

Western Area Licensing Sub Committee

MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 19 NOVEMBER 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Peter Hutton (Chair), Cllr Stewart Palmen and Cllr Tim Trimble

Also Present:

Applicants

Jessica Gould – Heartwood Events Ltd
Phil Dunbar – On behalf of Heartwood Events Ltd
Russell Kearney - Noise Management Consultant
James Hughes-Hallet - Landowner

Those who made a relevant representation

Five individuals that made a representation were in attendance, including Cllr Bill Parks and a representative from Upton Scudamore Parish Council

Wiltshire Council Officers

Carla Adkins (Public Protection Officer – Licensing)
Roy Bahadoor (Principal Licensing Officer) – (Observing)
Ben Fielding (Democratic Services Officer) (Observing)
Claire Francis (Public Protection - Head of Service) - (Observing)
Jonathan McLaughlin (Legal representative)
Lisa Pullin (Clerk to the Panel/Democratic Services Officer)

1 **Election of Chairman**

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Peter Hutton as Chairman for this meeting only.

2 **Apologies for Absence/Substitutions**

Apologies were received from Cllr Kevin Daley. Cllr Stewart Palmen was substituting for Cllr Kevin Daley.

3 Procedure for the Meeting

The Chairman notified all those present at the meeting that it was not being recorded by Wiltshire Council, but that the meeting could be recorded by the press or members of the public.

The Chairman reminded those present that any speakers that wished to remain and make a statement to the Sub Committee would be giving consent to there being the possibility that they would be recorded presenting this.

It was noted that those that had made a representation would not be identified by name within the minutes.

The Chairman then asked if anyone present wished to withdraw from the meeting. All parties confirmed they wished to remain in and take part in the Sub Committee hearing.

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 5 to 10 of the Agenda refers).

4 Chairman's Announcements

The Chairman gave details of the exits to be used in the event of an emergency.

5 Declarations of Interest

There were no interests declared.

6 Licensing Application

Application by Heartwood Events Limited for an application for a premises licence in respect of Thoulstone Park, Chapmanslade, BA13 4AQ

Licensing Officer's Submission

The Sub Committee considered a report (circulated with the agenda) in which determination was sought for an application for a premises licence, presented by Carla Adkins (Public Protection Officer – Licensing) for which 17 relevant representations had been received in opposition to the application and 4 representations in support of the application. The application was for the following licensable activities:

Licensable Activity	Timings	Days
Sale of Alcohol (on sales)	12:00 – 23:00 09:00 – 23:00	Friday Saturday - Sunday
Plays, Films, Live Music, Recorded Music, Performance of dance, Provision of anything similar to live music, recorded music or performances of dance (indoors and outdoors)	10:00 – 23:00 09:00 – 23:00	Friday Saturday - Sunday

It was noted by the Sub Committee that there were four 4 options available to them:

- 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.

The Public Protection Officer (Licensing) then highlighted that representations had been received from two Parish Councils and from the local Unitary Councillor. Prior to the hearing, the Applicant had agreed to a number of proposed conditions as recommended by the Principal Environmental Health Officer which related to the frequency of events, details to be included in an approved Noise Management Plan and that a post event noise report that could be requested by the Local Authority. It was explained that it was up to the Sub Committee to determine if they would wish for those conditions to be included if there were minded to grant the application.

The details on how the decision could be appealed were then detailed to all present.

The following parties attended the hearing and took part in it:

On behalf of the Applicant

- Jessica Gould – Heartwood Events Ltd
- Phil Dunbar – Heartwood Events Ltd
- Russell Kearney – Noise Management Consultant

Relevant Representations

- Three local residents in objection to the application
- One local Councillor in objection to the application

- Once Parish Council representative in objection to the application

Responsible Authorities

There were no responsible authorities present.

The Chair advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting.

The Chair then invited the Applicants to introduce their application.

