

DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 22 April 2013

**In respect of an application for a time limited Premises Licence;
Sunrise Festival 2013 Ltd, Thoulston Park Golf Club, Thoulston,
Chapmanslade, BA13 4AQ**

The Western Area Licensing Sub Committee has resolved to GRANT the application for a time limited Premises Licence as follows:

Premises Licence from 12 noon on Thursday 30 May 2013 to 05:00 hrs Monday 3 June 2013 for Sunrise Festival, Thoulstone Park Golf Club, Chapmanslade, Wiltshire for the following licensable activities:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Plays (In & Outdoors) Indoor Sporting Events	12:00 Thursday – 00:00 Sunday	Thursday to Sunday
Films (In & Outdoors)	12:00 Thursday – 04:00 Monday	Thursday to Monday
Live music (In & Outdoors) Recorded music (In & Outdoors) Performance of dance (In & Outdoors) Anything of a similar description (In & Outdoors) – Circus Performance, Marching & Street Bands, Walkabout Performance & Similar	12:00 Thursday – 02:00 Monday	Thursday to Monday
<u>Provision of entertainment facilities</u>		
<u>Facilities are no longer licensable</u>		
Making Music (In & Outdoors)	12:00 Thursday – 04:00 Monday	Thursday to Monday

Dancing (In & Outdoors) Entertainment of a similar description (In & Outdoors)	12:00 Thursday – 02:00 Monday	Thursday to Monday
Provision of late night refreshment (In & Outdoors)	23:00 Thursday – 05:00 Monday	Thursday to Monday
Supply of Alcohol (On the premises)	12:00 Thursday – 01:30 Monday	Thursday to Monday
Hours premises are open to the public	10:00 Thursday – 16:00 Monday	Thursday to Monday

Subject to the following conditions:-

1. The licence holder shall at all times comply with the detailed arrangements for the event set out in the final agreed version of the Event Management Plan.
2. The event will not take place until the Crime and Disorder and Public Safety elements of the Event Management Plan, (in particular the Drugs Policy, policing levels, security/stewarding levels, hours of alcohol sale, age verification, traffic management) have been submitted and approved by the Licensing Authority in consultation with Wiltshire Police. The final version of the Event Management Plan will be submitted not later than 30 days prior to the event. No changes likely to have an adverse impact on Crime and Disorder or Public Safety may be made after the Event Management Plan has been approved by the Licensing Authority in consultation with Wiltshire Police without the written consent of both those parties.
3. The maximum noise levels to apply shall be as follows:-
 - a. 50dB between 17.00 and 23.00 – Thursday
 - 40dB between 23.00 and 01:00 – Thursday to Friday morning
 - 60dB between 12.00 and 23.00 – Friday, Saturday and Sunday
 - 50dB between 23.00 and 00.00 – Friday, Saturday and Sunday
 - 45dB between 00.00 and 02:00 – Saturday and Sunday morning

Music to be inaudible outside residential receptors after these times

Applied to Thoulstone Park House, Thoulstone Cottages and Spinney Farmhouse only.

- b. 47dB between 17:00 and 23:00 – Thursday
 37dB between 23:00 and 01:00 – Thursday to Friday morning
 57dB between 12.00 and 23:00 - Friday, Saturday and Sunday
 47dB between 23:00 and 00:00 - Friday, Saturday and Sunday
 42dB between 00:00 and 02:00 - Saturday and Sunday mornings

Music to be inaudible outside residential receptors after these times

Applied to Chalcot house only.

- c. 40dB between 17:00 and 23:00 – Thursday
 30dB between 23:00 and 01:00 – Thursday to Friday morning
 50dB between 12.00 and 23:00 hrs - Friday, Saturday, Sunday
 40dB between 23:00 hrs and 00:00 - Friday, Saturday, Sunday
 35dB between 00:00 and 02:00hrs - Saturday and Sunday mornings

Music to be inaudible outside residential receptors after these times

Applied to Dilton Court Farm and Clearwood View only.

