

# WILTSHIRE COUNCIL

## WESTERN AREA LICENSING SUB COMMITTEE

9 APRIL 2015

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### Application for a Premises Licence; Part of former Thoulstone Park Golf Club (Thoulstone Park) , Thoulstone, Chapmanslade, BA13 4AQ

#### 1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Thoulstone Park made by Sustainable Land and Events Ltd

#### 2. Background Information

- 2.1 An application for a Premises Licence in respect of Thoulstone Park has been made by Sustainable Land and Events Ltd for which 35 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 17 February 2015 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
<u>Provision of regulated entertainment</u>		
Plays	08.00 – 23.00 08.00 – 22.30 Community Events	Daily
Films	12.00 – 02.00 12.00 – 22.30 Community Events	Daily
Live music	08.00 – 02.00 08.00 – 22.30 Community Events	Daily
Recorded music	08.00 – 02.00 08.00 – 22.30 Community Events	Daily
Performance of dance	08.00 – 23.00 08.00 – 22.30 Community Events	Daily
Provision of late night refreshment	23.00 – 05.00	Daily
Sale by retail of alcohol (on site and off site?)	08.00 – 02.00 On Sales 08.00 – 22.30 On and Off sales for Community Events	Daily
<p>A “community event” is defined as: An event involving licensable activities taking place on the licensed premises at which all the following apply:</p> <p>1)The event shall not be run for the private benefit of any individual, company or other organization 2)Any and all profit from the event shall be applied for charitable purposes or good causes 3)The event shall be held for the primary benefit of the local community, meaning residents and organizations living or based within a 5 mile radius from the premises.</p> <p>Attendance at any event involving licensable activities taking place at the premises, other than Community Events shall be limited to 500 persons at any one time. Community Events shall be restricted to 5000.</p>		

A copy of the application from Sustainable Land and Events Ltd is attached as **Appendix 1.**

2.7 Thoulstone Park was formerly a golf club with a hotel which ceased trading in 2002. The site received no maintenance until 2013. The site is owned by Mr and Mrs Hughes-Hallett, however the land is leased to Alex Lepingwell and Daniel Hurring, who were directors of Sunrise Events Ltd, Thoulstone

Sustainable Events Company and now Thoulstone Sustainable Land and Events Ltd.

In 2013, a time limited licence was issued for a festival called “Sunrise”. There were a number of complaints from local residents regarding noise from the site; setting up and breaking down of the site, music and noise from festival goers. Noise monitoring was undertaken by Environmental Health Officers of Wiltshire Council at the time and responses were provided to those who complained. Many of the complainants were local residents who have also made representations against the current application submitted by Sustainable Land and Events Ltd.

In 2014 a number of separate events were held at the site, including conferences, a cinema and camping event and a festival called “Off Grid Festival”. The licensable activities at these events were covered by Temporary Event Notices (TENs).

Two time limited Noise Abatement Notices were issued by the Environmental Health Team (ref: 201419557 and 201419556) to the event organisers, Daniel Hurring and Alex Lepingwell for the “Off Grid Festival”.

A third Noise Abatement Notice was issued (ref: 201419548, see Appendix 5) to Daniel Hurring to: prevent noise nuisance arising from the playing of amplified, recorded and musical instruments at the Thoulstone Park site.

-Environmental Health had a number of concerns with the original application submitted by Thoulstone Sustainable Land and Events Ltd (Appendix 1) and requested amendments to be made to the application.

Alex Lepingwell as a director of Thoulstone Sustainable Land and Events Ltd, has agreed to these amendments (see Appendix 6, amended application). The amendments include the addition of a “Notification map” (Appendix 7), whereby any household located within the line marked on the map will be notified within 28 days of the issue of the licence and by the 15<sup>th</sup> March each subsequent year of all events to take place at the site. Any changes to the schedule of events must be notified to the residents within 14 days of the event taking place. The notification will also contain details of a “Complaint hotline”.

The other amendment refers to the Noise Abatement Notice issued for the site (Appendix 5).

### **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 35 relevant representations have been received from 32 local residents, 2 Parish Councils and 1 from a Responsible Authority.

