

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

16 OCTOBER 2023

Application for a Premises Licence;
Thoulstone Park, Chapmanslade, BA13 4AQ

1. Purpose of Report

1.1 To determine an application for a Premises Licence in respect Thoulstone Park, Chapmanslade, BA13 4AQ made by Mr and Mrs Hughes-Hallett.

2. Background Information

2.1 An application for a Premises Licence in respect of Thoulstone Park has been made by Mr and Mrs Hughes-Hallett for which 30 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 18 (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 appropriate 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 subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
- ii) To exclude from the scope of the application any licensable activity.
- iii) To refuse to specify a person as the designated premises supervisor.
- iv) To reject the application.

2.5 On 31 August 2023 an application for a New Premises Licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
Plays, Films (indoors and outdoors)	12:00 – 23:00	Daily
Live Music, Recorded Music (indoors and outdoors)	13:00 – 23:00 13:00 – 00:00	Sun- Thur Fri - Sat
Performance of Dance (indoors and outdoors)	13:00 – 23:00	Daily
Sale of Alcohol (on sales)	12:00 – 23:00 12:00 – 00:00	Sun – Thur Fri – Sat

A copy of the application form including the Plan is attached as **Appendix 1**.

2.7 The site has previously held the following licences under the Licensing Act 2003:

- LN/6817, a time limited licence between 30/05/2013 – 03/06/2013 (Sunrise Festival). The licence holder was Sunrise Festivals 2013 Ltd. The director of which was Daniel Hurring.
- LN/9893. The licence holder was Sustainable Land & Events Ltd. The directors of which were Daniel Hurring and Alex Lepingwell. This licence was issued in April 2018 and lapsed in April 2021 when the limited company was dissolved.

2.8 A Temporary Event Notice was applied for by Mr James Oliver for this site for an event called Get On festival, 4-6 August 2023.

2.9 Mr and Mrs Hughes-Hallett previously applied for a premises licence at Thoulstone Park on 30 June 2023. There were over 40 representations opposing the application and as such Mr and Mrs Hughes-Hallett withdrew the application on 1 August 2023 with a view to submitting a revised application.

2.10 Consideration should be given to the Home Office Guidance issued under Section 182 of the Licensing Act 2003 that states “each application and the circumstances of individual premises must be considered on their own merits”.

3. Consultation and Representations

3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 10 working days, starting on the day after the authority receives it and for a public notice (on pale blue paper) to be posted on the premises. In addition, the Licensing Authority advertises the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application.

3.2 During the consultation period officers from Wiltshire Council’s Environmental Protection and Control team were in liaison with Mr and Mrs Hughes-Hallett regarding management of noise from Thoulstone Park and the measures

which could be put in place to mitigate noise nuisance to nearby residents. During this period Mr and Mrs Hughes-Hallett agreed to the proposed amendments and conditions set out by Mrs Vicky Brown on 18 September 2023. (**Appendix 2**).

3.3 Mr and Mrs Hughes-Hallett emailed the agreement to Chapmanslade Parish Council, Upton Scudamore Parish Council and to those people who had made representations up to that date. (**Appendix 3**).

3.2 During the consultation period 30 relevant representations have been received from 27 local residents, 1 from the Local Councillor and 2 from Parish Councils.

3.3 Representations Received

- Rep 1, Short Street, Chapmanslade
- Rep 2, Short Street, Chapmanslade
- Rep 3, Short Street, Chapmanslade
- Rep 4, Upton Scudamore
- Rep 5, Councillor Bill Parks
- Rep 6, Short Street, Chapmanslade
- Rep 7, Short Street, Chapmanslade
- Rep 8, Short Street, Chapmanslade
- Rep 9, Chapmanslade Parish Council
- Rep 10, Upton Scudamore
- Rep 11, Upton Scudamore Parish Council
- Rep 12, Thoulstone, Chapmanslade
- Rep 13, Hisomley, Dilton Marsh
- Rep 14, Hisomley, Dilton Marsh
- Rep 15, Hisomley, Dilton Marsh
- Rep 16, Short Street, Chapmanslade
- Rep 17, Thoulstone, Chapmanslade
- Rep 18, Short Street, Chapmanslade
- Rep 19, Short Street, Chapmanslade
- Rep 20, Short Street, Chapmanslade
- Rep 21, Short Street, Chapmanslade
- Rep 22, Chalcot Lane, Dilton Marsh
- Rep 23, Hisomley, Dilton Marsh
- Rep 24, Short Street, Chapmanslade
- Rep 25, Upton Scudamore
- Rep 26, Upton Scudamore
- Rep 27, *NOT VALID*
- Rep 28, Upton Scudamore
- Rep 29, Short Street,
- Rep 30, Upton Scudamore
- Rep 31, Upton Scudamore

3.4 Responsible Authorities

No Responsible Authority has made a representation in connection with this application.

