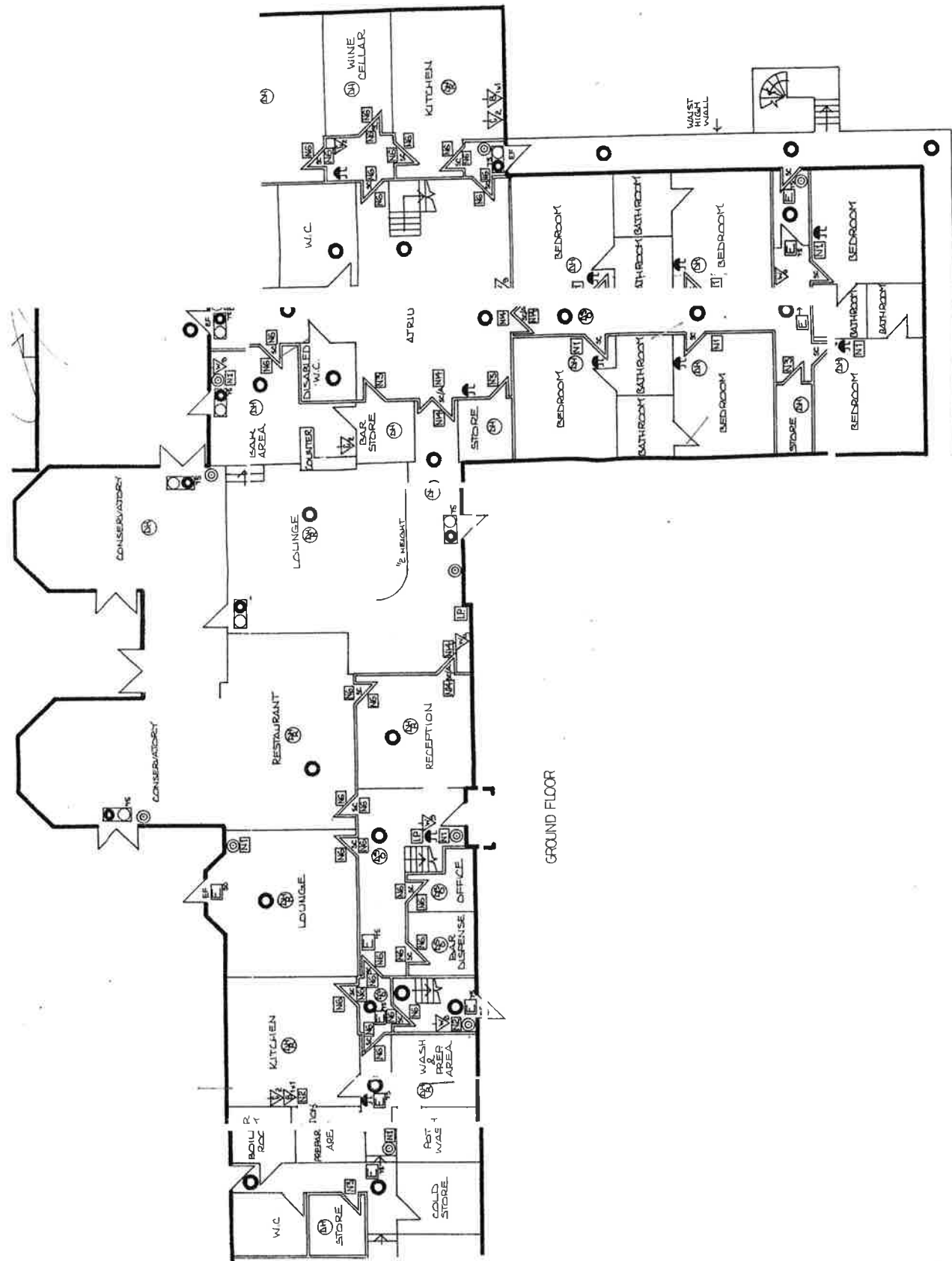
ANNEX 3 - CONDITIONS ATTACHED AFTER HEARING

- None

ANNEX 4 - PLANS

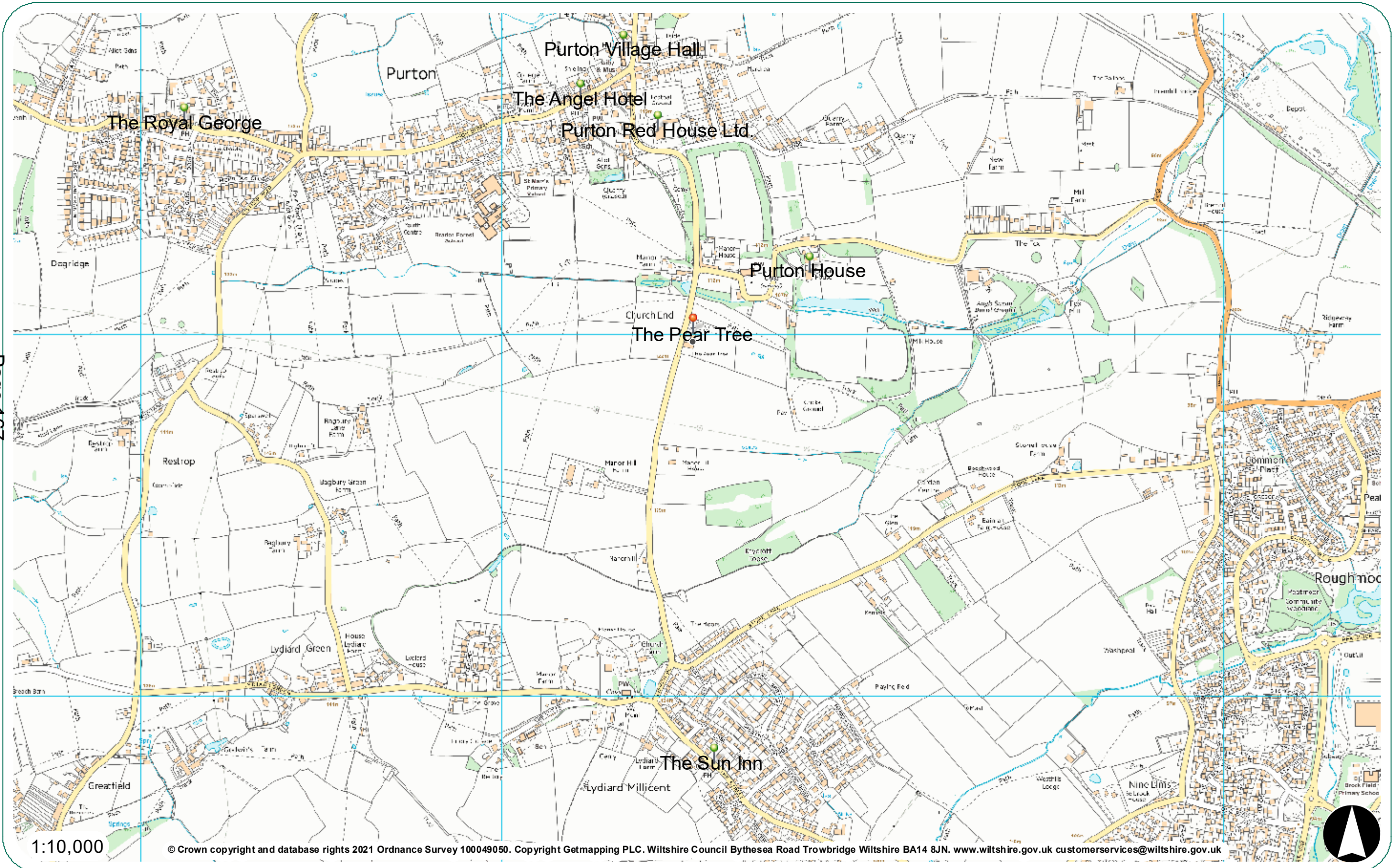
Attached Separately

Dated: 24th November 2005



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Email to Galloping Gourmet

From: Bahadoor, Roy

Sent: 06 March 2018 09:48

To: [REDACTED]

Subject: Pear Tree at Purton - Premises Licence

Good Morning [REDACTED]

Following on from our conversation yesterday, in order to use the existing Premises Licence for the Pear Tree you will need to complete a Transfer application as well as a Variation of Designated Premises Supervisor (DPS) application. The forms and guidance can be found on our website at <http://www.wiltshire.gov.uk/licences-permits-premises>. The existing licence holder, The Pear Tree at Purton Ltd, will need to sign the consent form to transfer the licence.

I've attached a copy of the Summary Premises Licence for your reference. The annual fee will be due in November 2018. The below converted conditions are attached to the licence (in addition to the mandatory conditions):

ANNEX 2A - CONVERTED CONDITIONS

Alcohol may be sold or supplied:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11 am to 12pm.
 - b. On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday:
12 noon to 11:30pm
 - c. On Christmas Day: 12 noon to 11:30pm; for Residential Licences only from 12 noon to 10.30pm with a break of four hours beginning at 3pm.
 - d. On New Year's Eve, except on a Sunday, 10 am to midnight
 - e. On New Year's Eve on a Sunday, 12 noon to 11.30 pm
 - f. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.
 - g. Consumption of the alcohol on the premises by, or the taking, sale or supply of alcohol to any person residing in the licensed premises.
 - h. Suitable non-alcoholic beverages including drinking water, shall equally be available for consumption with or otherwise as an ancillary to meals served in the licensed premises.
- The premises must be bona fide used for the purpose of:
 - Habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
 - Habitually providing for reward board and lodging including breakfast and at least one of the other customary main meals.
 - Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
 - Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.
 - There shall be afforded in the premises for persons provided with board and lodging for reward, adequate sitting accommodation in a room not used or to be used for sleeping

accommodation for the service of substantial refreshment or for the supply or consumption of intoxicating liquor.

- Persons residing there or their private friends, bona fide entertained by them at their own expense, and for consumption by such a person or his private friend so entertained by him either on the premises, or with a meal supplied at but to be consumed off the premises.

If there will be changes to the premises you may require to amend the plans attached to the licence, either by way of a Variation or Minor Variation. You could also apply to vary any of the hours or activities on the licence. You may therefore wish to consider whether the current licence suits the prospective activities, and possibly whether a New Application at this time may suit you better than transferring, varying the DPS and then Varying the Licence.

Please contact me if you have any queries.

Kind regards,

Roy Bahadoor
Public Protection Officer - Licensing

Tel: 01249 706439

Internal: 21439

Wiltshire Council
Monkton Park
Chippenham
Wiltshire
SN15 1ER

17 November 2021

Venue Catering and Events
Suite 2A
Rossett Business Village
Rossett
Wrexham
LL12 0AY

County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

WK/202121730

Dear Angus Hastie,

Re: Formal Warning – Licensing Act 2003

Section 136 – Unauthorised Licensable Activities and Non Promotion of Licensing Objectives

Premises: The Pear Tree, Purton, Swindon, Wiltshire, SN5 4ED

On 18 August 2021, following a noise complaint, Tessa Hares (Environmental Health Officer) and I visited The Pear Tree and met with Sarah Sweeney (General Manager, The Pear Tree) and Scott Bradbury (Group Bar Manager, Venue Catering and Events Ltd.) to discuss the activities undertaken. During this meeting we were informed that the premises was operating in accordance with the current Premises Licence (LN/00003080) dated 28 January 2021, however on a follow up meeting on 7 October 2021 (with Brett Warren, Senior Environmental Health Officer and myself) it came to the attention of the Licensing Authority that you had undertaken and were undertaking licensable activities that were in contravention to your Premises Licence.

On 6 March 2018 an email was sent to a representative of the Galloping Gourmet Limited (company name at the time) following a conversation with Roy Bahadoor (Licensing Officer) where the intention to transfer the premises licence, refurbish the premises and potentially operate as a wedding venue was discussed. The email explained the current licence, conditions and stated:

“If there will be changes to the premises you may require amending the plans attached to the licence, either by way of a Variation or Minor Variation. You could also apply to vary any of the hours or activities on the licence. You may therefore wish to consider whether the current licence suits the prospective activities, and possibly whether a New Application at this time may suit you better than transferring, varying the DPS and then Varying the Licence.”

It is therefore disappointing to note that Galloping Gourmet transferred the Premises Licence on 26 April 2018, undertook large scale building works at the property and altered the use of the premises, but at no stage took the required steps to apply to update the permissions on your Premises Licence.

As the holder of the current premises licence (LN/00003080), as well as several others, you should have been fully aware of the obligations under the Licensing Act 2003. No steps to obtain the correct permissions were taken nor did you seek to vary the licence until the issues concerning the use of the premises under the existing licence and potential breach of the licensing objectives were brought to your attention on 7 October 2021, following complaints received by the Local Authority.

