

# Public Agenda Pack



## **LICENSING SUB-COMMITTEE**

**Monday, 19 June 2023**

**10.00 am**

**Council Chamber, Council Offices, Cannards  
Grave Road, Shepton Mallet BA4 5BT**

### **SUPPLEMENT TO THE AGENDA**

To: The members of the Licensing Sub-Committee

We are now able to enclose the following information which was unavailable when the agenda was published:

Agenda Item 3      Objection Notice received in respect of Bath Rugby Limited, Farleigh House, Farleigh Hungerford, Bath, BA2 7RW (Pages 3 - 12)

To inform Members that an application has been made for a premises licence for Bath Rugby Limited Farleigh House, Farleigh Hungerford, Bath, BA2 7RW

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## Response from Farleigh Hungerford residents to the recently-added supplements 2 & 4

Residents of the neighbouring properties wish to respond to some of the new comments submitted by the applicant in recently-added supplements.

Ahead of the hearing, we wish to set things straight on a few key points.

### **Re: Supplement 4 - Item 04 - Bath Rugby Farleigh House Report 19.06.23 - Application Further Documentation - Appendix 1C**

<p><i>Pre-application consultation (page 7)</i></p> <p><i>Some of the representations suggest that there has been a lack of consultation and dialogue with local residents either in the lead up to or following submission of the application. This is... not a point that we accept. A residents meeting was held before the license application was submitted and discussions, about the forthcoming application.</i></p>	<p>At a regular meeting with local residents, Paul Hutton briefly mentioned that Bath Rugby would soon be making a license application in order to 'formalise what we are already doing' (the specific words used by Paul) but failed to mention that the purpose of the license was to launch a new business running large-scale events and weddings throughout the year, late into the night.</p> <p>Then after the application had been submitted and 24 hours before the notices went up, he made a call then sent an e-mail providing details to one of the neighbours.</p> <p>This is not what consultation looks like.</p>
<p><i>Responsible authorities (page 8)</i></p> <p><i>There are no representations from any of the responsible authorities.</i></p>	<p>Norton St Philip Parish Council submitted a representation objecting (see appendix 31), it is also worth noting that Councillor Adam Boyden submitted a representation too, also raising concerns.</p> <p>If the point is being made that the police didn't object to the application, we ask just because the police didn't object to the application does that automatically mean it must be okay? Can Bath Rugby provide evidence that the police generally DO respond to licensing applications? Otherwise it's a speculative and insubstantial attempt to undermine our objections, painting them as less legitimate because they are not corroborated by an authority figure.</p>
<p><i>Planning (page 9)</i></p>	<p>After reading this assertion, one of our neighbours checked the position with Planning Enforcement officer Andy Dearing,</p>

<p><i>We believe that planning permission is correctly in place for this premises and this application.</i></p>	<p>he replied with an email at 13:35 on 15 June 2023, as follows:</p> <p>'The Council has made it clear to their planning agent if such a use as proposed commences the Council will take appropriate and proportionate enforcement action.'</p> <p>As such, their statement appears to be somewhat misleading. It calls into question how far they could be trusted to meet any conditions placed on the club, in the event that a license were to be granted.</p>
<p><i>Reputation (page 5)</i></p> <p><i>We do invite the committee to consider that the reputational issues for Bath Rugby Club are an additional lockstep in ensuring that matters are attended to correctly and professionally. Candidly, it would be of significant harm and damage to the business and indeed "the brand" were the activities at this site not to be conducted professionally and with a minimum of intrusion.</i></p>	<p>The applicant may state this, yet they seem willing to proceed with an application for a Premises License to support an activity for which they have been told if it goes ahead there will be a planning enforcement action against it, which would indeed damage their business and brand. It is reasonable to ask how this sits with their statement about reputation and poses questions about the integrity of the application.</p> <p>In any case, no matter how professionally they conduct themselves, the volume of traffic and noise allowed by the license will be necessarily intrusive.</p>
<p><i>Road Network (page 9)</i></p> <p><i>It is... suggested... that a number of vehicles attending the premises will in and of themselves create public nuisance. We entirely refute that suggestion. The numbers in attendance and the number of events in any one year simply don't allow for that conclusion.</i></p>	<p>This is dismissive. Their argument about traffic is basically - it's not our concern, and then but it's not a big deal anyway!</p> <p>The reality is that the traffic generated by each individual event will cause public nuisance and safety issues so this is directly related to the license, and the volume of traffic over the course of time is we believe, a legitimate concern.</p> <p>For example, if there are 200 person journeys made when people arrive at the event then 200 departures, plus 50 people returning to collect their car the following day then departing again, plus 50 staff connected with the event in any form arriving then departing again, that means 600 x arrivals/departures generated by any one event.</p> <p>That multiplied by however many events each year would amount to a significant number and would clearly create a public nuisance. It's especially the case as they</p>