Applicant's submission

The Applicants (Jessica Gould and Phil Dunbar) spoke in support of the application, highlighting the following points:

- Heartwood Events aim was to run a limited number of family friendly events for the local community events including a gardening event, a children's festival and a wellness event with camping;
- It was becoming increasingly difficult to run viable events, and they wished to have a bar service to increase the potential income but felt that any music at events would be atmospheric but not the main focus of the events;
- After they had received and read the relevant representations the Applicants noted the points of concern raised by the local residents and assured that they did not want to upset their neighbours and cause a disturbance so had employed a Noise Management Consultant to advise them prior to and during events to minimise any disruption or noise nuisance to local residents;
- The Noise Management Consultant was aware of the site and would advise on the siting of stages and areas where music would be played; and
- The Applicants stated that they had been happy to agree to the conditions recommended by the Principal Environmental Health Officer to reduce the number of days would also be happy to reduce the hours for licensable activities to show their commitment to put on events that are suitable for the site and to build confidence in the local community and work with them to resolve any issues.

Sub Committee Member's questions

In response to the Members questions to the Applicant, the following points of clarification were given:

- When the application had been prepared, they had focused on the end times for the licensable activities and not given as much thought to the start times, but noted that having music and the sale of alcohol from 9am was not conducive to a family friendly event and would be happy for the application to be amended so that licensable activities to start at 12 noon;

Questions from those who made a relevant representation

In response to questions to the Applicant from those that had made a relevant representation, the following points of clarification were given:

- There would be further community engagement, and it was proposed to host a Q&A session in a local café perhaps on a monthly basis and collect a list of those who would be interested to receive further details about events, and they could then be messaged directly in that regard
- There was some community engagement when the application was submitted, and the Applicants did a letter drop to a number of neighbouring properties, but it was acknowledged that some may have been missed and that they would be happy to engage with local residents going forward;
- The Applicant had met with some residents in Upton Scudamore and sent information to the Parish Council but apologised if some residents with concerns were missed; and
- Clarification was given as to the siting of the proposed stage and marquee in relation to the map of the area to those present at the meeting.

There were no representatives of Responsible Authorities present.

Submissions from those who made relevant representations

Representation 1 – Upton Scudamore Parish Council

- The Parish Council had noted that there had been several planning applications for this old golf course to improve the viability of the site which they had not objected to. However, there had been previous events held at this site that had caused considerable distress to local residents and livestock, and there was of course concern about any future events with music and alcohol involved;
- It was noted that those in support of the application did not live locally and so would not be affected by any disturbances from the site and it was felt that the plans for the events lacked clarity;
- They did not feel it was relevant or a need for 14 hours of music and alcohol for the events that they were proposing, and details had only been given for 3 out of the 5 planned events. Whilst it was noted that the Applicants

had experience in large scale events, they did not have experience of this site, and they did not feel that the proposed conditions would adequately protect the local community and businesses;

- It was noted that there would be noise monitoring but felt there was no indication as to what were reasonable sound levels. It was appreciated that there would be a hotline to call if there were issues during an event but would want assurance that this would be answered and action taken as required to resolve issues;
- There were a number of noise sensitive premises nearby and it was felt that an increased attendance on the site would exacerbate issues – and that the Sub-Committee should consider the need for local businesses to have their livelihoods protected and that they should consider the health and welfare of the residential community surrounding the site.

Representation 3 – Cllr Bill Parks – Local Unitary Councillor

- There had been a long history of premises licences and Temporary Events Notices at this site which had caused concern over a number of years and whilst it was noted that the Principal Environmental Health Officer's proposed conditions had been accepted by the Applicant there still remained serious concerns from the residents living in Short Street, Chalcot and Hisomley;
- There was concern for the amplified music being played inside tented structures and on stages outside and felt that these would affect local residents. It was felt that to play music from 9am particularly on a Sunday was unreasonable and that there should be peace and tranquillity for those especially at their morning worship; and
- The Sub-Committee were requested to consider rejecting the application or at the very least seek to reduce the hours for the licensable activities.