The premises as outlined on the licensed plan includes the old building and conservatories only. Under the government guidance for premises licences a plan of the premises needs to meet the requirements set out in the act and the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005. The orangery and the outside areas which have been altered are therefore not covered under the current licence. This means no consumption of alcohol is permitted by the premises licence to take place following any sale of alcohol from the inside bar; however, it is noted that the orangery and outside areas have been used for consumption of alcohol on numerous occasions.

It is acknowledged that the introduction of the Business and Planning Act 2020 amended the Licensing Act 2003 in relation to Section 172 F which permits the Sale of Alcohol for consumption OFF the premises when the Premises Licence covers the Sale of Alcohol for consumption ON the premises until 23:00hrs. However, this remains a temporary permission introduced due to the COVID-19 pandemic which remains in force until September 2022.

It is a legal requirement that there is a Premises Licence or Temporary Event Notice in place prior to the sale of alcohol taking place. The penalties for conviction of offences under the Licensing Act 2003 are an unlimited fine and/or 6 months imprisonment.

In relation to the regulated entertainment (music) at the premises whilst weddings are taking place, although some of this may have been incidental or covered by The Legislative Reform (Entertainment Licensing) Order 2014, there is reason to believe that most of the music played was not covered in this way, nor considered a private party and was therefore an unauthorised licensable activity.

Following observations made by an Environmental Health Officer (Tessa Hares) and myself on 10 and 11 September 2021, the noise emanating from the premises throughout the day on both occasions, were in our opinion, considered to be a level that caused a public nuisance. Activities carried out on these occasions therefore did not appear to have due consideration for the promotion of the licensing objectives nor the potential impact on the local residents. This directly undermines the licensing objective of Prevention of Public Nuisance.

The Licensing Authority is aware you have applied to vary your Premises Licence for The Pear Tree, Purton to ensure that you will be compliant with the Licensing Act 2003 going forward, however please be advised that any further breaches may result in your Premises Licence being reviewed and it could have implications on your ability to apply for Temporary Event Notices in the future.

Yours sincerely

J Price

Jemma Price
Public Protection Officer – Licensing
Monkton Park, Chippenham, Wiltshire, SN15 1ER
Tel: 01249 706 436
Email: jemma.price@wiltshire.gov.uk

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Wiltshire Council

Where everybody matters

REPRESENTATION FORM

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper. Please contact the Licensing team to confirm this date.

Any individual, body or business can make a Representation to the Licensing Authority in relation to an application, regardless of their geographic proximity to the premises. Any Representation must be relevant, in that the Representation relates to one or more of the Licensing Objectives.

Premises about which representation is being made	Pear Tree Purton Licence No 000003080
Your Name	[REDACTED]
Postal Address	■ Waite Meads Close, Purton
Contact Telephone Number and Email address	[REDACTED]
Are you (please tick): <ul style="list-style-type: none"> <input checked="" type="checkbox"/> An individual? ✓ <input type="checkbox"/> A person who operates a business? <input type="checkbox"/> A person representing residents or businesses? <input type="checkbox"/> A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)? 	
If you are representing residents or businesses who have asked you to represent them?	

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES	EVIDENCE
The protection of children from harm	

<p>The prevention of public nuisance</p>	<p>The application fails to provide any satisfactory measure to control or monitor sound.</p> <p>There should be no audible noise in neighbouring properties with windows open or closed. The vague description of limiting it to background noise on the premises is not adequate. Take as a guide: West Yorkshire PLANNING CONSULTATION GUIDANCE (CONDENSED VERSION)</p> <p>Noise & Vibration</p> <p>Events in The Pear Tree can create spillage of sound when doors open, people go outside and after drinks do not moderate their voices and the sounds of car doors and when leaving the property will also generate some nuisance.</p> <p>I would suggest that an extension to the drinking hours and music licence will be impossible to manage such that there is no disturbance to neighbours. Historically, it has been a very quiet area and the the disturbance to neighbours will be unreasonable and impossible to control and manage!</p>
<p>Public safety</p>	
<p>The prevention of crime and disorder</p>	

Please list below any suggested actions that you feel the applicant could take to address your concerns:

The applicant will need to make much better provision to limit sound levels than described in the application.

I would argue that monitoring of sound levels at the boundary of the property can be studied accurately with devices that will measure dBA, and I would suggest that after 10pm no sound emanating from The Pear Tree should be no higher than 45dBA/ambient levels

If a hearing needs to be held to determine the Premises Licence Application, the Licensing Sub-committee will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant. A copy of Representations will be annexed to the Licensing Officer's report, which is a public document published on the Council's website and circulated to the Licensing Sub-Committee and to all those who have made relevant Representations.

Signature.......... Date..... **18 October 2021**.....

Please return this form, along with any additional sheets, to the relevant Wiltshire Council Office listed below or return by email to publicprotectionnorth@wiltshire.gov.uk:

Salisbury Area – (Salisbury, Amesbury, Downton, Mere, Hindon and Tilshead as well as the rest of the old Salisbury District Council Area), please send to:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Bourne Hill
Salisbury
Wiltshire, SP1 3UZ

All other areas please send to the address below:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Monkton Park
Chippenham
Wiltshire, SN15 1ER

Representation 2

Premises about which representation is being made: The Pear Tree, Purton, Swindon, SN5 4ED

Your Name: [REDACTED]

Postal Address: [REDACTED] The Hyde, Purton, Swindon, Wiltshire, SN5 4EA

Contact Telephone Number and Email address:

Are you (please tick):

- An individual?
- A person who operates a business?
- A person representing residents or businesses?
- A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)?

If you are representing residents or businesses who has asked you to represent them? Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES EVIDENCE

The protection of children from harm

The prevention of public nuisance:

1. I object to the variation of playing music until 1am. It will cause a public nuisance because the noise emanating from The Pear Tree will interfere with my right to a good night's sleep. The sound amplification systems, and the prevailing wind, will direct the sound to my property.
2. I object to the variation of refreshments being served, inside and out, from 11pm-5am. It will cause a public nuisance because guests outside the Pear Tree during the night will create noise which will interfere with my right to a good night's sleep. The prevailing wind will direct the sound of voices to my property.
3. I object to the variation of a 24 hour, 7 days a week drinks licence. It will cause a public nuisance because guests will create noise when drinking outside. If excess alcohol is consumed by guests during the night it could lead to rowdy behaviour and increased noise levels. This interferes with my right to a good night's sleep and the prevailing wind will direct the sound to my property.

This year the noise levels during events at The Pear Tree have been excessive on many occasions. There has been a background hum of voices and music that has disrupted the enjoyment of sitting outside in my garden.

The prevention of crime and disorder

Public safety

Please list below any suggested actions that you feel the applicant could take to address your concerns:

- 1. Our suggestion is that the internal noise is kept below 87dBs throughout the whole building, making no distinction between the main building and the orangery. Also that an additional clause is added to the outdoor noise section to have a dBs limit which is acceptable.**

If a hearing needs to be held to determine the Premises Licence Application, the Licensing Sub-committee will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary. If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation. All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant. A copy of Representations will be annexed to the Licensing Officer's report, which is a public document published on the Council's website and circulated to the Licensing Sub-Committee and to all those who have made relevant Representations.

Signature.....  Date.....**18.10.21**.....

Please return this form, along with any additional sheets, to the relevant Wiltshire Council Office listed below or return by email to publicprotectionnorth@wiltshire.gov.uk: Salisbury Area – (Salisbury, Amesbury, Downton, Mere, Hindon and Tilshead as well as the rest of the old Salisbury District Council Area), please send to: The Licensing Officer Wiltshire Council Public Protection Services and Licensing Bourne Hill Salisbury Wiltshire, SP1 3UZ All other areas please send to the address below: The Licensing Officer Wiltshire Council Public Protection Services and Licensi

Representation 3

From: [REDACTED]
Sent: 20 October 2021 16:05
To: PublicprotectionNorth <PublicprotectionNorth@wiltshire.gov.uk>
Subject: Pear Tree at Purton Planning Application.

I wish to register the strongest of objection to parts of the current application which is inconsiderate to the village population.

The application to serve guests with food, indoors and outdoors up till 5am is ludicrous,!!! It is obvious that such guests will find easy access to alcohol to accompany their "snacks" and the hotel staff will no doubt be incapable of controlling the revellers!!!!

I live within 150 yards of the premises and regularly quite clearly hear the revelers outside the premises during the day, so why should it be any different up to 5am in the morning??

A concern not even alluded to in the application is that of firework displays. It is quite likely that when the dust has settled re this current application, the management may well think it to be a great idea to further entertain their guests with firework displays!!!

Is there to be any restriction imposed here?? This is a very rural area with plenty of livestock living alongside residents with pets at home.

[REDACTED]
[REDACTED] Church Path Purton Swindon SN54DR

The Licensing Officer
Wiltshire County Council
Public Protection Services and Licensing
Monkton Park
Chippenham
Wiltshire
SN15 1ER

20 October 2021

Dear Sir or Madam

Representation regarding the licensing of the Pear Tree, Purton, Swindon SN5 4ED on the grounds of Prevention of Public Nuisance and Public Safety. WK202122064-Application.

Prevention of Public Nuisance

- Although the Pear Tree, as a hotel, has been a great asset to the village, and could also be as a Wedding Venue it could create a number of issues. We feel concerned for people who live locally and may no longer be able enjoy a peaceful location.
- The timescale of the license application appears to be unlimited, thus potentially afflicting any nuisance 24/7.
- The venue is close to existing housing and also the proposed extension to the village cemetery. In both cases loud and persistent noise could cause distress.
- Some types of music also carry some distance on the wind and in this case would be heard at the church and in the centre of the village.
- Noise is not just caused by live or recorded music, although that is certainly contributory, but also by a large number of relatively uncontrolled people being outside – quite possibly merry from alcohol!
- The application claims to keep noise at background levels but it is not clear what this means in practice and what impact this might have.

Public Safety

Excessive parking on the road outside the premises on a very narrow road has already occurred causing a great deal of disruption to traffic and could easily result in an accident.

Suggested actions

- We are not authorities on noise reduction but the suggestion of noise reducing fencing confined to the outside kitchen area would seem to be totally insufficient.
- Ensure that all parking is within the premises – perhaps by limiting numbers.
- Limit outside music times as well as frequency.

Yours faithfully

[Redacted signature block]

Wiltshire Council

Where everybody matters

REPRESENTATION FORM

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper. Please contact the Licensing team to confirm this date.

Any individual, body or business can make a Representation to the Licensing Authority in relation to an application, regardless of their geographic proximity to the premises. Any Representation must be relevant, in that the Representation relates to one or more of the Licensing Objectives.

Premises about which representation is being made	THE PEAR TREE PURTON (VENUE CATERING AND EVENTS LTD)
Your Name	[REDACTED]
Postal Address	[REDACTED] CHURCH END, PURTON SN5 4EB
Contact Telephone Number and Email address	[REDACTED]
Are you (please tick):	<input checked="" type="checkbox"/> An individual? <input type="checkbox"/> A person who operates a business? <input type="checkbox"/> A person representing residents or businesses? <input type="checkbox"/> A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)?
If you are representing residents or businesses who have asked you to represent them?	

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES	EVIDENCE
The protection of children from harm	CONSIDERATION SHOULD BE GIVEN TO FAMILIES AMONG THE GUESTS WITNESSING OR BEING AFFECTED BY THE CONSUMPTION OF EXCESSIVE ALCOHOL

<p>The prevention of public nuisance</p>	<p>THIS IS A WEDDING VENUE, CATERING FOR UP TO 200 PEOPLE. ALL WOULD THEREFORE BE BONA FIDES GUESTS ALCOHOL WOULD BE AVAILABLE TO ALL 200 24 HOURS A DAY. THIS IS EXCESSIVE AND WILL LEAD TO EXCESSIVE NOISE AND NUISANCE BEHAVIOUR.</p>
<p>The prevention of crime and disorder</p>	<p>WITH SO MUCH ALCOHOL AVAILABLE THE PROPENSITY FOR DRINK DRIVING IS HIGH. THIS WILL LEAD TO DEATH AND INJURY 200 PEOPLE WITH EXCESSIVE ALCOHOL AVAILABLE WILL LEAD TO DISORDER AND DRUNKEN BEHAVIOUR IN THE GROUND AND OUTSIDE UP TO AND AFTER 5 AM</p>
<p>Public safety</p>	<p>DRINK DRIVING DISORDERLY CONDUCT EITHER WITNESSED OR PERPETRATED AGAINST EARLY MORNING WALKERS (COMMON DOG WALKING ROUTE IS ADJACENT</p>

Please list below any suggested actions that you feel the applicant could take to address your concerns:

THE ACOUSTICS OF THIS AREA, PREDOMINANTLY A CONSERVATION AREA, ARE SUCH WE CAN HEAR CONVERSATIONS WHERE WE LIVE.