	<p>would be arriving all at once, created a long stream of cars making their way down single-track lanes entirely unsuited to such a level of traffic. What happens when there's a car (or tractor) trying to come the other way, and is the noise and nuisance that would be generated by the convoy each time not in fact a significant public nuisance?</p>
<p><i>Premises (page 5)</i></p> <p><i>This application seeks to allow the premises to conduct some additional activities such as weddings, business conferences and events.</i></p>	<p>To date these have all been related to the club, with the exception of small corporate events. The type of events envisaged - that entail music and alcohol until 1am - are much greater in scope and would impact on the local community and environment far more significantly.</p>
<p><i>Bath Rugby Club (page 5)</i></p> <p><i>The organisation have considerable experience of delivering events and managing large volumes (much larger volumes than here) of attendees to and from a site, under strict regulatory control.</i></p>	<p>While Bath Rugby have experience of managing events taking place at their grounds in Bath, the activities this application concerns relate to a different site, and they would introduce a volume of traffic and noise to Farleigh Hungerford that have never existed here before.</p>
<p><i>Operating schedule (page 6)</i></p> <p><i>In our submission, there is a significant operating schedule proposed which provides comprehensive protection, through conditions, contained within the application.</i></p>	<p>Much of this section deals with logging issues. Our concern is that live music and alcohol late at night in a rural area will cause significant public disturbance and plans to log any issues does little to prevent such issues occurring in the first place.</p> <p>Later in the section, they repeat the phrase 'as far as practicable' a number of times, a tacit admission about the limitations of how they are really in a position to control the events to ensure that it won't cause a public nuisance, particularly once people have left the site.</p>
<p><i>Traffic Management (page 9)</i></p> <p><i>A traffic management plan is proposed within the papers, and contained within your agenda which sets out perfectly legitimate, practical and sensible measures with a view to minimising the impact that the operations proposed will have on the local community.</i></p>	<p>We don't agree that the traffic management plan recently provided will sufficiently mitigate the concerned issues. See more below.</p>

<p><i>Noise and Nuisance (page 9)</i></p> <p><i>Our clients are fully committed to ensuring that this premises does not unreasonably intrude into neighbouring premises, whether through noise or activities. We say that the conditions, and the additional policies that have been provided, attend to matters correctly and proportionately.</i></p>	<p>We don't agree that the noise management plan recently provided will sufficiently mitigate the concerned issues either. See more below.</p> <p>Also, it is a relevant consideration that the noise of traffic and a large party is less noticeable in an already noisy or moderately noisy environment, e.g. a city or town. In a very quiet rural area, these constitute more of a public nuisance because at midnight on a Friday, they would very likely be the only audible sounds. What constitutes public nuisance isn't necessarily an absolute - it can rely on context. Certain behaviour that would be fine in a public park might be less acceptable at a National Trust property, for example. The noise concern here does not only involve music but the volume of traffic, passing very close by a number of residences.</p>
<p><i>Each application on its individual merits (page 11)</i></p> <p><i>We do not accept, as some of the representations may suggest, that the mere existence of the activities will undermine the licencing objectives.</i></p>	<p>The licensing objectives state that prevention of public nuisance and ensuring public safety are two things that must be considered when coming to a decision.</p> <p>Amplified music outdoors so close by (whether in a marquee or not) would necessarily create a public nuisance, no matter the direction in which you place the speakers, and it would have an especially marked impact given how quiet the neighbourhood is.</p> <p>Also despite attempts to create alternative routes, the level of traffic that would necessarily be generated by the planned events with the existing access would create both a public nuisance and a safety issue.</p> <p>As such, we as a community believe that this application comes up significantly short when examined in the light of the licensing objectives, and as such should be refused.</p> <p>The activities for which Bath Rugby are applying for a license are inherently incompatible with the area where they plan to hold them: traffic access along narrow single-track country roads for a large volume of traffic, and very unwelcome noise that they would be unable to contain.</p>