Representation 15 – Resident from Short Street, Chapmanslade

- Welcomed the developments made at Thoulstone Park included the café and the outdoor activities – quiet ones are appreciated and thanked the Applicant for being accessible and responding to their call to discuss concerns;
- Felt it was important to engage with local neighbours and those with businesses and that they were supportive of family friendly events, however there had been considerable disturbance from events held on the site previously and their windows had rattled with the noise as the levels were far too high. There was extreme concern particularly for the elderly and unwell in the area as well as the noise vibrations the stress of noise and personal reactions to it was also a negative;

- Because of the landscape there was little attenuation from events that take place at the site, and this was known from previous experience. They were glad to note that there had been an offered reduction in the timings for licensable activities; and
- There was concern about road access and the exit and egress from the A36 which was felt to be a dangerous stretch of road which large numbers coming into and leaving the site before and after events.

Representation 17 – Resident from Short Street, Chapmanslade

This resident confirmed that they did not wish to add anything further at this point.

Representation 5 – Resident from Hisomley, Dilton Marsh (also speaking on behalf of representations 6 and 12)

- They had similar concerns to those that were raised at the previous hearing for a premises licence for this site and that they had been running a horse livery business for over 20 years and that their family relied on the income from this business. Following the music festival event held under a TEN last year some of their customers had indicated that they would leave their services because of the noise disturbances to the horses;
- It was stated that Thoulstone Park was situated on a hill and was close to the high point of their farm, because of this all amplified sound travelled across the area and affects the community;
- At the music festival event held at the site in 2023 noise monitoring was carried out in the bedroom of their property and the noise was excessive and not in line with the Noise Management Plan;
- They were concerned that they would not be able to retain existing customers or attract new customers if there were to be a number of music events held at the site, the noise was a stress to their horses, and this could lead to a long term loss of earning.
- There had also been problems with patrons that had attended festivals on the site before with some trespassing on their land, lighting fires that could destroy their harvest, sleeping in their barns and leaving litter which ends up on their premises. They were not confident that incidences like this would not reoccur and could so no plans to mitigate any of these concerns; and
- They felt that there was no consideration for the existing rural businesses in the area or any ways to compensate for the loss of livelihood in a quiet residential area which could reduce their quality of life and on behalf of their family they strongly objected to the application.

Sub Committee Members' questions

In response to the Member's questions to those that made relevant representations, the following points of clarification were given :

- They would wish for a site in Upton Scudamore to be included in the list of noise monitored locations;
- There was a wish for a monitored phone line to be provided and answered by someone who was able to act on any concerns raised as soon as possible; and
- If the licence was granted there would be a Noise Management Plan in place for each event and this would include noise monitoring, and it was hoped that the Applicant would expand on this in their summation.

The Chairman acknowledged that whilst there had been a number of problems caused by events held at the site previously, the had to consider the application before them today on its merits. The Chairman gave details of the premises licence review process that was available to anyone who experienced concerns if a licence was granted, and events then went on to cause problems.

Questions from the Applicant:

In response to questions from the Applicant to those that made relevant representations, the following points of clarification were given :

- Apologies were given to any local residents that did not receive a letter regarding the application and that as a business they wished to run a community event, not cause harm to those living in the area and to work with residents and the Noise Management Consultant and be responsive and pre-emptive with any issues that could arise.

Closing submissions from those who made relevant representations

In their closing submission, the those that made a relevant representation in objection to the application highlighted the following:

Representation 3 – Cllr Bill Parks – Local Unitary Councillor

- Whilst the Applicant's desire for events at the site are understood, the Sub-Committee were asked to consider carefully the timings of licensable activities, especially on Sunday mornings and the propagation of noise at the highest levels on the site.