I HAVE CONCERNS THAT GUESTS OUTSIDE AND INSIDE (UP TO 200) CANNOT BE POLICED BY THE COMPANY AND ITS STAFF.

I SUGGEST THE ALCOHOL LICENCE IS ALIGNED TO THE ENTERTAINMENT HOURS

I FURTHER SUGGEST THE ENTERTAINMENT HOURS ARE CUT TO FINISH AT 10:30. THIS IS A WEDDING VENUE NOT A NIGHT CLUB.

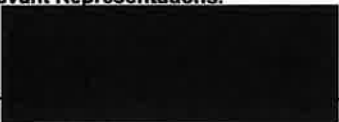
I SUGGEST A REGULAR MONITORING BY POLICE OF GUESTS LEAVING IN PRIVATE CARS TO ENSURE THEY ARE FIT TO DRIVE

I SUGGEST THE BACKGROUND NOISE LEVEL ADVOCATED IS TRANSLATED INTO DECIBELS AND SET AT A LEVEL NOT TO DISRUPT LOCAL RESIDENTS.

If a hearing needs to be held to determine the Premises Licence Application, the Licensing Sub-committee will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant. A copy of Representations will be annexed to the Licensing Officer's report, which is a public document published on the Council's website and circulated to the Licensing Sub-Committee and to all those who have made relevant Representations.

Signature.....

Date..... 29/10/21

Please return this form, along with any additional sheets, to the relevant Wiltshire Council Office listed below or return by email to publicprotectionnorth@wiltshire.gov.uk:

Salisbury Area – (Salisbury, Amesbury, Downton, Mere, Hindon and Tilshead as well as the rest of the old Salisbury District Council Area), please send to:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Bourne Hill
Salisbury
Wiltshire, SP1 3UZ

All other areas please send to the address below:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Monkton Park
Chippenham
Wiltshire, SN15 1ER

THE BEAR TREE, PURTON
LICENCE NO 02089162146

I STRONGLY OBJECT TO THE EXTENSION OF THE HOURS OF OPERATION.

IT WILL CHANGE THE CHARACTER OF THE CONSERVATION AND BRING NOISE, DISRUPTION AND DANGER TO LOCAL RESIDENTS.

EXCESSIVE ALCOHOL WILL LEAD TO UNACCEPTABLE BEHAVIOUR. CONTROLLING THAT BEHAVIOUR OF UP TO 200 PEOPLE WILL BE IMPOSSIBLE.

EJECTING DISRUPTIVE GUESTS, AS PER THE COMPANIES SUGGESTED POLICY, WILL ONLY TRANSFER THOSE BEHAVIOURS INTO THE NEIGHBORHOOD.

THE INGENUOUS NOTION THAT ALL GUESTS WILL USE TAXIS OR PRIVATE HIRE CARS IS NONSENSE

5th November, 2021

Representation 6

Representation Form (The Pear Tree, Purton)

Please accept this document as my Representation Form submission. I could not find an editable PDF version for submission electronically on the Wiltshire Council's website.

- Include your name and address.

██ The Hyde, Purton SN5 4EA
██

- Include the name and address of the premises you are making a representation about.

The Pear Tree, Purton

- Be relevant to the four Licensing Objectives and no other matters.

The Prevention of Public nuisance:-

- In relation to Licence variations it must only relate to the variation and not the existing Licence.

- Explain in as much detail as necessary what problems you believe will arise from what the applicant is proposing, and include any evidence/records if referring to existing concerns.

The new licence calls for live/amplified music 7 days a week until 1.00am, 20 days of which can be sited in the orangery. The licence is proposing that live/amplified music in the orangery will cease at 23.30.

Having experienced excessively loud music from The Pear Tree this summer, in particular on 6th, 8th, 19th and 28th August, when the music was so loud it was not possible to enjoy my outdoor space or to sleep with a bedroom window open (which was needed due to the warm temperatures), I must make the following points in objection to the granting of this licence.

Firstly, please note that in the Noise Management Plan there is a mistake when this section refers to the orangery as being outlined in green, whereas it is actually outlined in red. (e.g. Page 27 "Indoor Noise") This could cause enough ambiguity for the conditions to be circumvented.

The application is proposing that live music be allowed to be played up to 7 days a week until 1.00am. This is both very late and very frequent. (It would seem that an excessively late time and high frequency of events has been applied for in the full expectation of some knock back). It would be far more reasonable in consideration of the people living in surrounding properties to have this limited to two evenings a week (on Friday and Saturday) and to stop any music other than quieter background music at 11.30pm.

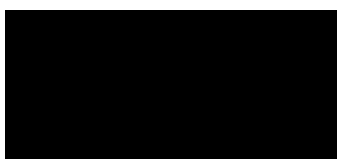
The excessively loud music I have experienced from The Pear Tree on the dates mentioned, I believe must have been amplified music in the orangery. This part of the building is definitely not suitable for staging music at 87dBa. The very nature of the structure, which is predominately glass, means that there is little dense fabric in the structure to adequately absorb sound. The orangery has less sound deadening ability than a standard constructed building of brick or block; glass is particularly bad at deadening any sound and it will only absorb sound at its resonant frequency (around 400Hz). Of the remainder some is reflected back into the room, but the rest is transmitted as sound waves to the surrounding area with little or no absorption. This means that all frequencies are transmitted into the surrounding area until absorbed by dense matter such as surrounding properties. Low frequencies such as "thumping base" are heard at significant distances. Consequently, there will be a higher level of ambient noise transmission from music played in the orangery, at levels which will be far higher than if the event were staged in a room constructed of dense materials with little glazing for the sound to travel through

In the summer months, the orangery will likely be warmer than the rest of the building due to the passive solar gain caused by the glass panels. Therefore, despite assurances given by the applicant that door closers will be used and windows will be kept closed during amplified music performances, attendees to the event will likely prop doors open and open windows to gain adequate ventilation, especially if the attendees are dancing, when they will feel warmer than usual.

Given the location of Pear Tree and the lack of any superstructure to absorb noise between it and the many surrounding properties, I really must advise that the orangery is not at all a suitable venue for any amplified music, other than background music.

It is clear from events already staged in this part of The Pear Tree that significant and intrusive sound transmission can be heard in many surrounding properties. It is not acceptable that residents of those properties cannot enjoy their own, normally peaceful outside space during nice summer evenings or sleep with their windows left open. The only option to avoid the intrusive sound is to be inside with doors and windows kept closed, which is not acceptable particularly during warm summer evenings.

I would urge that the licence application should not include any amplified music in the orangery as this will inevitably cause (and has caused) significant public nuisance to those residents living along The Fox, Church Street, Church Walk, Church End, The Hyde and Hyde Lane. Any amplified music should be confined to the main building only, with windows and doors closed and only on Friday and Saturday evenings up until 11.30pm, except for New Year's Eve.



WK202122064 Variation Application The Pear Tree Purton Swindon SN5 4ED

We are regular members of the St. Mary's congregation and write to challenge this licence variation application. We understand that the field immediately adjacent to the North West boundary of the Pear Tree has already been acquired for church burials. While the current impacts of events at the Pear Tree are already causing major disturbances around St. Mary's church, burial services on the new plot would be in an even worse position.

Looking at the details in the application, the following aspects cause much concern.

The supply and consumption of alcohol on and off the premises Monday to Sunday inclusive sounds as if such a licence variation would allow liquor store type sales to the public yet we understand that the Pear Tree is supposed to be a wedding venue.

Late night refreshments between 23.00 and 05.00 would surely be able to be accommodated by – and restricted to – room service only.

Live and recorded music amplified outdoors up to 19.00 hours Monday to Sunday will very likely continue to be carried on the prevailing South Westerly winds and be clearly audible during church services. Even indoor music (from 10.00 to 01.00 Monday to Sunday) is still likely to be heard if current experiences are repeated.

The late night refreshment "facility" could surely be provided by the existing kitchen but if approved in this application, might even allow the positioning of a kebab van or other mobile fast food outlet all through the night, seven days a week. Combined with the potential liquor sales (see above) the outdoor area would become a magnet for anyone hungry and/or thirsty, especially between 23.00 and 05.00. We understand that the Pear Tree claim this is a temporary structure and thus avoids any planning need. It is hard to square this with a structure fitted out with electrical and mains water supply, a drain, a pizza oven and another large oven – yet the main building already has a fully fitted kitchen. If all activities were kept indoors the noise pollution would be substantially reduced, regardless of the time of day.

Additionally, it would seem that alcohol is to be served in the gardens at any time between 10.00 and 01.00 hours and that could only add to noisy gatherings outdoors. Indeed under page "L" there would be nothing to stop a New Year's Eve party for up to 500 people that could last "*until the normal commencement time on New Year's Day*" – meaning that could effectively last uninterrupted for 35 hours and surely that would not be acceptable.

Clearly the applicant is all too aware of the current noise pollution by appending a Noise Management Plan (NMP). It appears that indoor noise levels will be kept at a maximum of 95dBs (87dBs in the Orangery) yet no maximum levels are specified for outdoor noise levels. "*Regular staff patrols*" to keep noise levels to a minimum and "*periodic monitoring and record keeping of dB levels at property boundary*" hardly provide any confidence that this NMP will be strictly followed, especially as the applicant appears to live in Wrexham over 140 miles away and will not have control of the NMP until after the fact.

We believe that the Pear Tree has not provided any expert evaluation that setting the noise level to 95 or 87dBs is sufficient to stop the current noise nuisance nor have they provided any expert advice on their mitigation measures, whether the doors are open or closed. Surely the NMP needs to be informed by expert advice that seeks to ensure noise pollution is **not** caused, rather than just trying to minimise any impact that might well still cause nuisance. If the noise leaving their site cannot be controlled, surely they should cease the offending activities.

Allowing outdoor music “only” between 10.00 and 19.00 Monday to Sunday will clearly clash with services in church including weddings and funerals as well as outdoor burial services, especially in the next door field in years to come. Would a solution be to limit noise levels to 45dBs to 50dBs on Sundays and any other day when church services are expected to take place?

St. Mary’s church has been there for at least six centuries and the needs of the church should surely take precedence as the new owners of the Pear Tree would have known that the church was already in situ when purchasing. Even their website refers to the church spire in the background for romantic photographs.

We have no idea if 45 or 50 dBs would cause a nuisance and expert advice seems essential. It must be for the Pear Tree to ensure that their activities do not cause a nuisance. Experience confirms that having up to 200 people celebrating a wedding in the Pear Tree garden would disturb services and certainly would clearly disrupt burial services in the field next door. Football crowd style singing of songs such as ‘Come on Sweet Caroline’ are hardly appropriate when clearly audible in church and from many hundreds of yards around.



Hoggs lane
Purton
SN5 4BU

Representation 8

██████████ response to The Pear Tree's variation to Licence Oct 2021

History

I've been experiencing noise nuisance at my residence, The Old Coach House, since it re-opened as a wedding venue after lockdown due to Covid.

We purchased the property on 30/6/21 and did extensive research into the area, as did the solicitors. The main reasons for choosing this property was it's location: close to a village, near a bus route, not overlooked, in a conservation area, not listed. Purton House was on the planning history asking for a partial variation to become a wedding venue, there was an environmental impact statement detailing considerations made to local residential properties. The Pear Tree was only there asking for an extension so I was not unduly concerned. So as far as I could see it was a perfect location for our retirement, a quiet rural location.

We didn't move in straight away, but when we did on 14th July, a friend came to help and despite being distracted by moving, eating, organising, we could hear loud shouting and music. In fact we all had to close the bedroom windows on 2 sides of the house when we went to bed at midnight due to the excessive noise which continued until at least 12.30 when we fell asleep exhausted.

Since then there has been varied disturbances from midday to midnight coming from The Pear Tree. Although we came from a rural area we were expecting more noise as it is busier in Purton than where we lived in Cornwall and we anticipated more traffic, planes, trains, schools, which most of the time are background noise, but not shrieking, cheering, screaming, laughing, music, loud talking, arguing and being able to hear individual conversations and words to songs. There is a footpath in the field behind the property greatly used by dog walkers with children, shouting to their dogs but it's for 2 seconds, 3 or 4 times a day, during the day. There have been other events, but again we expect that, in Cornwall there are village shows, and that's all part of living in the country.

Sorry for the length of the document, I'm just trying to ensure something doesn't get allowed through the backdoor, as I have no faith in their promises from past experience.

