

REPRESENTATION FORM

OTHER PERSON (Person/Body)

Your Name/Company Name/Name of Body you represent	Simon Hill
Postal and email address	
Contact telephone number	

Name of the premises you are making a representation about	Bath Rugby Limited (BRL), Farleigh House
Address of the premises you are making a representation about	Farleigh House, Farleigh Hungerford, Bath, BA2 7RW

The recently implemented Police Reform and Social Responsibility Act 2011 has removed the term '*interested party*' from the Licensing Act 2003 '*the Act*', to be replaced by the term Other Person.

Other persons

An other person for the purposes of the 2003 Act means the following (as per section 13 of the 2003 Act):-

- (a) *persons who live, or are involved in a business, in the relevant licensing authority's area*
- (b) *a body representing persons who live in the relevant licensing authority's area*
- (c) *a person involved in a business in the relevant licensing authority's area*
- (d) *a body representing persons involved in such businesses,*
- (e) *a member of the relevant licensing authority.*

Furthermore the 'vicinity' test has also been removed from 'the Act'. It is for the objector to evidence how they would be affected by the presence of the trading of the business in question. The terms vicinity and interested persons are still referred to within the Mendip District Council Statement of Licensing Policy and should be disregarded.

Please detail the approximate distance between yourself and the premises applying for a licence	350 metres to Licensable Area and about 400 metres from Farleigh House
Your representation must relate to one of the four Licensing Objectives. Please detail	Please detail the evidence supporting your representation and the reason for your representation. (Please use separate sheets if necessary)
TO PREVENT CRIME AND DISORDER	The Crime and Disorder Act 1998 ('CDA') has established that the responsibility of reducing crime does not fall solely to the Police. Section 17 of the CDA requires local authorities to consider the crime and disorder implications of all their activities and functions and do all that they reasonably can to reduce these problems.

	<p>In terms of any crime, disorder or anti-social behaviour at the premises or related to the management of the premises, this would be down to the management of Bath Rugby to control, limit and handle within the parameters of any conditions that are set by the local authority. Bath Rugby's proposed operating conditions make only limited and oblique references to such management.</p> <p>Bath Rugby has elected to make a wide ranging License application with public access for up to 200 people in 21 out of 24 hours every day of the year, and with alcohol on sale from 10.00 to 01.00 on every Friday and Saturday and 10.00 to 23.30 Sunday to Thursday throughout the year with an additional 30 minutes drinking up time.</p> <p>In making the application on the scale as drawn and having made the choice to offer no indication as to how they might manage or reduce disorder or anti-social behaviour, Bath Rugby are ill-prepared and have given insufficient thought to the impact or likely consequences of their proposals.</p> <p>Bath Rugby could have included in operating conditions a provision that no person should be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage, together with their proposals for how they could enforce such a condition but no such condition or anything of any similar nature has been offered by Bath Rugby.</p> <p>It is likely, therefore, that the proposed Licensed activities will result in an increase in crime and disorderly behaviour.</p> <p>Without prejudice to this objection, we consider that disorder or anti-social behaviour would be less likely to occur if the sale of alcohol was restricted to no later than 1500 hours on the premises. No person should be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.</p>
PUBLIC SAFETY	<p>Public safety is a major concern. It is not unreasonable for the Council, as local highway authority, to take into account the wider public in the vicinity of the licensable area. This is a rural, countryside location, and the holding of events for up to 200 guests would significantly increase traffic arriving and leaving in 'surges'. Most people will be unfamiliar with the area and will find themselves using a part of the local highway network that is narrow, single carriageway, with blind bends, no footways or provision for non-motorised transport modes, walking and cycling.</p> <p>Bath Rugby has applied for a Licence that provides for up to 200 members of the public, together with entertainers, caterers, waiting staff, management staff and marshalls to gather in this rural, countryside location from 05.00 and potentially only finally leaving the site at 02.00 or 03.00 following clearing up after events.</p> <p>The premises are served by an unsuitable highway network that is incapable of safely accommodating this extra traffic. The road to Farleigh House forms part of the Macmillan Way an established walking path and is on the Wiltshire cycle route from Bradford-on-Avon to Mere and is much used by walkers. There is a very real risk of injury as much of that traffic would be unfamiliar with the area, using a part of the local highway network that is allowed to travel at up to 60mph on narrow, single carriageways, with blind bends, no footways, no lighting or provision for walkers and cyclists.</p>

(Note: all the lanes approaching Farleigh House from the A366 are national speed limit despite being single track).

Many of the houses on Tellisford Road on the approach to Fareligh House front on to the road with no protecting front walls or gardens. East Lodge on Tellisford Road and Brook Cottage on Church Farm Lane are on blind bends.