Applicant's closing submission

In their closing submission, the Applicants highlighted the following:

- They were not proposing for their events to be music festivals – music was an addition to what they had planned. They would have forest school events with play sessions and music from local schools, not main stage music acts, they could limit the number of stages to just one;
- Whilst the highways was not an issue for consideration today, they would of course manage the access to and from the site and have a traffic management plan as it is a major road. They would also have rules about no glass on the site and no fires and wished to offer that reassurance;
- Confirmation was given that they were happy to change the start times for the licensable activities from 9am to 12 noon each day;
- It was noted that there had been concerns raised around the complaints and monitoring procedure – they wished to reassure that there would be a clear procedure with someone monitoring the phone line who could be in direct contact with the Noise Management Consultant who would then go the location of concern and ask for a reduction in sound as he would be able to directly command the sound engineers working on the stages etc; and
- They were confident that concerns would be handled quickly and that in the Noise Management Plan they would set clear noise limits that were realistic, although these would not be set in stone and if it was felt that these levels were too high at the event then could be reduced and if there were still complaints they will still lower the noise limits as they want to work with community and not cause them any problems.

Points of Clarification Requested by the Sub Committee

The following points were clarified for the Sub Committee

- That the Noise Management Plan would give details of who to contact with any problems that arise at events.

The Sub Committee then adjourned at 11.33am and retired with the Legal representative and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 12.10pm.

The Legal representative advised that the Sub Committee members had listened carefully to the information put forward by the Applicants and those that had made relevant representations. It was noted that no Responsible Authorities had made a representation. The Sub Committee had made their evidence based decision based upon the Licensing Act 2003 including the four licensing objectives and the Council's Statement of Licensing Policy. They felt that they had balanced the competing objectives of the need to encourage

worthwhile community events taking place whilst also considering the rights of the residential community in the surrounding area.

The Western Area Licensing Sub Committee RESOLVED:

Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for a Premises Licence in respect of (Thoulstone Park, Chapmanslade, Westbury) be **GRANTED** for the licensable activities as amended and shown below:

Licensable Activities	Days	Timings
Sale of alcohol (on sales)	Friday	12:00 – 23:00
	Saturday	12:00 – 23:00
	Sunday	12:00 – 22:00
Plays, Films, Live Music, Recorded Music, Performance of Dance and the Provision of anything similar to live music, recorded music or performance of dance (indoors and outdoors)	Friday	12:00 – 23:00
	Saturday	12:00 – 23:00
	Sunday	12:00 – 22:00

Subject to the following conditions as proposed by the Environmental Health team and accepted by the Applicant prior to the hearing:

1. The frequency of events involving regulated entertainment shall be limited to:
 - a) a maximum of 5 separate events per year with a gap of at least 1 calendar month between each event
 - b) a maximum of 10 event days per year

2. A Noise Management Plan (NMP) shall be submitted to the licensing authority at least 4 months prior to the first event involving regulated entertainment. The NMP shall set out the practical steps on how noise will be managed at events including:
 - a) A map showing location of external noise monitoring positions located at nearby noise sensitive dwellings
 - b) Details of sound propagation testing arrangements prior to the event start
 - c) The background noise level (expressed as a LA90) and maximum music noise level not to be exceeded during an event (expressed as an LAeq) at each monitoring position

- d) Details on noise monitoring arrangements during an event including the qualification of the person undertaking the monitoring and procedures to be followed in the event of a breach of the music noise level at a monitoring position.
 - e) Communications to local residents, Chapmanslade and Upton Scudamore Parish Councils and the local unitary Councillors and inclusion of a noise 'hotline' to allow residents to contact the event organiser should they need to make a complaint during the event
 - f) Compliant handing procedure
3. A post event noise report shall be submitted by the applicant within 4 weeks of any request by the Licensing Authority. The report shall detail:
- a) All monitoring data at monitoring positions during the event
 - b) Confirmation on whether noise based licensing conditions were complied with
 - c) Any noise complaints received from residents and details of corrective actions taken.

(Duration of meeting: 10.30 am - 12.15 pm)

The Officer who has produced these minutes is Lisa Pullin of Democratic Services, direct line 01225 713015, e-mail lisa.pullin@wiltshire.gov.uk

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