I object to the variation as it will cause a public nuisance undermining the licence objective.

Comments on variation of licence application from The Pear Tree

Page 2, describe briefly the nature of the proposed variation.

Addition of a Noise Management Plan

The plan, appendix B, appears to be pretty much what we asked for when we had a meeting with them months ago but has many shortcomings.

Under 'Indoor Noise', they are suggesting live or recorded music for entertainment purposes to be played in the orangery at above background volume levels, maximum 87dBs in the orangery but this is not controlling bass notes which travel further and have been a regular complaint on the noise nuisance forms. Music of any description, at any time, in the orangery must be at lower than

currently being played and the windows and doors must be kept closed to contain the noise and to reduce the occurrence of future noise nuisance.

Orangery is outlined in red not green, main part is outlined in green not red.

Although noise will be limited to 95dBs in the rest of the building, there is no limit on how many times this will occur. It states that windows and doors will be kept closed after 20:00 when amplified or recorded music is being played. Music of any description, at any time, in the rest of the building must be at lower than currently being played and the windows and doors must be kept closed to contain the noise and to reduce the occurrence of future noise nuisance.

Under 'Outdoor Noise', it states there will only be outdoor music between 10:00 and 19:00, from noise nuisance sheets the music causes a problem during these hours. There is no mention of how they are going to control outdoor noise during these hours. Again amplified music will be kept to background music. This needs to be defined. Background music within 5m of it's source may not be heard 50m away in the garden, so at what distance are they going to control the music? This needs to be defined. In order to remove any future noise nuisance complaints music of any description should not be played outside.

The plan states an acoustically insulated fence will be erected in the land behind the outdoor kitchen. Do they have planning permission for the kitchen? Is it a temporary structure, is so when it's moved will the fence be moved? How tall, long, thick will the fence be?

The main shortcoming of this plan is that it appears to deal only with music, most of my noise nuisance complaints from myself are to do with human generated noise. The noise gets progressively louder throughout the day suggesting it may increase as alcohol is consumed. No alcohol or food should be served outside as this encourages groups of people to congregate outside and be extremely noisy.

There is no provision for local residents to inform a member of staff on duty at The Pear Tree of noise nuisance and it to be dealt with at that point in time. It is imperative that we are able to have a contact number where we can report any noise nuisance at any time day or night and it to be answered and dealt with immediately.

Supply of alcohol for consumption ON and OFF the premises. I OBJECT TO THIS [on the grounds that it will cause a public nuisance which will undermine the licencing objective.](#)

They haven't currently got this, so they should be prevented from allowing it to happen, immediately, not allowing it to continue until they have got a licence to do it. Allowing alcohol to be supplied and consumed outside the building would encourage guests to stay outside and therefore the human noise nuisance will continue so this should not be permitted at any time.

Supply of alcohol to residents and their bona-fide guests 24 hours daily. I OBJECT TO THIS [on the grounds that it will cause a public nuisance which will undermine the licencing objective.](#)

As this is asking for residents and bona-fide guests to be able to buy and consume?? alcohol 24 hours, this implies that alcohol can be supplied and drunk by up to 200 people non-stop. This will

only increase the noise nuisance experienced by local residents. It is well documented that people become louder the more alcohol they consume. Currently excessive noise is documented from 12:30 to 00:30, already too much, and this amendment would allow it to be extended. This should not be permitted.

Supply of alcohol within all areas inside and out as per the property boundaries. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

Presumably the difference between this and 'supply of alcohol for consumption ON and OFF the premises' is that they are asking to be able to sell alcohol outdoors, so where would the outdoor bar be? Another site outside where people will congregate and create noise, will a sound barrier be erected around this? From their noise nuisance plan they have already identified the outdoor kitchen as a problem area but are asking for other outdoor areas to be allowed. This would increase the noise nuisance to local residents and others who wish to enjoy the countryside close to The Pear Tree and should not be allowed.

Late night refreshments 23:00 – 5:00. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

Who will be served? Where will they be served? What will they be served? Where can it be consumed? There is already more than enough human generated noise without allowing the period to be extended. No-one wants waking up in the early hours by noisy people in the grounds less than 500m from our property, we can already hear them with closed windows and the TV on. This should not be allowed, the period of time the guests are outdoors will only increase the number of noise nuisance complaints.

Regulated entertainment indoors, both live and recorded 10:00 to 01:00. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

So, again they are looking to extend their hours of business, and guests in all their guises will be wandering inside and out, possibly full of alcohol, making noise until 01:00. At what time will they be leaving the premises? We have already experienced noise at 00.30 if they are allowed to drink longer and party longer this will only create a bigger noise nuisance so this should not be permitted.

Acoustic music outdoors until 19:00. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

What is acoustic music, another terminology introduced, the Noise Management Plan only refers to amplified live or recorded music? The guidance notes make no mention of acoustic noise. Any music outside should not be permitted as it causes a noise nuisance.

Removal of Annex 2A

Removal of historical hotel conditions, No comment.

Page 8, box headed E

Seasonal variation to Live music requested on New Year's Eve/Day. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

What they are asking for here, I believe, is the playing of live music from 10:00 New Year's Eve until 19:00 on New Year's Day outdoors and 10:00 New Year's Eve until 1:00 on 2nd January indoor, so we would be getting outdoor music and human noise at the levels we are currently experiencing for 31 hours or longer. Seriously. I totally object to this variation, we do need to sleep and enjoy our own homes, gardens, surroundings and enjoy our own celebrations. This should definitely not be permitted outdoors and only indoors if all windows and doors are kept closed.

Page 9, box headed F. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

Playing of recorded music on 20 occasions, is this in addition to the 20 playings of live music? Either way should not be allowed outdoors and only indoors if windows and doors are kept closed.

Seasonal variation to recorded music requested on New Year's Eve/Day. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

What they are asking for here, I believe, is the playing of recorded music from 10:00 New Year's Eve until 19:00 on New Year's Day outdoors and 10:00 New Year's Eve until 1:00 on 2nd January indoor, so we would be getting outdoor music and human noise at the levels we are currently experiencing for 31 hours. Seriously. I totally object to this variation, we do need to sleep and enjoy our own homes, gardens, surroundings and enjoy our own celebrations. . This should definitely not be permitted outdoors and only indoors if windows and doors are kept closed.

Page 12, box headed I, I OBJECT TO THE SERVING OF LATE NIGHT REFRESHMENTS OUTDOORS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

Late night refreshments for patrons, the dictionary definition of patron is a paying guests, so is this the same as residents, which would be a limited number and not bona-fide guests or guests which would mean up to 200 people indoors and out. Either way 20 – 30 guests can be very noisy and this should not be permitted outside.

Page 13, box headed J

The extension of supplying alcohol to outdoor areas from 10:00 to 01:00 is unnecessary. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

There is no indication where this will be located. This will create additional noise as people will congregate around the area where sales of alcohol will take place and will only increase the number of human generated noise complaints.

Non-standard timing. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

Here they are asking for, I believe, is the selling of alcohol from 10:00 New Year's Eve until 19:00 on New Year's Day outdoors and indoors, so we would be getting outdoor human noise at the levels we are currently experiencing for 31 hours, this is unacceptable and should not be permitted.

Page 14, box headed L

Hours premises are open to the public. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

They are asking for an extension to their operating hours. Non-residential guests, up to 200 people will be staying until 01:30 and leaving at this time and expecting to get a taxi!! We are already experiencing noise from guests leaving at 00:30, an hour later, an hour's more alcohol, an hour more noise, this should not be allowed.

Seasonal Variations to opening hours. I OBJECT TO THIS on the grounds that it will cause a public nuisance which will undermine the licencing objective.

Here they are asking for non-residents to be on the premises from 10:00 New Year's Eve until 19:00 on New Year's Day outdoors and indoors, so we would be getting outdoor human noise at the levels we are currently experiencing for 31 hours. Also non-residents, up to 200 people could be leaving at any time and trying to get a taxi. This will increase the amount of noise nuisance so should not be permitted.

Page 15, box headed M

- a) General – It states here that all licensing objectives are managed centrally, but does not mention a Noise Management Plan/Policy
- b) The prevention of crime and disorder – no mention of excess consumption of alcohol or drunkenness or noise management
- c) Public Safety – no mention of excess alcohol consumption or drunkenness

The steps they are taking to promote the licensing objectives are sloppy and need tightening up.

Overall Conclusion

This is a rural area. This is a conservation area.

The Noise Management Plan, is in it's formative stages and woefully lacking. The Variation of Licence should not be granted until it is finalised and fit for purpose, and proven to be adequate. A professional noise consultant should be employed to assess the situation. It should not be a document cobbled together by employees trying to appease the locals and basically give them what they asked for months ago. It does not reflect the other changes requested.

The original ecological assessment does not take into consideration the effects of noise on wildlife only light, this is a serious failing as bats navigate by eco-location, a new assessment should be conducted.

The impact of noise on the local residents has been conducted in summer when the trees are in full leaf, it is already apparent to me, as the leaves start falling, that the noise levels are increasing

despite it being colder and fewer people are congregating outside. There is no consideration of this seasonal variation in their plan. This needs to be addressed.

As local residents, we have no means of informing The Pear Tree of current noise nuisance as we have been banned from the premises, have been refused a contact number of the duty manager and told to leave a message on the answer machine which will be dealt with in 2 working days. Completely unacceptable. We should be given a responsible person's contact details which should be answered and acted upon immediately.

The Noise Management Plan only addresses music noise in its Outdoor Noise section and ignores what are the majority of the noise nuisance complaints and that is noise made by the people attending the events at The Pear Tree. In order to eliminate or greatly reduce the noise nuisance created by humans there should be no food or drink consumed outdoors.

The Noise Management Plan seems to think that the noise is only a problem in the evening but many complaints are made about noise nuisance from 12:30 when the event begins.

Before we were banned from visiting the premises, those attending events were seen with drinks in their hands, as The Pear Tree hasn't got a current licence for consumption of alcohol OFF premises, they should be made to stop this practice immediately, or should we be reporting them to the police?

All the other requests on the variation are to increase the length of time alcohol is consumed and sold, and entertainment to last longer encouraging food and drink to be bought and consumed.

A good business plan.

Unfortunately for the local residents and wildlife this is not a good living plan. The noise duration will undoubtedly extend and noise levels probably increase.

As such I request that all the variations are rejected and that the current licence has conditions attached.

The condition I would like to see attached are:

A professional Noise Management Policy introduced, which has proven effectiveness, which will be monitored, initially monthly, by professionals.

A small group of local residents, senior Pear Tree employees, the noise management professional and a representative from the Environmental Health to meet, initially monthly, to monitor the effectiveness of the plan, with The Pear Tree being responsible for implementing reasonable changes in a reasonable timeframe to reduce the noise nuisance which they have admitted exists.

The outdoor kitchen to be removed.

All sales of food and drink outdoors and OFF the premises, including any temporary structure such as tents to be prohibited.

All consumption of food and drinks outdoors and OFF the premises, including temporary structures such as tents to be prohibited.

Late night refreshments should be limited to indoors only and to residents only and not include alcoholic drinks.

A professional to be employed to patrol the outdoor area to control the noise generated by people attending the events.

An environmental impact assessment should be conducted as it was for Purton House.

The ecological report should be re-done



Church End, Purton, SN5 4EB

Church End, Purton,
SWINDON SN5 4EB, UNITED KINGDOM

date : 07-November 2021

Jemma Price,
Public Protection Officer (Licensing),
Wiltshire Council,
Monkton Park,
Chippenham
WILTS **SN15 1ER**

Noise Nuisance, The Peartree, Purton
Variation Application

Dear Ms. Price,

Thank you for visiting us on Thursday 04 November, to discuss my submission dated 29 October, and to update us on the changes to Licensing sought by The Peartree, as per your letter received 03-November, with amended plans.

After what you explained to us to distinguish the acknowledged noise nuisance from the Licensing issue, I understand that at this point we are being given the opportunity to make representation about the latter only, and that you have already intervened, in order that a more robust License be put in place, and that a Noise Management Plan is yet to be fully developed. I was dismayed to learn that the Applicants are now seeking to expand their activities in a manner that is likely to make the acknowledged nuisance worse.

I further now better understand that The Peartree is regarded as having a License in place for carrying out weddings, irrespective of whether these are conducted indoors, or outdoors, but that the issue you are handling is about the sale and consumption of alcohol, by wedding attendees (throughout the day) in the grounds of The Peartree immediately adjacent to Church End residents, as distinct from the consumption of alcohol freely distributed to guests, (as toasts, and with the “wedding breakfast”) which I had not wholly understood before.