Tellisford Road, from the A366 past the church and to Tellisford village is a well used part of the Macmillan Way walking path and is on the Wiltshire cycle route from Bradford-on-Avon to Mere.

There are 15 young children (including my 10 year old and 7 year old daughters) who live on the route to the premises along Tellisford Road from the A366 down to East Lodge and along past Hermitage House and up past Hillside Farm.

It is obvious, therefore, that the approach roads to the Licensable area are entirely unsuited to the arrival of numerous vehicles, be they private cars, taxis, or, even worse, mini-buses and coaches.

There have already been a number of safety issues experienced by local residents caused by:

- The number of vehicles visiting Farleigh House, especially at peak arrival times
- Vehicles visiting Farleigh House other than via the recommended one way system, specifically those approaching via Church Farm Lane, in particular delivery vehicles
- The confusion arising from SatNav systems directing visitors via narrow lanes rather than the main Tellisford Road
- Excess speed and poor driver behaviour along neighbouring lanes
- The area in front of East Lodge becoming a car/taxi dropping off and pick up area.

It is already clear that the level of traffic approaching Farleigh House on a daily basis is not sustainable.

There is an existing 'Travel Plan' associated with the corporate training activities at the site. Despite numerous attempts by local residents to encourage Bath Rugby to manage their own 'Travel Plan' more proactively, such efforts have been largely ignored and the Plan is ineffective.

Bath Rugby has chosen not to support this application with any form of additional traffic management plan, or even a basic assumption around the increase in volume of traffic expected, let alone how it would be managed so as to cause no further increase in volumes or an increase in the occurrence of the safety issues noted above.

Bath Rugby has made almost no concrete suggestions as to how they might approach traffic management, including the use of marshalls on the approaches to the property; this will inevitably lead to further nuisance as the noise of marshalls directing traffic at 01.30 or later would be almost as bad as the traffic itself. It would also emphasise the embattled feeling that would exist as hi-viz vested marshalls stand around the lanes at all hours of the day and night.

	<p>As there is no realistic access from public transport, nor are there safe and convenient routes for cyclists and pedestrians, I do not believe that any Travel Plan using the public highways accessing the site from the A366 could be effective, particularly considering the dramatically increased volumes that would be generated by the proposed Licensed activities.</p> <p>The premises are served by an unsuitable highway network that is simply incapable of safely accommodating the extra traffic generated by up to 200 wedding guests and associated services.</p> <p>This constitutes a hazard to all road users and prejudices public safety, which should not, in the public interest, be countenanced.</p>
<p>TO PREVENT PUBLIC NUISANCE</p>	<p>Public nuisance is a major concern: The application seeks to introduce a late-night entertainment venue into a quiet rural location operational seven days-a-week with all but a limited number of hours of the day free from disturbance. Farleigh Hungerford, Farleigh House and the countryside are all situated where passing traffic is normally the only interruption to the tranquillity which pervades this locality apart from long-established sounds of the countryside and farming activities.</p> <p>The conditions attached to the current planning permissions which relate to Bath Rugby and its activities are all designed ‘to safeguard the living conditions for occupants of neighbouring properties’. The proposed hours of operation go far beyond that which is permitted under those planning conditions.</p> <p>No effort has been made to compare noise in the current environment with the noise that would result from the proposed activities.</p> <p>Bath Rugby plan to have a noise reduction plan based on the use of special speakers, prescribed “noise levels”, test noise with a meter and direct noise equipment away from the hamlet but no such documented plan has been submitted with the application and neither has Bath Rugby chosen to share such a documented plan with local residents.</p> <p>Bath Rugby has chosen to submit the application without providing any information to reasonably, fairly and properly reach a rational judgement on the prevention of public nuisance in relation to the amount of noise likely to emanate from the premises during the applied for hours of operation.</p> <p>Prior to submitting the application for a License or conducting any form of consultation with neighbours, Bath Rugby had already advertised the premises for events, on the assumption of being a licensed premises and including, inter alia:</p> <ul style="list-style-type: none"> • the provision of a helicopter landing area • samba bands on the lawn • live music outside in a marquee <p>Other than the obvious noise nuisance from amplified music in the open air “on the lawns”, it is also clear that:</p> <ul style="list-style-type: none"> • marquees offer no acoustic shielding; • sound amplification systems rely on not being tampered with to increase music sound levels; and • if inside the built structure, doors and windows must remain closed to be effective.

Inevitably, the use of the premises with doors open and in marquees with guests spilling out into the open air to enjoy a warm summer evening with no acoustic mitigation would lead to the uncontrolled emission of noise.

It is also not conceivable that on a hot summer evening staff are going to be able to control the behaviour of guests sufficient to prevent doors and windows being opened to ventilate the spaces within the building.

