

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

6 AUGUST 2024

**Environmental Health Authority Objection Notice; Received in respect of a
Temporary Event Notice
for Thoulstone Park, Chapmanslade, Westbury, BA13 4AQ**

1. Purpose of Report

- 1.1 To determine the Objection Notice received from the Environmental Health Authority in respect of a Temporary Event Notice (TEN) for Thoulstone Park, Chapmanslade, Westbury, BA13 4AQ.

2. Background Information

- 2.1 A Temporary Event Notice was first served on the Licensing Authority and Wiltshire Police on Tuesday 23 July 2024.
- 2.2 If the Police or the Environmental Health Authority believes that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the Premises User and the Licensing Authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN.
- 2.3 An objection notice was received by the Licensing Authority from the Environmental Health Authority on Thursday 25 July 2024 for the Temporary Event Notice.
- 2.4 In accordance with Section 11 of the Licensing Act (Hearings) Regulations the Licensing Authority may extend a time limit provided for in these Regulations for a specified period where it considers this to be necessary in the public interest. A TEN hearing is required to take place within 7 working days from the day after which consultation ends.
- 2.5 In accordance with Section 105 of the 2003 Act the Licensing Authority must, having regard to the objections, give a counter notice on the basis of the objection, if it considers it appropriate to do so for the promotion of a licensing objective. Alternatively, it may impose on the Temporary Event Notice one or more of conditions that are on an existing premises licence for the same premises.
- 2.6 No premises licence exists for Thoulstone Park. An application for a premises licence at this site was rejected at a Licensing Sub Committee hearing on 16

October 2023.

- 2.7 The Options to the committee are to:
- Accept the Temporary Event Notice
 - Reject the Temporary Event Notice

2.8 In August 2023 the Get On festival took place at this location under a Temporary Events Notice during which the council received 29 public nuisance complaints from nearby residents.

3. Consultation and Representations

3.1 A Temporary Event Notice was served on the Licensing Authority by Mr Adam Forrester. The TEN covers the period of 20 - 22 September 2024 to include the following times on each day:

- Friday 20 September – 18:00 – 23:59
- Saturday 21 September – 00:00-04:00 and 13:00-23:59
- Sunday 22 September – 00:00-04:00.

The TEN includes licensable activities covering the sale by retail of alcohol, late night refreshment and the provision of regulated entertainment.

A copy of the TEN is attached as **Appendix 1**.

A location map for the TEN is attached as **Appendix 2**.

3.2 The objection notice received by the Licensing Authority from Environmental Health Authority concerns the following licensing objective; prevention of public nuisance. The objection notice is attached as **Appendix 3**. **Appendix 4** is the covering email from Environmental Health to the Licensing Authority.

4. Legal Implications

4.1 Under Section 105 of the 2003 Act the Licensing Authority must hold a hearing to consider any objections from the police or the Environmental Health Authority. As mentioned above, the Authority must serve a counter notice, if they consider it appropriate to do so to promote a licensing objective. The effect of the counter notice is, effectively to cancel the TEN, so that the proposed activities covered by the TEN are not authorised to take place.

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 Authorities who have served an objection notice 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 No appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.

Report Author: Carla Adkins, Public Protection Officer - Licensing

Date of report: - 26 July 2024

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**

Appendices

- 1 Temporary Event Notice**
- 2 Location Map**
- 3 Environmental Health Objection Notice**
- 4 Email from Environmental Health**