I therefore wish to add to mine of 29/10, in the light of the recently changed Variation Application from The Peartree, that :

We are not seeking to object to events conducted indoors, as long as the noise generated is contained within the premises (and that you have already instigated a degree of enforcement, by instructing that live music be conducted from the part of the premises that are licensed, and not the Orangery, for which section of the premises The Peartree was not licensed, being effectively a separate newly-built structure).

We wish to object in the strongest possible terms to the proposed provision of a licence for a “temporary bar” being added (as described in the Outdoor plan you provided, in the area demarked purple). It is our understanding that this would then legally permit Off-Sales if the Variation Application was granted. The noise nuisance of which we have complained (and which, you informed us, is of such severity that monitoring equipment has been placed in our neighbours’ garden) has been largely attributable to the outdoor consumption of alcohol in conjunction with outdoor dining, making the overall proceedings extremely loud, most especially on summer afternoons into the evenings, over many hours of most days, practically consecutively, to the detriment of our use and enjoyment of our garden, rather than from a few minutes of an actual wedding event.

We did not have cause to complain about weddings at the former Peartree Hotel. The newly constituted Peartree major/wedding events venue has already seriously exploited their perceived commercial freedom, as an enterprise on a drastically bigger scale, by offering their customers refreshments over an 11-12 hours, period, without any recognition of the noise nuisance generated by outdoor activity, and music. I therefore ask that the Variation Application, in regards to outdoor consumption of alcohol (Off-Sales, if I understood the distinction from On-Sales) be declined.

Yours sincerely,

A solid black rectangular redaction box covering the signature area.

Objections to Pear Tree Licence Variation Application – Premises licence no. 000003080

Summary of objection to the licence variation

- The Pear Tree need to **ensure** that the variations applied for do not create a noise nuisance to their neighbours, that is not unreasonably and substantially interfere with the use or enjoyment of homes in the neighbourhood. The application fails to do this:
 - It does not include an expert evaluation of the additional noise levels leaving their site that the variation will cause.
 - It does not include an expert evaluation of the effectiveness of the noise mitigation they propose. New external structures like acoustic barriers would require planning permission which may not be granted. as the Pear Tree is in a designated Conservation Area.
 - The Noise Management Plan is completely inadequate, only seeking to 'put in place reasonable measures to reduce the noise impact'. The variation should only be considered if there is a Noise Management Plan that will **ensure** no noise nuisance will be caused.

Background information

- When the Pear Tree was managed as a hotel by the previous owner in accordance with the existing licence, there was no noise nuisance to neighbours. When events were held including weddings with music, these did not disturb the neighbours in their garden or home.
- The new owners of the Pear Tree have been operating beyond the scope of the existing licence and neighbouring residents have kept diaries of the regular and frequent noise nuisance caused. This is evidence that the variations to their licence sought, would continue to cause noise nuisance unless adequate additional mitigation is implemented.
 - Outside events of up to 200 people inevitably generates high noise levels, particularly if they are celebrating and drinking alcohol. Regularly, neighbours are suffering noise nuisance in their gardens as they are only a few hundred metres away. Even whole conversations from the Pear Tree garden can be heard and the noise nuisance is much worse when there is cheering and chanting which is frequent.
 - Outside music, acoustic or amplified, at events has caused noise nuisance. On the worst occasions it has sounded like the bands are playing in our gardens.
 - Inside amplified music has cause noise nuisance in the gardens of neighbours and the bass of the music has caused noise nuisance inside our homes. This nuisance although reduced, has continued even when the Orangery doors are closed.
 - Events cater for up to 200 with rooms for only about 40. This means that large numbers of highly excited people leave the premises at or around midnight which has caused noise nuisance to neighbours, waking them from sleep.
- About 500m from the Pear Tree is Purton House who in 2020 were granted planning permission for change of use to hold weddings (19/06908/FUL), a very similar situation to this application for a variation of licence for the Pear Tree. The Environmental Control and Protection response to this application includes:

This premises have been operating as a wedding venue on a relatively infrequent basis for the last few years and no noise complaints have been received from local residents in relation to wedding events. However, there remains a potential for disruption to nearby noise sensitive receptors (the closest being some 40-50 metres

to the south west of the site) especially if the frequency and scope of wedding events increases in the future.

Despite there being noise control restrictions under the premises licence, I am not clear at this stage whether these controls are necessary or relevant for planning purposes. In order to determine whether there is likely to be a significant noise impact to local residents, I will require a noise impact assessment to be undertaken by a competent acoustic professional in order to determine whether any noise conditions are appropriate. The assessment must assess and represent the impact of the full range of potentially noise producing activities on nearby noise sensitive dwellings having regard to prevailing background noise levels. Should mitigation/controls be deemed necessary this must also be stipulated in the report as these are likely to form the basis on any noise related planning conditions. Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy.

It seems reasonable that similar requirements should be put on the Pear Tree.

Objections broken down by Schedule

- **Schedules A to D – Performance of plays, Exhibition of films, Sports events, Boxing and wrestling entertainments**
 - No application for a variation
- **Schedules E & F - Live Music and Recorded**
 - I object to playing of any live or recorded music outside, either acoustic or amplified. I am not convinced it is possible to screen the sound adequately to ensure noise nuisance is not caused to the neighbours and the Pear Tree have provided no evidence that they can. With up to 200 guests outside, even background music, if audible at the event, would cause noise nuisance to neighbours.
 - I object to the playing of any live amplified or recorded music in the Orangery (outlined in red) or in the main building (outlined in green) unless sufficient measures are in place to ensure it does not cause noise nuisance to neighbours. This mitigation should include adequate control of bass sounds. Current controls are inadequate even when the Orangery doors are closed. The Pear Tree have provided no evidence that their proposed measures, which are the same as they are unsuccessfully currently using, are adequate to ensure no noise nuisance to neighbours.
 - The licence application asks for live amplified music in the Orangery to 23.00, 20 times a year plus recorded music another 20 times a year. I object to this unless adequate mitigation is in place. The bar to nuisance should continue to be set very high for a disturbance that will happen almost once every week.
 - I object to an extension to 10.00 the following day for New Years Eve. A much more modest extension would seem appropriate.
- **Schedules G to H – Performance of Dance and other events**
 - No application for variation.
- **Schedule I – Late night refreshments**
 - I object to the provision of late-night refreshments to residents or their guests, between 23.00 and 05.00 **outside** unless adequate noise mitigation measures are in place to ensure that noise nuisance does not occur.

- I object to the serving of late-night refreshments to non-residents **inside** after 00.00. This is in line with my objection to the Pear Tree being open to non-residents after 00.30 (see objection in Schedule L). Visitor leaving the Pear Tree late at night or in the early morning will inevitably cause noise nuisance to neighbours. I do not object to late-night refreshments being served to residents between 2300 and 05.00 **inside**.
- **Schedule J – Supply of alcohol for consumption**
 - I object to the sale, serving or consumption of alcohol by large numbers of people **outside** at any time, the consumption of alcohol by groups of up to 200 in the garden will inevitably cause noise nuisance unless noise mitigation is in place that is sufficient to ensure noise nuisance is not caused to neighbours.
 - I object to the extension of the time alcohol can be sold, on- or off-sales, from 00.00 to 01.00. This will lead to non-residents leaving the premises later at night and in the early hours, inevitably causing noise to the neighbours.
 - I object to an extension to 10.00 the following day for New Years Eve. A much more modest extension would seem appropriate.
- **Schedule K – Adult entertainment**
 - No application for variation.
- **Schedule L – Premises open to the public**
 - This application seems to conflict with the entry under Schedule M b) which states: ‘the venue is not open to the public and is only private hire for licensed activities’.
 - I object to the premises being open to non-residents after 00.30 as this will lead to non-residents leaving the premises late at night and in the early hours, inevitably causing noise to the neighbours.
 - I object to an extension to 10.00 the following day for New Years Eve. A much more modest extension would seem appropriate.
- **Schedule M – Additional steps**
 - **b) The prevention of crime and disorder.** I object to the variation of the license unless it is clear who has responsibility for managing the over 100 guests, most of whom will have been drinking all day, as they leave at around midnight and ensuring there is no disorder. Just ‘*ensuring clients are aware of closing times and have made suitable provision for transport*’ is not sufficient to ensure disorder will not take place.
 - **c) Public safety.** I object to all public areas being sufficiently lit, in particular the lighting of the garden. If the garden continues to be open to guests and residents, detailed specification of the lighting needs to be provided and evaluated to ensure it does not cause nuisance to neighbours. Until a satisfactory lighting regime has been agreed, the garden should not be lit or open to guests after dark. The planning application for the erection of the Orangery (17/11454/FUL) included an ecological impact assessment. This found 5 species of bat foraging in the Pear Tree garden. It also included a recommendation for the mitigation of light spill and lighting disturbance into the lighting scheme for the development. The 2017 development proposal did not provide for the use of the garden for events. Note should be taken of the ecological recommendation if the lighting scheme is extended into the garden. It is likely such a development would require planning permission. The public highway outside the Pear Tree is a narrow road with blind rises that links Purton with Millicent Lydiard villages. Cars during Pear Tree events have been parked on this road and on its verges, dangerously narrowing the road and restricting views of oncoming traffic for those leaving the Pear Tree entrance. It

should be a requirement of the licence that all cars associated with their events are parked within their site.

- **d) The prevention of public nuisance.** The current Noise Management Plan is completely inadequate because it does not set as its aim the prevention of public nuisance just *'to put in place reasonable measures to reduce noise impact'*. I object to any variation of the licence until an adequate Noise Management Plan has been published, accepted by the local authority to ensure no noise nuisance will be caused and its implementation is set as a requirement of the licence.

Comments on the Noise Management Plan

- As already stated, a Noise Management Plan should have as its central aim the prevention of noise nuisance, not the definition of reasonable measures which may or may not be effective. If it is not possible to prevent a noise nuisance from an activity, it should not be licenced or take place.
- A Noise Management Plan (NMP) should be based on expert advice on what measures are required to prevent a noise nuisance. The licence application should be accompanied by expert advice both of how and to what degree the noise generation should be limited and what noise prevention infrastructure is needed to prevent a noise nuisance to residential neighbours.
- No evidence is provided that limiting the noise level to 87 dBs in the Orangery with the doors closed is sufficient to prevent noise nuisance, including at bass frequencies. From our experience it is not. Music should only be played in the Orangery or elsewhere in the building, if it does not cause noise nuisance to residential neighbours, in their homes and in their gardens.. (The draft plan has the red and green outlines reversed.)
- The NMP should state who has responsibility to ensure a noise nuisance is prevented **during** an event. For example, just promoting quiet departure of patrons is not sufficient. Training needs to be sufficient to enable the responsible person to prevent noise nuisance.
- If the expert advice finds just closing the Orangery doors will prevent a noise nuisance with the sound limiter set at a particular level, then **all** doors on the Orangery need to be fitted with self-closers and it should be the responsibility of the duty manager to ensure they are all kept closed.
- Outdoor noise causes the same nuisance before 19.00 as after. Expert advice needs to be taken and followed to prevent noise nuisance before any outdoor activity is licenced. The addition of acoustically insulated fencing behind the outdoor kitchen seems a completely inadequate measure to prevent noise nuisance. Attached is their site plan with arrows showing the direction of residential properties and gardens, and their distance from the Pear Tree. Only a significant acoustically insulated barrier on a berm (a raised bank typically 2 m high) would stand any chance of preventing noise nuisance from outside events hosting large numbers and it is unlikely that planning permission would be granted for such an imposition within a designated Conservation Area. In my opinion the Pear Tree garden is unsuitable for outside events.
- The NMP does not specify what it means by late at night in the provision for repositioning tables and chairs in the garden. A time should be specified.
- Customer noise management as they leave is clearly important as often there are more than 100 leaving at once. The NMP should clearly state who has responsibility for preventing noise nuisance at this time. Words like encouragement and recommended are not adequate to prevent noise nuisance late at night.

Update to Variation Application – Pear Tree

The Pear Tree provided an update to their Variation Application in late October. Below is my response to this update.

Schedule J

This additional clarification does not address my objection for this Schedule.

Schedule I

This additional clarification does not address my objection for this Schedule.

Non-Standard Timings – New Year’s Eve

This additional clarification is welcome but does not go far enough. I object to the provision of services, including of alcohol to non-residents as late as 03.00 on New Year’s Eve. Visitor leaving the Pear Tree late at night or in the early morning will inevitably cause noise nuisance to neighbours.

Amended site plan (with purple line)

This clarification does not change my objection to the sale or consumption of alcohol in the garden. I object to the setting up of a portable bar anywhere outside because it will inevitably cause noise nuisance to The Pear Tree neighbours.