*Each application on its individual merits  
(page 11)*

*The committee will we suggest want to consider the applicant, the nature, type and style of the operation, it's frequency and extent, the standards that the applicant will bring, the conditions that they propose, all of which we say is critical.*

We completely agree that the committee will want to consider the applicant, and what their previous behaviour and approach to this application demonstrates about the degree to which they are concerned with the affect on the local community. If Bath Rugby had truly wished to behave in a respectful and consultative manner on this occasion, they would have engaged in much more detailed discussion of their plans PRIOR to their application, including how they planned to mitigate traffic and noise issues. As to the nature, type and style of the operation and its frequency and extent, this license puts no limits on those, and all Bath Rugby have offered in terms of self-imposed limitations is only having 15 events this year, and 50 next. What about the following years? Their website advertises a wide range of possibilities in terms of the type and scope of events potentially taking place.

**Re: Supplement 2 - Item 04 - Bath Rugby Farleigh House Report 19.06.23 Application further documentation**

The first map (included by the applicant on page 5) shows (highlighted in pink) only 5 neighbouring properties that would be affected by Bath Rugby's plans. The map below it (which we are now providing) shows by contrast (using red dots) the actual number of residential properties affected (23 properties). It is worth noting that while some of these shown are properties owned by Bath Rugby, it does not necessarily follow that all of them would welcome the additional noise etc that would be created by the events.

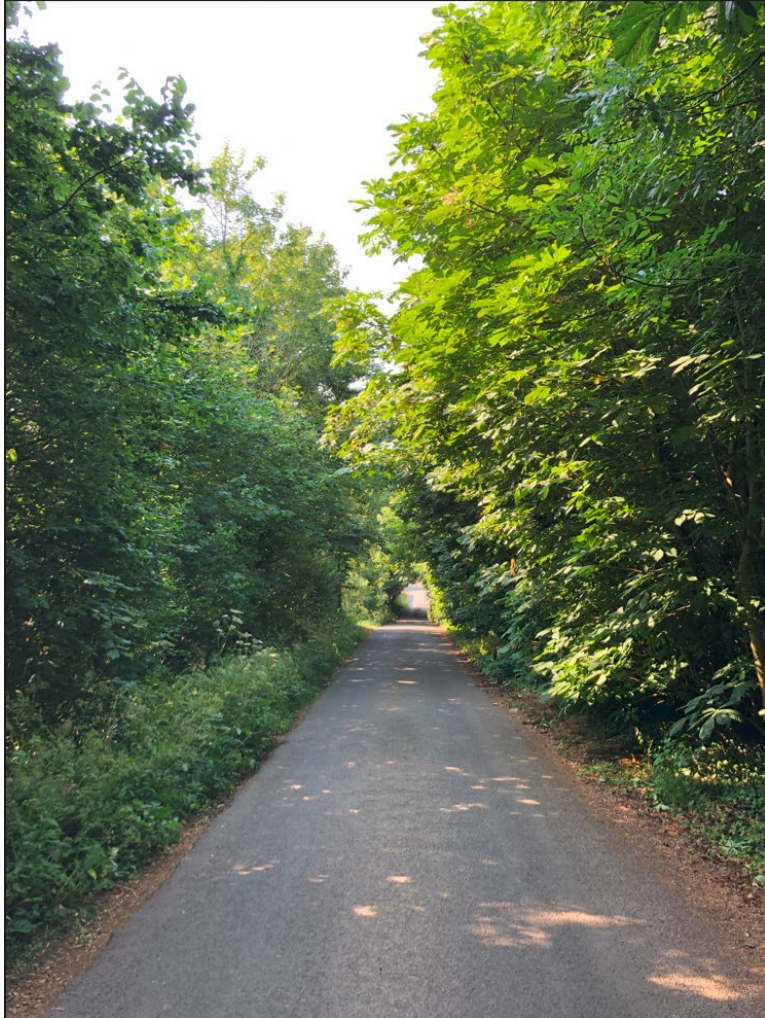




This photograph, to be found on page 11, is one of four that show the large sweeping area of tarmac at the entrance to Farleigh House. The four photographs taken together could falsely give the impression of wide roads locally with acres of space.



The photograph we include below shows the reality rather more realistically – it shows the single-track road that the majority of cars accessing the site use, that relies on passing places to allow cars to pass each other. The Tellisford road to the south has even longer stretches without passing places, so is less accessible than this.