### 3.3 Representations Received

<b>Representation</b>	<b>Licensing Objective</b>	<b>Accepted</b>	<b>Comments</b>
Mrs Jane Brake	Public Nuisance	Yes	Concerned about application for music 08.00 – 02.00 daily and the noise it will generate
Mr Nick Medhurst	Public Nuisance	Yes	Frequent noise and traffic problems generated by previous events at the site.
Mrs Vanessa Emery	Public Nuisance	Yes	Noise from music at previous events at this site
Mrs Julie Harridge	Public Nuisance	Yes	Noise from previous events at the site
Mr Chris Da Costa	Public Nuisance	Yes	Noise from previous events at the site
Mr C Elliott and Miss Sutton	Crime and Disorder/Public Nuisance	Yes	Previous event goes at the site trespassing on their land
Mr Michael Brake	Crime and Disorder/Public nuisance	Yes	Noise, litter and trespassing from previous event goes
Mr David Holmyard	Crime and disorder/public nuisance	Yes	Noise, drugs, litter and trespassing from previous event goes
Mr Chris Oakham	Public Nuisance	Yes	Noise from previous event goes
Mr David Thomas	Public Nuisance	Yes	Noise from previous events
Mr Robin Thwaites	Public Nuisance	Yes	Noise from previous events
Major Arabella Mayo	Public Safety/Crime and Disorder/Public Nuisance	Yes	Supply of alcohol to large groups of people will increase the risk to public and create noise and crime and disorder.
Mr Chris Coles	Public Nuisance	Yes	Noise from previous events
Mrs Pat Bailey	Public Nuisance	Yes	Noise from previous events
Mr R Maynard	Public Nuisance	Yes	Noise from previous events
Mr James Bruce	Public Nuisance	Yes	Noise from previous events
Mr Julian Bower	Public Nuisance	Yes	Noise from previous events
Mr Melvyn Crook (Upton Scudamore Parish	Public Nuisance	Yes	Noise from previous events

Council)			
Mrs Maxine Crook	Public Safety/Public Nuisance	Yes	Noise, litter and trespassing from previous event goers
Mr and Mrs Giddings	Public Nuisance/crime and disorder	Yes	Noise from previous event goers. Fear that future events may cause theft and damage to property in the area
Mr Fraser Mills	Public Nuisance/public safety	Yes	Noise from previous event goers. Event goers walking along A36 trunk road
Mrs Jo Collier	Public Nuisance	Yes	Noise from previous events and event goers
Mrs Kate Jackson	Public Nuisance/crime and disorder	Yes	Noise and potential drug use from event goers.
Mr Phil Spencer	Public Nuisance	Yes	Noise from previous events
Mr Phil Jefferson (Chapmanslade Parish Council)	Public Nuisance	Yes	Noise from previous events. No confidence after meeting with the applicant that noise will be managed
Mr Neil Lucas	Public Nuisance/Public Safety/crime and disorder	Yes	Noise and graffiti from previous event goers. Fear of risk to public safety due to length of event
Mrs Melanie Lucas	Public Nuisance/Public Safety/crime and disorder	Yes	Noise and graffiti from previous event goers. Fear of risk to public safety due to length of event
Mr Robin Bailey	Public Nuisance	Yes	Noise and light pollution
Mrs Susan Pinckney	Public Nuisance	Yes	Noise
Mr David Pinckney	Public Nuisance/crime and disorder	Yes	Music and supply of alcohol over an extended period will lead to increase of noise and crime and disorder and litter
Mrs Mary Medhurst	Public Nuisance	Yes	Noise
Dr Andrew Murrison MP	Public Nuisance	Yes	Previous noise. Constituents have a right to quiet enjoyment of their homes and uninterrupted sleep
Environmental Health	Public Nuisance	Yes	Drumming element witnessed at previous event caused a statutory nuisance. Drumming has been applied for in this

			application.
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### 3.4 Responsible Authorities

Environmental Health

- 3.5 The relevant representations are attached as **Appendix 2**. Attached as **Appendix 3** is a plan which shows the locations from where representations have been made. **Appendix 4** shows a detailed plan of the area.

## 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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### **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 Original application for a premises licence submitted by Sustainable Land and Events Ltd**
- 2 Relevant representations made against the application for a premises licence made by Sustainable Land and Events Ltd**
- 3 Location map of representations made**
- 4 Thoulstone park site plan**
- 5 Noise Abatement Notice**
- 6 Final amended application for a premises licence at Thoulstone Park by Sustainable Land and Events Ltd as agreed by Alex Lepingwell, director and Kath Stent, Environmental Health Officer.**
- 7 Thoulstone Park Notification Map**