The clarification also appears to seek an update of the variation requested in Schedule J, supply of alcohol, although this is not made very clear. I object to the serving or consumption of alcohol outside at any time for the reasons given previously. Finishing the serving or consumption of alcohol outside at 19.00 will still cause noise nuisance between 10.00 and 19.00. The link between the timings when music will be played in the Orangery and the bar is open in the garden also concerns me, as this suggests the movement of guests through the Orangery doors when this bar is open. These doors need to be kept closed to mitigate noise nuisance. Also, Schedules E and F seek to play live, not background music in the Orangery 40 times a year and until 23.30, so the suggestion that the outside bar opening times align with the playing of live & recorded music within the Orangery is not correct.

Amended site plan – first floor plan (green line)

If the Licence is to be extended to cover the Ceremony Room sufficient measures should be in place to ensure no noise nuisance will be caused, the green line is referenced in Schedules E & F which relate to the playing of music. These measures should be supported by expert advice both of how and to what degree the noise generation should be limited and what noise prevention infrastructure is needed to prevent noise nuisance to residential neighbours.

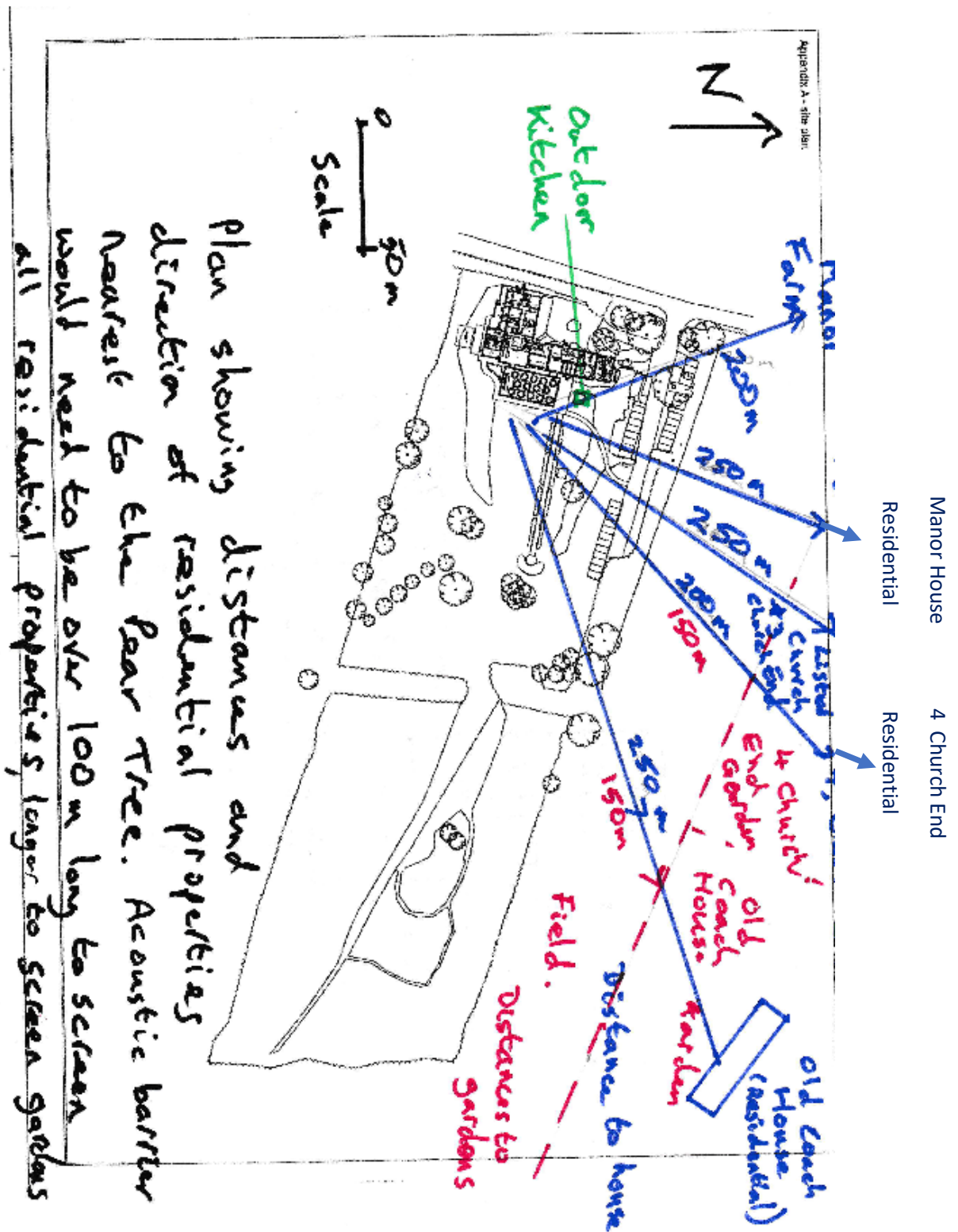
Noise Management Plan

This clarification identifies and corrects an error identified in my objection.

██████████ 6 November 2021

■ Church End Purton SN5 4EB, neighbour of The Pear Tree Purton.

Annex – Plan of The Pear Tree site showing proximity of 5 residences and Grade 1 listed Church



Representation 11

Representation – Purton Parish Council

Good afternoon Jemma

Apologies for my error, please now see the comments made in relation to the variation of the licence for the Pear Tree in Purton.

At the full council meeting held on Monday 8th November 2021, the Council objected to the changes in the licence for the Pear Tree on the grounds of noise and nuisance to residents in a conservation area. The extended hours requested will be detrimental to local residents concerning noise, parking and movement of vehicle late at night.

Regards

Deborah

Deborah Lawrence, PSLCC

Parish Clerk

Purton Parish Council

Station Road

Purton

Wiltshire , SN5 4AJ

01793 771066

01793 771066 www.purtonparishcouncil.gov.uk

Wiltshire Council

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REPRESENTATION FORM

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper. Please contact the Licensing team to confirm this date.

Any individual, body or business can make a Representation to the Licensing Authority in relation to an application, regardless of their geographic proximity to the premises. Any Representation must be relevant, in that the Representation relates to one or more of the Licensing Objectives.

Premises about which representation is being made	the Pear tree Purton SN5 4ED
Your Name	[REDACTED]
Postal Address	[REDACTED]
Contact Telephone Number and Email address	[REDACTED]
Are you (please tick): <ul style="list-style-type: none"> • An individual? <input checked="" type="checkbox"/> • A person who operates a business? • A person representing residents or businesses? • A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)? 	
If you are representing residents or businesses who have asked you to represent them?	

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES	EVIDENCE
The protection of children from harm	

<p>The prevention of public nuisance</p>	<p>music (even loud talking!) from the Orangery and garden can be clearly heard by all the neighbours even as far as 7 church end. the orangery has the same sound proofing as a marquee. In the past we have ignored it as we too run a wedding venue, but it does impact us quite badly and the loud music has upset some paying guests who want to sleep at 11!</p>
<p>The prevention of crime and disorder</p>	
<p>Public safety</p>	

Please list below any suggested actions that you feel the applicant could take to address your concerns:

I would suggest that music is played only in the house. To have 20 weddings playing until 1 am effectively means every Saturday night throughout the summer we will be disturbed. I think the Pear Tree is a great venue but if they can keep playing the music in the main house as they have been doing for the past month or so it would work well. I would suggest that they are granted music until 1 am in the main house (bar). but no music in the orangery (or music in the orangery until 9pm as Purton House was granted.

If a hearing needs to be held to determine the Premises Licence Application, the Licensing Sub-committee will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant. A copy of Representations will be annexed to the Licensing Officer's report, which is a public document published on the Council's website and circulated to the Licensing Sub-Committee and to all those who have made relevant Representations.

9 November 21

Signature.......... Date.....

Please return this form, along with any additional sheets, to the relevant Wiltshire Council Office listed below or return by email to publicprotectionnorth@wiltshire.gov.uk:

Salisbury Area – (Salisbury, Amesbury, Downton, Mere, Hindon and Tilshead as well as the rest of the old Salisbury District Council Area), please send to:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Bourne Hill
Salisbury
Wiltshire, SP1 3UZ

All other areas please send to the address below:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Monkton Park
Chippenham
Wiltshire, SN15 1ER

Representation 13

Objection to variation of licence at the Pear Tree, Purton

I would like to object to the variation of the licence of the Pear Tree, Purton on the grounds that they will cause a public nuisance. I will go through the application listing my comments/objections

In the summary

- It states that “the supply of alcohol for residents and their bona-fide guests 24 hours daily”. As the Pear Tree is an exclusive wedding venue all the guests are bona-fide so the licence is being asked for up to 200 people 24 hours a day. That is not acceptable in a conservation area with residents close by.
- I presume that “The supply of alcohol within all areas inside and out” means that they can run a bar outside. This will generate even more noise than is done at present, so I object to this.

E

- At present music outdoors is not allowed to be amplified but is still disturbing us. Surely amplified music will be worse?
- If music is to be “restricted to background volume levels” I assume that it will not be audible in my garden. If it is audible to me it is not background, so I would complain about the noise nuisance caused.
- The suggestion is that playing of live music in the Orangery is limited to 20 times a year. This suggests to me that they accept that playing live music in the Orangery causes a nuisance. If this is the case, is it acceptable to do this 20 times a year?
- Music indoors at present ceases at 11.30. When it moves into the main part of the premises I would imagine that noise will still be audible in my property as doors and windows will be open (especially in the summer) as that part of the building does not have air conditioning. I feel that 11.30 is late enough, considering the problems that we are having - I do not wish to be disturbed any later.

F

- At present recorded music outdoors is not allowed I feel that recorded music will be turned up so guests can hear it, in which case it will be audible in my property.
- If recorded music is to be “restricted to background volume levels” I assume that it will not be audible in my garden. If it is audible to me it is not background, so I would complain about the noise nuisance caused.
- The suggestion is that playing of recorded music in the Orangery is limited to 20 times a year. This suggests to me that they accept that playing recorded music in the Orangery causes a nuisance. If this is the case, is it acceptable to do this 20 times a year?
- Music indoors at present ceases at 11.30. When it moves into the main part of the premises I would imagine that noise will still be audible in my property as doors and windows will be open (especially in the summer) as that part of the building does not have air conditioning. I feel that 11.30 is late enough, considering the problems that we are having - I do not wish to be disturbed any later.

I

- I can see no justification in asking for late night refreshments to be served outside between 23.00 and 05.00. If people are outside they will be making noise, which disturbs us. I have no objection to them being served indoors to residents/patrons.

J

- If my understanding of this is correct, when supply of alcohol is on the premises (ie inside) it must be drunk inside. (It is my understanding that this is the licence they have at the moment and have been abusing the whole summer.) I object to alcohol being drunk in the garden. If there are up to 200 guests drinking in the garden they generate a huge amount of noise which increases as the amount of alcohol. My property is 50m from the garden and the noise has been intolerable this summer. I am happy for any amount of alcohol to be sold to be drunk in the main building and the Orangery.

L

- In an email from the Pear Tree on 10/10/21 they stated "The Pear Tree is not open to the public". Thus I find it confusing that this section is completed .
- If it applies to their wedding parties, I object to the hours being extended unless all the existing noise nuisance problems have been dealt with.

M

- a) If, as they say, "the management team has extensive experience and expertise in managing licenced activities at similar venues across the UK" I find it disgraceful that we have been subjected to the summer of noise nuisance that we have. At all times they have denied causing any nuisance where the EHO was in no doubt that they have. I feel that they are trying to get away with things all the time.
- b) The Pear Tree have not been ensuring that suitable provision of transport is arranged. At the end of the event many people are waiting for taxis, often outside causing a great noise nuisance to local residents.
- d) considering that almost all the issues between the Pear Tree and local residents comes under this category I find it rather insulting that this is all that is written
- e) "All public areas are well lit". Is this to include the garden? Are we to expect extra lighting which will change the character of the conservation area even more than the Pear Tree is doing at the moment?

Noise management Plan (appendix B) I feel that this should become part of the licence when it is finalised and adhering to it should be a condition of the licence.

General

- "All staff to promote quiet departure of patrons". Not enough, I need them to ensure this.

Indoor noise

- The colours on the plan are reversed from the previous mention.
- The main time the noise from the Pear Tree affects me is during the afternoon/early evening when I am in my garden. Thus, the closing of doors and window after 20.00 is too late for me. In an email from the Pear Tree on 9/9/21 it was stated that "we ensured that the doors we're (sic) kept closed later on in the evening to avoid entertainment sound freely escaping." This, to me, admits that they are aware that the noise is disturbing us. The

definition of a Statutory Noise nuisance is if there is “a material interference with the enjoyment and use of (my) property”. This will be the case if doors and windows are open during the day/evening.