- 4. The maximum levels of low frequency noise shall not exceed the following on all days:-

- Between 12:00 and 23:00 – 75dB at 63 and 125 Hz (based on 60dB MNL)
- Between 23:00 and 00:00 - 70dB at 63 and 125 Hz (based on 50dB MNL)
- Between 00:00 and 02:00 – 65dB at 63 and 125 Hz (based on 45dB MNL)

and to be inaudible outside residential receptors after these times

Reasons:

The Sub Committee acknowledged the concerns raised by residents in their oral and written representations regarding public safety, the prevention of public nuisance and the prevention of crime and disorder. However the Sub Committee felt that these issues had been appropriately addressed by the applicant in their event management plan and arrangements for the event and that they had also been discussed with responsible authorities and other relevant agencies during the planning of the event. The Sub Committee noted in particular that there had been no representations or objections from the Responsible Authorities other than the comments from Environmental Protection regarding noise levels which are addressed by the additional conditions proposed. They felt that these conditions were appropriate to address the licensing objectives of the prevention of public nuisance and public safety and that the conditions, together with the arrangements in the operational plan adequately addressed the concerns raised by the residents about those objectives and also the objectives of the prevention of crime and disorder and protection of children from harm.

Evidence:

The Sub-Committee heard evidence from the applicant regarding their proposals for a four-day music festival at the Thoulston Park Golf Club site, between 30th May and 2nd June 2012. The applicants explained the history of previous events held in Somerset and drew attention to the low level of objections received after the initial events, indicating, in their view, that the understandable concerns of local residents in advance of those events had proved to be unfounded. Mr. Anderson, the Applicants' noise consultant, explained that a comprehensive noise prediction survey had been carried and that, in his view, the event could meet the proposed maximum noise levels.

The Applicants accepted that they had incorrectly treated Thoulstone Park House as being 'desensitised' and stated that they would discuss with the occupants of that property what measures might be put in place to assist them.

Mr. Hurring, on behalf of the applicants, explained the proposals as set out in the event management plan to address the other issues that had been raised by the objectors, mainly those relating to traffic, parking, security, litter and access for residents. He drew attention in particular to the following:-

- There would be marshalling at perceived vulnerable parking points, with a 24 hour community safety patrol
- No entry would be allowed to customers arriving on foot
- All responsible authorities were satisfied with the traffic management arrangements. If traffic began to stack up on the Thursday, prior to the start of the event, they would allow access to the car parks
- Arrangements were in place to give priority to local residents to allow them access to their properties.

Mr Freegard, on behalf of the Public Protection Team, stated that he remained concerned that two properties had not been included in the noise predictions and that the event was to last for four days

Evidence was then given by and on behalf of a number of those local residents who had made relevant representations. Among the issues raised were:-

- The omission of Thoulstone Park House from the noise assessments, when this property was the one most likely to be affected by noise from the main stage
- The effect of unamplified music and the general noise generated by a large number of people, which did not appear to be addressed in any of the proposed conditions
- The disproportionate impact of low frequency noise and the need for this to be addressed.
- The effect of the proposed event on wildlife in the area
- The high number of accidents on the A36 in the vicinity of the site and the increased risk of accidents if the event were to take place
- The lack of time available to the public to consider the detailed arrangements proposed by the organisers in the Event Management Plan

- The inadequacy of the notice given of the application, both on site and in the press
- Concerns about the financial history of these events and the financial security of the company organising the current proposed event
- Although there were only a relatively small number of properties that would be affected, the residents were still entitled to enjoy their properties without the disruption that this event would cause.

Considerations

In considering the representations made by the parties, the Sub-Committee were satisfied that adequate notice of the application had been given and that there had been an opportunity for the residents' concerns to be raised. They accepted that the objectors had only had a limited time to address the detailed proposals by the applicants and took this into account in considering how much weight to give to the submissions by the parties. They also took into account the comments regarding the financial history and status of the applicants, but were satisfied that, to the extent that this was relevant to the licensing objectives, this did not affect their decision on the merits of the application.

The Sub-Committee considered that the applicants had prepared a comprehensive event management plan that was acceptable to the relevant responsible authorities. For the reasons stated above, the Sub-committee therefore felt it appropriate to grant the licence, with the additional conditions specified.

In reaching its decision, the Sub Committee took into account the views of the Responsible Authorities, all of the written relevant representations contained within the agenda papers and presented at the hearing, the oral representations received at the hearing and the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the licensing policy of Wiltshire Council.

Right to Appeal

All parties have the right of to appeal to the Magistrates Court within 21 days of the notification of the decision.