

# WILTSHIRE COUNCIL

## WESTERN AREA LICENSING SUB COMMITTEE

19 NOVEMBER 2024

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### **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 Heartwood Events Ltd.

#### **2. Background Information**

- 2.1 An application for a Premises Licence in respect of Thoulstone Park has been made by Heartwood Events Ltd for which 21 relevant representations have been received. Of the 21 representations, 17 are opposed and 4 are in support of the application.
- 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
  - 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 9 September 2024 an application for a New Premises Licence was received and accepted as a valid application, this application was withdrawn and superseded with an amended application on 27 September 2024. The 28-

day consultation period was re-started with the submission of the amended application.

2.6 The application as applied for is as follows:

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

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

2.7 Licensing history of Thoulstone Park:

- 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.
- A Temporary Event Notice was submitted by Mr James Oliver for an event called Get On festival, 4-6 August 2023.
- The landowners, Mr and Mrs Hughes-Hallett, applied for a premises licence 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.
- Mr and Mrs Hughes-Hallett applied for a premises licence on 31 August 2023. This application was refused at hearing on 16 October 2023.
- A Temporary Event Notice was submitted by Adam Forrester for an event to be held 20-22 September 2024. An objection notice was issued by the Council's Environmental Health team and the applicant subsequently withdrew.

2.8 Heartwood Events Ltd/Jess Gould have no known history of licensable events or activities at Thoulstone Park.

2.9 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 The consultation end date was 25 October 2024, however the applicant displayed notices in the first week of consultation with the date of 27 October 2024. The applicant was informed that in the interest of fairness, any representations received on either 26 or 27 October 2024 would be accepted. **(Appendix 2)**

3.3 During the consultation period, Brett Warren Principal Environmental Health Officer for Wiltshire Council’s Environmental Protection and Control team was in liaison with Ms Gould of Heartwood Events Ltd 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 Ms Gould agreed to the proposed amendments and conditions set out by Mr Warren on 22 October 2024. **(Appendix 3)**.

3.4 The agreed conditions were emailed to Chapmanslade Parish Council, Upton Scudamore Parish Council and to those people who had made representations up to that date.

3.5 The response to the conditions from Chapmanslade Parish Council can be found at **Appendix 4**.

3.6 During the consultation period 17 relevant representations against the application have been received from 14 local residents, 1 from the Local Councillor and 2 from Parish Councils.

3.7 There were also 4 representations in support of the application.

#### **3.8 Representations Received**

In objection:

- Rep 1, Upton Scudamore Parish Council
- Rep 2, Short Street, Chapmanslade
- Rep 3, Councillor Parks
- Rep 4, Upton Scudamore
- Rep 5, Hisomley, Dilton Marsh
- Rep 6, Hisomley, Dilton Marsh
- Rep 7, Upton Scudamore

- Rep 8, Chapmanslade Parish Council
- Rep 9, Short Street, Chapmanslade
- Rep 10, Hisomley, Dilton Marsh
- Rep 11, Hisomley, Dilton Marsh
- Rep 12, Hisomley, Dilton Marsh
- Rep 13, Short Street, Chapmanslade
- Rep 14, Chalcot Lane, Chapmanslade
- Rep 15, Short Street, Chapmanslade
- Rep 16, Short Street, Chapmanslade
- Rep 17, Short Street, Chapmanslade

In support:

- Supporting Rep 1, Teilo Street, Cardiff
- Supporting Rep 2, Hillside Road, Winchester
- Supporting Rep 3, Lewis Crescent, Frome
- Supporting Rep 4, Orion Close, Warminster

### Responsible Authorities

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

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

| <b>Rep No.</b> | <b>Licensing Objective</b>                        | <b>Comments</b>  |
|----------------|---|--|
| 1              | Prevention of Public Nuisance                     | Noise from music, particularly outside   |
| 2              | Prevention of Public Nuisance                     | Caused by provision of loud music  |
| 3              | Prevention of Public Nuisance                     | Events hosted outdoors will likely generate a nuisance to surrounding villages   |
| 4              | Prevention of Public Nuisance                     | Noise from music, particularly outdoors  |
| 5              | Prevention of Public Nuisance                     | Noise from “open-air” amplified music causes stress to horses and a nuisance to surrounding residents                                |
| 6              | Prevention of Public Nuisance                     | Noise from music especially the bass will cause a nuisance at any time of day.   |
| 7              | Prevention of Public Nuisance                     | Amplified live and recorded music outside will cause a nuisance to people and animals in the area.                                   |
| 8              | Prevention of Public Nuisance                     | Late-night open-air events will create a significant public nuisance to the local community.   |
| 9              | Prevention of Public Nuisance                     | Amplified live and recorded music as well as sound from films in the “open-air” until 23:00hrs will cause a noise nuisance.          |
| 10             | Prevention of Public Nuisance/ crime and disorder | Belief that a three-day event will create disturbance to livestock from noise, noise pollution, litter, drug taking and criminality. |

|      |  |   |
|------|--|---|
| 11   | Prevention of Public Nuisance  | Bass from music in a marquee will cause anxiety and stress.   |
| 12   | Prevention of Public Nuisance  | Music especially the bass creates a stressful environment to work and socialise in.   |
| 13   | Prevention of Public Nuisance  | Site is located close enough to local houses to cause public nuisance in the form of noise produced by amplified live or recorded music.  |
| 14   | Prevention of Public Nuisance  | Noise from loud music being played at events.   |
| 15   | Prevention of Public Nuisance  | Significant disturbance from amplified music, particularly low bass frequencies.  |
| 16   | Prevention of Public Nuisance  | Site located close enough for live and recorded music to be a nuisance  |
| 17   | Prevention of Public Nuisance/ crime and disorder  | Site too close to Short Street for amplified music. Belief that there will be drug sales at events.   |
|      |  |   |
| SR 1 | Prevention of Public Nuisance/ Prevention of crime and disorder/ Public Safety/ Protection of Children from harm | Having worked with Ms Gould, the director of Heartwood Events Ltd, in a professional capacity over a number of years at a longstanding licensable event, they vouch that Ms Gould will fully comply with the four licensing objectives. |
| SR 2 | Prevention of Public Nuisance/ Prevention of crime and disorder/ Public Safety/ Protection of Children from harm | Having worked with Heartwood Events Ltd and having knowledge of their event management practices are confident they will uphold the four licensing objectives.  |
| SR 3 | Prevention of Public Nuisance/ Public Safety/ Protection of Children from harm                                   | Personal opinion and knowledge of the applicant's ability to satisfy the licensing objectives.  |
| SR 4 | Prevention of Public Nuisance/ Protection of Children from harm  | History of producing and managing events gives confidence that Heartwood Events Ltd will manage noise and disruption from site and will safeguard children.   |

- 3.11 The relevant representations against the application are attached as **Appendix 5**.
- 3.12 The relevant representations in support of the application are attached as **Appendix 6**.
- 3.13 Attached as **Appendix 7** is a plan which showing the location of Thoulstone Park. **Appendix 8** is a plan showing from where representations in opposition to the application have been made.

#### **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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Report Author: Carla Adkins

Public Protection (Licensing)

Date of Report: 4 November 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 Application and Plan**
- 2 Confirmation of consultation end date**
- 3 Agreement to proposed conditions**
- 4 Chapmanslade Parish Council's response to the proposed conditions**
- 5 Representations in opposition to the application**
- 6 Representations in support of the application**
- 7 Thoulstone Park location map**
- 8 Location map of opposing representations**