- I am assuming that ALL doors in the Orangery will have self closers on.
- A member of staff will need to be on duty opening and closing doors for guests whilst the outside kitchen is supplying food. Otherwise the door will be propped open and noise will be an issue.
- There is already a noise limiter in place and it does not stop noise nuisance. The bass thudding can be heard inside our house over the tv (and our house has 1m thick walls!)

Outdoor noise

- No mention is made in this section of the noise made by up to 200 guests being in the garden. It is often possible to hear conversations from my garden. The noise of all these people makes sitting in the garden unpleasant and often it is not possible to hold conversations because of it. The shouts, cheers and laughter are very distracting. I do not feel that the garden should be being used in this way. It is NOT what was talked about in the Planning Application for the Orangery.
- The list of banned instruments is not enough. Other brass instruments, African choirs, electric violins were all heard this summer.
- If music is to be “restricted to background volume levels” I assume that it will not be audible in my garden. If it is audible to me it is not background, so I would complain about the noise nuisance caused.
- “Acoustically insulated fencing will be erected in the land behind the outdoor kitchen”. Where do I start!? The outdoor kitchen is supposedly a temporary structure without planning permission, so I assume it will not be there for much longer. If the fence is higher than 2m it will need planning permission, especially because it is in a conservation area. If it is not taller than 2m, I am of the opinion that it will not be sufficient. If this is the case I would look to ask for the licence to be reviewed. Putting it up just behind the kitchen will not be sufficient either. It would need to be along the whole of the Northern border of the property if the noise nuisance is to be reduced. If it were put up just behind the kitchen and it were not sufficient I would complain about the noise nuisance caused.
- I am unclear what the staff patrols would entail. What would they be seeking to minimise?

Customer noise and car parks

- It is not enough to encourage patrons to leave quietly. They have a legal responsibility to ensure that this happens, using whatever measure they see fit.
- It should be a condition of the booking that all taxis are pre-booked. This can be done on the day, but not late at night.
- It was agreed at our meeting with the 3 members of the Pear Tree/Head office management team on 9/8/21 that guests should wait for taxis in the bar area and only go out when the taxi arrives. They later reneged on this agreement. Encouraging the guests to wait inside is not enough. The noise created by rowdy guests outside at midnight (or later if this variation is approved) is a noise nuisance and needs to cease.
- On a number of occasions there have been cars parked on the grass verges outside the Pear Tree and/or on the road. This is not safe. The road is narrow and cars come down Manor Hill fast and do not expect hazards. Turning it into a single track road is dangerous. All parking for the weddings should be within the gates of the premises. (on 16/10/21 witnessed by me, but no photos taken, on 30/10/21 a friend witnessed, took photos and wrote “They are parked in the verge by the sign that states who’s getting married. So

if you was pulling out of the venue you wouldn't be able to see up the hill" Earlier in the year another friend had problems driving past as cars were parked on the road and the verge)

To conclude, my stance is that I object to almost all the variations that have been asked for on the grounds of public nuisance. If sufficient noise management was put in place so there was no noise nuisance caused to me then I would look favourably on most of them. I am not against the business as such, but object to the misery that they have caused this summer.

Update to Variation application

- This does not alter my objection to OFF sales. Until the noise nuisance is sorted there should be no drinking in the garden as 200 people drinking is bound to make a lot of noise.
- I am happy for refreshment to be served inside at any time, but do not see the need for them to be served outside until 05.00
- I object to the later time as it will cause noise nuisance to the local residents.

NST

I have no objections to once a year activities. It's the other 100+ a year that I do!

Amended Appendix A

I object to any outside bar at all until noise nuisance issues have been sorted.

I do not understand the 2nd paragraph. It seems to imply that music is going to stop at 19.00 in the Orangery which is never the case. According to the proposals, either there is no music in the Orangery or it goes on until 23.00. So, if they want the portable outside bar to match the music it will be available until 23.00 which is not acceptable.

Amended Appendix A

I would have no problem with the ceremony room being used for the music/dancing as long as it does not cause a noise nuisance. I presume it does not have air con as it's part of the old building. I feel this would need to be installed so doors and windows are kept closed to avoid noise nuisance.

NMP

Accepted

 Church End, Purton, SN5 4EB

Representation 14

Application for a licence variation by The Pear Tree Purton SN5 4ED October 2021

I wish to object to the granting of the above licence. I detail below my reasons for this objection.

Licensing objective b – Prevention of crime and disorder.

Since mid July there have been a number of occasions of disorderly behaviour constituting shouting, screaming and heated arguing by guests in the garden. This occurs principally in the evening following the consumption of alcohol throughout the day and in the early hours when those not staying overnight are asked to leave and congregate in the car park while waiting for taxis. Loud boisterous behaviour has ensued on numerous occasions until the transport eventually arrives. The Pear Tree staff appear to have no inclination or ability to deal with this disorder and it has been left to guests to sort it out should anyone feel inclined. I have heard instances of fights breaking out with women screaming 'get off him you ***' followed by much swearing. It would appear that it is not company policy for their staff to intervene when disorder takes place and as such this is not being addressed by the proposal. A professional presence is required on site at all times to address this and is not addressed in the application.

Licensing objective d – Prevention of Public Nuisance.

In my opinion the Company to date have demonstrated contempt for the complaints that have been made to them since mid July. The complaints concern excessively loud music, singing, shouting, screaming, arguing, and general noise nuisance into the small hours making the neighbours lives a misery.

Event Managers leave guests to do whatever they want. There has been no evidence of any effort at control with comments by the event manager including 'They are enjoying themselves' and 'Get a life'. Nothing in the proposal demonstrates any willingness to change this. I believe that there were 23 wedding celebrations out of the 31 days in August and each day brought with it unacceptable noise and disturbance that meant that we were unable to sit outside and enjoy our own garden with the noise still being heard inside.

The Company has demonstrated that it cannot be trusted. Its representatives verbally committed to make minor changes, stated understanding and concern, and the following day retracted everything informing those present not to set foot on the premises as they were 'not a hotel' even though it would appear that they were operating under a hotel licence. Complaints were to be left on an answering machine with no commitment to even read the message therein. They also stated that they were not doing anything outside of their licence regarding the playing of music outside and the consumption of alcohol outside. This would appear to be untrue. If this is the case this provides further evidence of their apparent view that they can do whatever they want without consideration as to whether it is legal or not and in my opinion are unfit to be operating a business of this nature in its current rural location.

The way that the business is run has no consideration for the effect that it has on the nearby neighbours, most of who have been there long before this location appeared on the company's radar and is wholly inappropriate for its location on the edge of a quiet village and in a conservation

area. The Company appear to be only interested in selling as much food and drink as they can in order to increase their profits regardless of the impact on their neighbours.

The Noise Management Plan will not have any impact on the nuisance and disturbance caused to myself and my wife. We are situated to the north east of the garden. The plan refers to a noise barrier to the small are where drinks are proposed to be served. This area constitutes only a small part of the noise problem, guests use the whole of the garden and this is from where the noise emanates so any plan must address the whole area and if not effective people should not be allowed to use it nor should there be any playing of live or acoustic music outside or inside with the doors/windows open.

We were informed that guests who are not staying at the venue are told to leave the premises at 12.30 where they wait outside until their taxis arrive. This generates a lot of noise as people fuelled by drinking all day and night are left to argue and fight and indulge in other drunken behaviour which has woken us up and our guests in the early hours and/or prevented us from getting to sleep.

There should be no consideration given to allowing outside drinking/eating/music unless and until they have agreed and implemented noise reduction plans that are subsequently proven to be effective and there is a professional presence to stamp out the shouting and any aggressive behaviour rather than just leaving it to run its course. Any outdoor area subsequently approved should be away from the neighbours and towards the area where the hotel itself forms part of a sound barrier.

 Church End, Purton, SN4 4ED

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Premises about which representation is being made	Application # WIL 202122064 The Pear Tree, Purton, SN5 4ED
Your Name	[REDACTED]
Postal Address	The Hyde Purton, SN5 4EA
Contact Telephone Number and Email address	[REDACTED]
Are you (please tick):	<input checked="" type="checkbox"/> An individual? <input type="checkbox"/> A person who operates a business? <input type="checkbox"/> A person representing residents or businesses? <input type="checkbox"/> A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)?
If you are representing residents or businesses who have asked you to represent them?	

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES	EVIDENCE
The protection of children from harm	

<p>The prevention of public nuisance</p>	<p>WE believe the Pear Tree receiving a varied licence will have a major impact on us. Its suggested music to be played 7 days a week until 0:100. If this is played in the same room as this previous summer, we will definitely hear this! We recently moved to the area for more peace & quiet & feel this will ruin our peaceful enjoyment of our home.</p>
<p>The prevention of crime and disorder</p>	
<p>Public safety</p>	

Please list below any suggested actions that you feel the applicant could take to address your concerns:

To professionally have acoustic or sound proofing installed.

If a hearing needs to be held to determine the Premises Licence Application, the Licensing Sub-committee will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant. A copy of Representations will be annexed to the Licensing Officer's report, which is a public document published on the Council's website and circulated to the Licensing Sub-Committee and to all those who have made relevant Representations.

Signature



Date 11-11-2021

Please return this form, along with any additional sheets, to the relevant Wiltshire Council Office listed below or return by email to publicprotectionnorth@wiltshire.gov.uk:

Salisbury Area – (Salisbury, Amesbury, Downton, Mere, Hindon and Tilshead as well as the rest of the old Salisbury District Council Area), please send to:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Bourne Hill
Salisbury
Wiltshire, SP1 3UZ

All other areas please send to the address below:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Monkton Park
Chippenham
Wiltshire, SN15 1ER

Wiltshire Council

Where everybody matters

REPRESENTATION FORM

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper. Please contact the Licensing team to confirm this date.

Any individual, body or business can make a Representation to the Licensing Authority in relation to an application, regardless of their geographic proximity to the premises. Any Representation must be relevant, in that the Representation relates to one or more of the Licensing Objectives.

Premises about which representation is being made	THE PEAR TREE, PUTLOW SWINDON · SUSSEX
Your Name	[REDACTED]
Postal Address	COLLEGE LANE PUTLOW SUSSEX
Contact Telephone Number and Email address	[REDACTED]
Are you (please tick): <ul style="list-style-type: none"> • An individual? <input checked="" type="checkbox"/> • A person who operates a business? • A person representing residents or businesses? • A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)? 	
If you are representing residents or businesses who have asked you to represent them?	_____

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES	EVIDENCE
The protection of children from harm	_____

<p>The prevention of public nuisance</p>	<p>① LIVE CLOSE TO VENUE. DURING SUMMER 2021 THE MUSIC WKS AT A LEVEL TO CAUSE NUISANCE. SO EXTENDING HOURS WILL CLEARLY EXACERBATE.</p> <p>② SUPPLY OF ALCOHOL ON + OFF PREMISES TO RESIDENTS + NON RESIDENTS WILL LEAD TO INCREASED MOVEMENT OF TAXIS ETC AT UNSOCIABLE HOURS.</p>
<p>The prevention of crime and disorder</p>	<p>SERVING ALCOHOL 24/7 ON + OFF PREMISES AND TO NON-RESIDENTS IS LIKELY TO LEAD TO DISORDERLY BEHAVIOUR.</p>
<p>Public safety</p>	

Please list below any suggested actions that you feel the applicant could take to address your concerns:


THIS IS A WEDDING VENUE AND HOTEL IN A CONSERVATION AREA IN A VILLAGE SETTING.

- ① REMOVE SALE OF ALCOHOL OFF PREMISES - HOW DOES THIS SUPPORT THE BUSINESS OBJECTIVES?
- ② 24 HOUR SUPPLY OF ALCOHOL SEEMS UNNECESSARY BUT IF ALLOWED SHOULD BE RESIDENTS ONLY WILL REMOVE TRAFFIC MOVEMENT AT UNSOCIABLE TIMES
- ③ LATE NIGHT REFRESHMENT - RESIDENTS ONLY - REDUCE TRAFFIC MOVEMENT.
- ④ APPLICATION IS FOR MUSIC TO 1 AM EVERY DAY. THIS IS NOT ACCEPTABLE BASED ON THE NOISE NUISANCE ALREADY APPARENT LAST SUMMER. REDUCE TO FRIDAY / SATURDAY ONLY.
- ⑤ RESTRICT AMPLIFIED MUSIC TO MIDNIGHT ~~AND~~ AND FRI / SAT. ~~ONLY~~
- ⑥ LATE NIGHT REFRESHMENT - AMEND TO INDOOR ONLY
- ⑦ RESTRICT ALL ~~ANYWAYS~~ NOISE ON SUNDAY DUE TO PROXIMITY OF CHURCH.
- ⑧ NEW YEARS EVE - PUT THIS IN LINE WITH OTHER WEEK END RESTRICTIONS - 10.15 PM LIMIT.