3.5 A summary of the representations made is detailed in the table below:

Representation	Licensing Objective	Comments
Representation 1	Public Nuisance Crime and disorder	Loud music and low beat disturbing nearby residents. Belief that licensable events will lead to drug use and drug sales.
Representation 2	Public Nuisance Crime and disorder	Loud music and low beat disturbing nearby residents. Belief that licensable events will lead to drug use and drug sales.
Representation 3	Public Nuisance Crime and disorder	Loud music and low beat disturbing nearby residents. Belief that licensable events will lead to drug use and drug sales.
Representation 4	Public Nuisance	Noise from the site will disrupt resident's sleep.
Representation 5 Cllr Bill Parks	Public Nuisance	Amplified music will create a nuisance to neighbouring communities.
Representation 6	Public Nuisance Crime and disorder	Loud music and low beat disturbing nearby residents. Belief that licensable events will lead to drug use and drug sales.
Representation 7	Public Nuisance Crime and disorder	Music from site will disturb nearby residents. Non-secure site boundary could allow for poor management of effective drugs checks.
Representation 8	Public Nuisance	Amplified music will disturb local residents. Non-secure site boundary doesn't allow for effective management of site.
Representation 9	Public Nuisance	Music from events will disturb local residents.
Representation 10	Public Nuisance	Loud music and low beat will disturb nearby residents.
Representation 11	Public Nuisance	Music will disturb nearby residents.
Representation 12	Public Nuisance Crime and disorder	Events will cause a noise nuisance. Belief that licensable events will be linked to drug use.
Representation 13	Public Nuisance	Amplified music will have an impact on local residents and businesses.
Representation 14	Public Nuisance	Music and bass from events will have

		an impact on local residents.
Representation 15	Public Nuisance	Music and bass from events will have an impact on local residents.
Representation 16	Public Nuisance Crime and disorder	Loud music and low beat disturbing nearby residents. Belief that licensable events will lead to drug use and drug sales. Non-secure site boundary may hinder effective management of the site.
Representation 17	Public Nuisance	Amplified music will disturb nearby residents.
Representation 18 (in addition to Rep 6)	Public Nuisance	Music and bass from events will have an impact on local residents.
Representation 19	Public Nuisance	Music from events will disturb nearby residents.
Representation 20	Public Nuisance	Music and bass from events will have an impact on local residents.
Representation 21	Public Nuisance	Music from events will disturb nearby residents.
Representation 22	Public Nuisance	Noise from licensable events will cause a disturbance
Representation 23	Public Nuisance	Music and bass from events will have an impact on nearby residents
Representation 24	Public Nuisance Crime and disorder	Loud music and low beat disturbing nearby residents. Belief that licensable events will lead to drug use and drug sales. Non-secure site boundary may hinder effective management of the site.
Representation 25	Public Nuisance	Amplified music and bass will disturb nearby residents
Representation 26	Public Nuisance	Noise from site will impact local residents.
Representation 27	Public Nuisance	Noise from site will impact local residents.
Representation 28	Public Nuisance	Music and bass will disturb local residents.
Representation 29	Public Nuisance	Music from events will impact local residents.
Representation 30	Public Nuisance	Music from events will impact local residents.

3.6 The relevant representations are attached as **Appendix 4**. Attached as **Appendix 5** is a plan which shows the locations from where representations have been made. The maps in **appendices 5a and 5b** are more detailed extracts from the main representations map in appendix 5. **Appendix 6** shows a detailed plan of the area.

- 3.7 Several representations refer to comments and correspondence from Wiltshire Council Officers in relation to the current application made by Mr and Mrs Hughes-Hallett and previous events that have taken place at Thoulstone Park over the last ten years. It must be noted that officer opinion can not override the decision of the Licensing Sub Committee and no decision can be pre-determined before a hearing.
- 3.8 As the main concern raised in the representations relate to disturbance from music noise it should be noted that The Legislative Reform (Entertainment Licensing) Order 2014 (LRO) (which amends the Live Music Act 2012) provides some exemptions to the licensing of music. Provided the music takes place between 8am-11pm to an audience of less than 500 people the following exemptions apply:
- no licence is required for live unamplified music.
 - Amplified live and/or recorded music can take place on a premises licensed for on-sales of alcohol.
- 3.9 Music that falls within these criteria is therefore considered “de-regulated” and as such not subject to licence conditions.
- 3.10 The exemptions permitted by the LRO can be removed on review of a premises licence. An application for review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must be relevant to one or more of the licensing objectives.

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 persons 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 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 Applicant and those persons 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 any person 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 a person other than a Responsible Authority it will not normally be granted within the first 12 months except for the most compelling circumstances.

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Public Protection (Licensing)

Date of Report: 3 October 2023

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**
- **Wiltshire Council Licensing Policy**
- **The Legislative Reform (Entertainment Licensing) Order 2014**

Appendices

- 1 Application and Plan**
- 2 Noise mitigation conditions proposed by Wiltshire Council's Senior Environmental Health Officer**
- 3 Email from applicant to reps**
- 4 Relevant representations**
- 5 Location map of representations**
- 5a Extract of appendix 5 showing representations north of Thoulstone Park**
- 5b Extract of appendix 5 showing representations in the Upton Scudamore area**
- 6 Thoulstone Park location map**