### Regarding the suggested Noise Management plan

We don't believe that the mitigation measures proposed would adequately address the noise disturbance issues that would necessarily arise from having amplified music outdoors (including late at night) near to a residential area.

It would be right there across the lawn, so if they have music in a marquee and with all the neighbours where they are, it's clearly going to cause a disturbance.

In any case, it doesn't state a specific decibel limit, which would leave Bath Rugby solely in control of what they consider reasonable, and we don't have good reason to believe that they would always act with our best interests at heart, no matter what they say and especially if the financial incentive is there to prioritise satisfying paying guests rather than showing due consideration for their neighbours.

### Regarding the suggested Traffic Management plan

We don't believe that the mitigation measures proposed would adequately address the traffic issues that would necessarily arise from holding large-scale events at Farleigh House with its current access routes.


<p><i>Vehicles arriving to site (page 16)</i></p> <p><i>What3Words location will be shared with all taxi companies instead of postcode, dedicated to our exact location. This is a dedicated location-based technology designed for increased accuracy.</i></p>	<p>Whilst in theory this would be a great solution, we are well aware that in practice people very frequently revert to using postcodes for their satnav, even when advised not to. We know this because our postcode covers a number of properties spread over a wide area (that also includes Farleigh House), and so isn't location-specific.</p> <p>We have often given the What3Words address for our house to delivery drivers and friends visiting etc, and very frequently they will call up lost, having arrived at the wrong location using the postcode. This would be likely to happen frequently and so What3Words is not the silver bullet it appears to be.</p>
<p><i>Vehicles exiting the site (page 16)</i></p> <p><i>All event traffic will be directed to exit the site via the current entrance and encouraged to turn right out of the property, towards Rode on the Telisford Road.</i></p>	<p>While guests can be 'encouraged' to leave the site using the southern route to Tellisford, by the time they are there they are no longer on Bath Rugby's property and so it would be their choice.</p> <p>As the majority of guests would be likely to be heading for locations north, east and west of the venue after the event finishes, and the route south via Rode adds quite some distance, it's highly likely that many guests may choose to ignore the 'encouragement' from staff to head southwards. This would be especially the case where a guest was in a taxi and paying by the distance covered.</p>

Finally, please see below this e-mail exchange dating from July 2016, when a wedding was held which caused a major disturbance for the neighbourhood.

As you'll see, Bath Rugby emailed to say that quite a bit of planning had been putting in place to ensure that it didn't cause a disturbance to the neighbourhood, but nevertheless goes on to acknowledge that 'clearly our planning was not up to scratch'.

Despite trying to put adequate control measures in place, they didn't - or perhaps found that they were unable to - do so.

Sun 03/07/2016 11:19

 [Redacted]  
Saturday night event

To: Alex Cohen

Cc: Sarah.Penman@bathrugby.com; [Redacted]; Simon Pugh-Jones

Dear Alex,

I would be grateful for a discussion with you this week regarding the event in the marquee at Farleigh House this weekend. We found it difficult to get to sleep because of the loud music and were woken again later in the night.

I think there may have been another party going on within audible range as I was also woken at 4.15 am by a very persistent bass beat, but find it difficult to believe that Bath Rugby would have the Farleigh site to go on that late?

Rex, Sue and John have all mentioned the traffic aspect to last night's event, so I won't repeat that here except to say that it is particularly unfair to Sue to have traffic leaving late at night.

There is a basic etiquette which makes it polite to warn one's neighbours if you are holding a party and to inform them what time it will finish.

If Bath Rugby want the support of their neighbours for the expansion of 'non rugby' activity at Farleigh House, then I am afraid you are running out of bridges to burn.


My mobile is [Redacted]

Regards,

[Redacted]


Sent from my iPad=

Mon 04/07/2016 08:14

 Alex Cohen <Alex.Cohen@bathrugby.com>  
Event on Saturday Night

To: [Redacted]

Cc: Sarah Penman; Simon Pugh-Jones

 You replied to this message on 04/07/2016 13:39.

Dear all

Firstly, humble apologies for the inconvenience you suffered on Saturday night due to the noise. We actually did quite a lot of planning to make sure the event did not disturb you, including siting the marquee and insisting that the majority of guests arrived by coach. Clearly our planning was not up to scratch and I was not informed that the music would be playing until 1am – I don't think that was what was intended.

Sarah and I will look into it and come back to you. Sorry to have in any way spoiled your weekends.

Regards

Alex

**Alex Cohen**  
Head of Operations

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