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Signature..........

Date..... 9/11/21.....

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Premises about which representation is being made	THE PEAR TREE PURTON SWINDON SNS 4ED
Your Name	[REDACTED]
Postal Address	[REDACTED] COLLEGE RD PURTON SNS 4AR
Contact Telephone Number and Email address	[REDACTED]
<p>Are you (please tick):</p> <ul style="list-style-type: none"> • An individual? <input checked="" type="checkbox"/> • A person who operates a business? • A person representing residents or businesses? • A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)? 	
If you are representing residents or businesses who have asked you to represent them?	

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES	EVIDENCE
The protection of children from harm	

<p>The prevention of public nuisance</p>	<p>Last summer the music being played could be heard on several occasions causing a nuisance to local residents. Selling of alcohol to none residents could</p>
<p>The prevention of crime and disorder</p>	<p>cause disruption with noise levels and extra cars.</p>
<p>Public safety</p>	

Please list below any suggested actions that you feel the applicant could take to address your concerns:

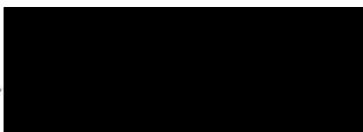
- Remove the selling of alcohol to those off premises.
- To change the late night refreshment sales to 1am in line with the indoor entertainment.
- Drinks to be served indoors only.
- Remove the outdoor music to minimise noise disruption.
- The 1am finish should be limited to Friday and Saturday.

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Signature.....



Date..... 9/11/21

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Monkton Park
Chippenham
Wiltshire, SN15 1ER

Representation 19

Good Morning,

I would like to put in a representation against the licence variation from the Pear Tree Purton WK202122064 (LN/00003080) as the activities requested undermine the licensing objectives with regards to prevention of public nuisance.

For several months I have been investigating complaints of noise nuisance arising from loud music and people noise. This has involved visits to the area and observations made from multiple residential properties. The noise complained of in diary sheets submitted to the council and witnessed by direct observation by officers has been intrusive in the sense that it unreasonably affects the enjoyment of individuals in their home and in my professional opinion clearly meets the criteria for causing a public nuisance. Music was so loud that I was able to identify songs being played from both recorded and live music events. People noise was such that it sounded as though people were having a loud conversation from the other side of a hedge when the event was actually within the grounds of the Pear Tree Purton. Cheering and applause could be heard as well as music which sounded so loud as to be amplified. Whilst living near several wedding venues, the residents have an expectation of quiet enjoyment of their homes and gardens and being able to go to bed when they wish, rather than waiting for an event to finish.

I have concerns about what is now being applied for given the issues and severe level of public nuisance caused to nearby residents. There is a potential for a continuation of a public nuisance unless noise related controls are introduced.

The applicant has asked for 20 events with live music for the purposes of entertainment in the orangery and 20 recorded music events in the orangery. It is not clear if this is a total of 40 events with music for entertainment or 20 per calendar year. Either way I would object based on the information currently available. The orangery by its nature is acoustically poorly insulated with large areas of glazing. This combined with amplified music of any type that is above the background level of conversation means that music will likely be heard at nearby residential receptors. I would be looking to either limit the number of events with live and recorded music in the orangery much more than that applied for, or require an acoustician's report to demonstrate that the noise from events would not be heard beyond the property boundary. I am not of the opinion that we have this evidence as yet and must therefore object and put in this representation.

I would also object to the request for recorded and live music outdoors, potentially on a daily basis until 19:00hrs for similar reasons. There is also the issue of people noise which has also in my professional opinion amounted to a public nuisance.

Since making observations and monitoring of what was being carried out, the Pear Tree have been advised to carry out any music other than background music within the main part of the building and keep their windows and doors closed. Monitoring carried out on 30th October 2021 showed a vast improvement and music was not heard.

I accept a NMP has been submitted, however I am not confident that the measures submitted to date would be able to control the noise for what is being applied for.

I would want to see the following conditions applied to the licence:

- The premises shall engage an acoustician to advise on suitable mitigation measures and demonstrate that they are able to carry out the requested activities without causing a public nuisance. The acoustician shall produce a report to be submitted in writing to the

Environmental Health Officer. This report must detail measures to control noise from all types of music and people noise. These mitigation measures must be incorporated into a noise management plan.

- A noise management Plan shall be submitted and agreed in writing by the Environmental Health Officer and implemented fully thereafter. It shall be reviewed every 3 months and include controls for music, (live, recorded, unamplified) and people noise.
- The noise management plan must include:
 - target sound levels at key monitoring points close to the boundary with residential premises to allow the Pear Tree to undertake their own validation monitoring during events to ensure that noise controls are working.
 - written observations shall be made at agreed points on the premises perimeter by a member of staff. This shall relate to both music and people noise. Notes shall also be made on what corrective actions were taken.
- The noise limiter level shall be set by agreement with the Environmental Health Officer's recommendations. The noise limiter must be set at a level where music is not audible at residential dwellings.
- Later night refreshment to be restricted to indoors only.
- No alcohol sales to be carried out outside. There shall be an area for consumption only.
- Any music played outside shall not be audible at the premises boundary.
- Windows and doors shall be kept closed when there is music for entertainment in the orangery.

I am happy to discuss the possible conditions and NMP further.

I regret I must make a representation against this licence variation.

Kind regards

Tessa

Mrs Tessa Hares
Environmental Health Officer
Environmental Control and Protection (North and West)
Monkton Park
Chippenham
Wiltshire
SN15 1ER

tessa.hares@wiltshire.gov.uk

01249 706406

Please note I do not work Mondays

Wiltshire Council



Representation 20

Good Afternoon

Re: Licensing Act 2003 – Variation Application
Premises: The Pear Tree – Purton
Applicant: Venue Catering and Events Ltd

The Licensing Authority is in receipt of the recent application to vary the premises licence LN/00003080

As the Officer delegated to respond on behalf of the Licensing Authority, I have considered the variation application which seeks to extend the areas (to include use of additional buildings and outside space) for licensable activities namely supply of alcohol and addition of regulated entertainment, remove converted conditions and add a noise management plan.

The Licensing Authority notes that the Premises Licence was transferred to the current operator in April 2018 and substantive building work was undertaken which impacted upon the Licence and at no time since the work was completed until it was pointed out by a Licensing Officer a month ago was the operator aware they were in breach of their licence. It is disappointing that the operator had not taken the time to consider the implications of any changes and activities taking place had on their licence in order to prevent contravention. Advice was given in writing by a Licensing Officer prior to the transfer taking place, setting out the possible requirements for the proposed changes to be taken based on the current licence at the time.

Whilst you could say this was an oversight but for a company running more than one licensed premises, the operator should clearly understand their obligations under the Licensing Act 2003 to promote the four licensing objectives. The Designated Premises Supervisor who permits the sale of alcohol at a premises needs to have a clear understanding of the premises licence what it permits and what it does not and again it was evident this was not the case when officers visited.

The Authority has received numerous complaints relating to noise nuisance and other matters which were not addressed adequately by the management of the premises when approached by residents to advise of the issues, whilst I recognise the premises was trying to re-establish itself following the COVID-19 lockdowns and hold as many weddings as feasible in a short space of time, there is little evidence that the impact on the local community of numerous events being held at the venue was not considered or mitigated for.

Following observation by Officers it's clear that the use of the outside space and the orangery is in their opinion causing a public nuisance and I have reason to believe this will not be managed correctly going forward.

The variation application does outline a number of actions that the Premises Licence Holders says it is already doing, but the Licensing Authority suggest this needs to be more detailed and conditioned especially in relation to management controls and noise management. Consideration should be given to reducing the permitted hours for consumption outside so as to reduce the impact of people noise on local residents.

The Licensing Authority has considerable reservation in regard to the variation as applied for as the operator and the management of the premises has not demonstrated their ability to comply with their current premises licence or even to seek guidance to ensure they are compliant following major works to the site.

Therefore the Licensing Authority as a Responsible Authority, formally objects to the variation, as I consider the proposed variation as written is likely to undermine the licensing objectives: Public Safety and the Prevention of Public Nuisance.

Kind regards

Linda

Linda Holland
Licensing Manager
Public Protection
Communities and Neighbourhood Services
County Hall | Trowbridge | Wiltshire | BA14 8JN

Wiltshire Council

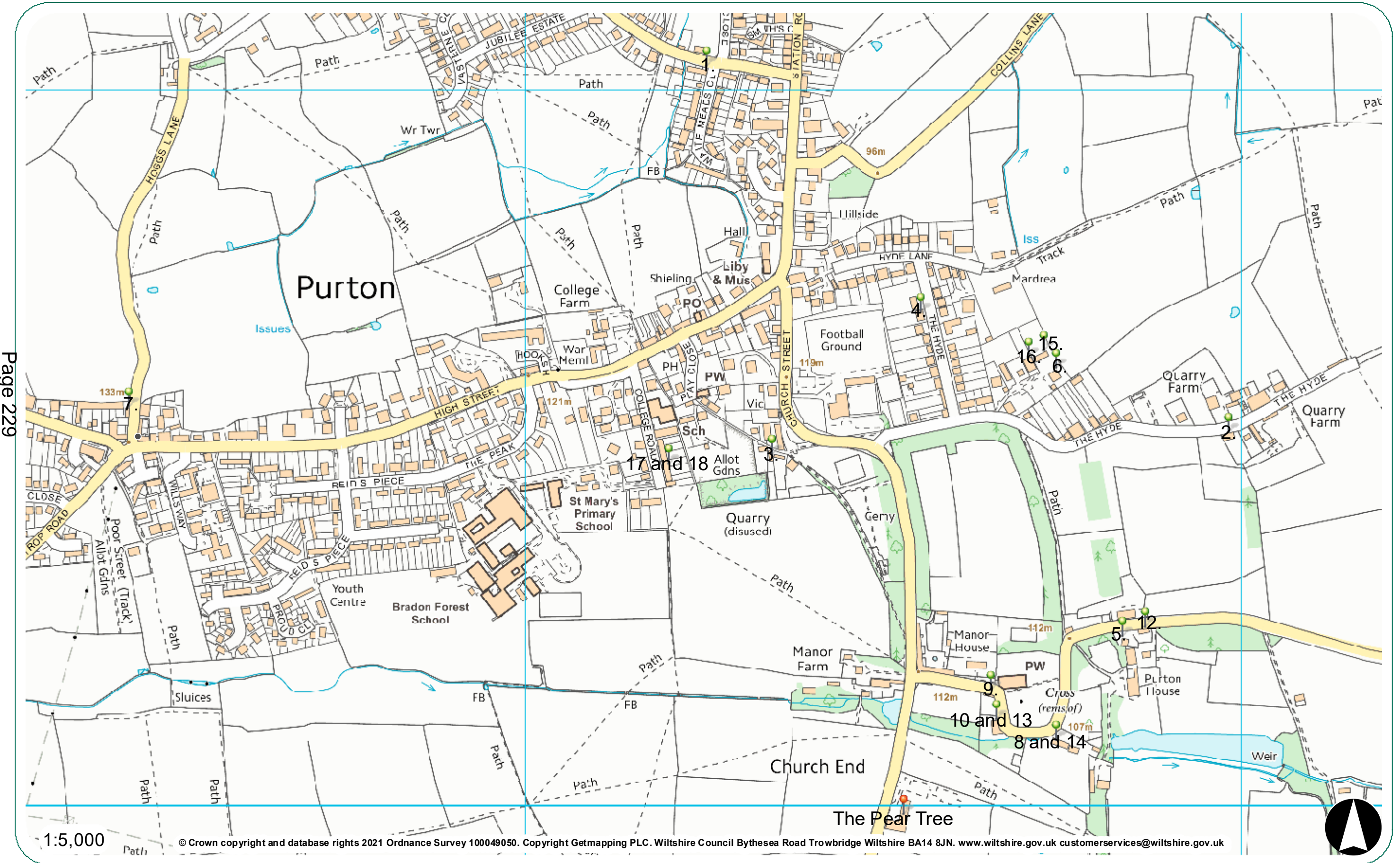
Email: linda.holland@wiltshire.gov.uk | www.wiltshire.gov.uk
Tel: 01249 706410 Internal: 21410

The latest COVID-19 information for premises can be found on our licensing pages online – [Licensing Act 2003 overview](#) and [Premises Licence](#) . Further information can be found on www.gov.uk .

Information regarding animal businesses can be found at [Animal licensing](#)

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