This will all result in a significant disturbance to neighbouring properties in a quiet rural community. Farleigh House held a wedding last year as a 'one-off' event and the noise disturbance in our house included the sound of the guests enjoying the event, significant levels of traffic, as well as the band during the live performance late at night but also throughout the day during rehearsal. Music being played along with the sound of revellers, late into the evening 7 days-a-week would cut through the tranquillity of the area, supported by the prevailing winds and topography. The prevailing winds are south-westerly and directly towards the main concentration of houses in the hamlet. The topography between the House and neighbouring properties which are situated slightly above Farleigh House further emphasises the impact of the noise.

Noise, disturbance and nuisance would also arise from the arrival and departure of guests, which would extend far beyond the 1.00am licence with, drinking up time, the departure of guests, then staff and suppliers so likely to extend to between 2.00 – 3.00am at best, further disturbing local residents and their sleep, after the first "surge" of departures. Late evening movements would amount to an unaccustomed level of traffic at what is likely to be an otherwise exceptionally quiet time, and we have no doubt that it would seriously disturb the sleep of local residents, the quality of life and the tranquillity of the area. Floodlighting around the proposed marquee and around the grounds simply adds to light pollution, ruining "dark skies", drawing attention to the activities and causing visual as well as audible/noise nuisance.

Any suggestion that the outside activities will be to the south of the built structure which would thereby shield the majority (but not all) of the hamlet from noise can be discounted; this is already proven from experience over the past 12 years from the rugby training ground and other functions held at the House.

It is also reasonable to suppose, in the absence of any proposed conditions from Bath Rugby, that fireworks may be a feature of such events. Apart from the obvious noise nuisance to neighbouring properties, and their household pets, Farleigh House is surrounded by farm land with livestock including sheep and horses grazing on adjoining fields; there are also thatched houses in the hamlet including our own thatched cottage. Fireworks would be a nuisance and a threat, potentially invalidating the ability of some households to secure insurance for their thatched properties.

It is fashionable for guests to want to film such occasions, including the use of camera drones. Drones overflying the Licensable Area would be an infringement of the privacy of the local residents and a noise nuisance.

For all of these reasons the living conditions of the neighbouring residents would be unacceptably harmed by reason of noise, disturbance and public nuisance; this would be late into the evening and early morning when local residents would not unreasonably expect a quiet night-time environment so they can sleep, rest and enjoy an

	<p>undisturbed night. Nuisance would be caused by the use of the House, event spaces and associated outside areas, local roads and drop-off/pick-up areas; this combined with the incessant frequency of events and large numbers of guests involved would be intolerable for residents and cannot be satisfactorily mitigated or controlled by Bath Rugby.</p> <p>I understand that a number of bookings (15) have already been taken for 2023, including a wedding on 8th July, on the basis of the advertised facilities and the proposed operating hours despite not having a Licence. Furthermore, I understand that if Bath Rugby are not successful in obtaining the applied for Licence, they may apply for Temporary Events Notices (TENS) to enable the already booked events to take place. Without sufficient scrutiny of such applications and the imposition of strict conditions, there is a danger that the Licensing Objectives will not be met in any event; the Licensing Panel should indicate that applications for TENS will be refused for the same reasons as this application should be refused.</p> <p>As well as the events already booked for 2023, Bath Rugby has stated that they envisage at least 50 licensed events per year from 2024, with the majority taking place within the Spring and Summer window; this could cause an unreasonable concentration of events, perhaps two or three per week in the summer months leading to local residents becoming embattled by the constant threat of nuisance.</p> <p>It is clear that the proposed activities would be many, unrelenting and severely disruptive causing an almost permanent public nuisance.</p>
<p>THE PREVENTION OF HARM TO CHILDREN</p>	<p>Whilst this refers to protecting children from activities on the premises, again, we do not think it is unreasonable for the Council, as highway authority, to take into account excessive traffic along lanes where the houses are a matter of feet from the road, making children vulnerable to road traffic injury. My children would no longer be able to grow up in the village with the expected freedoms of peaceful rural location where we can safely cycle, scoot or walk around the village (see picture 1.)</p> <p>My daughters' bedrooms also back on to the Tellisford Road so they are likely to suffer from the noise associated with intoxicated guests and heavy traffic late at night. The harm associated with sleep deprivation in children is well documented and the level of noise appears unreasonable for a rural location.</p>



Picture 1. Children scooting outside Farleigh Cottage

Suggested conditions that could be added to the licence to remedy your representation, or other suggestions you would like the Licensing Sub Committee to take into account

No more than one event in any four week period

No more than 12 events in any calendar year

No events to be held on any public holidays

The number of public attendees to be limited to 50 for any one event
Licensing hours to be limited to 12.00 to 22.00

The site should not be open to the public until 10.00 and all members of the public to have left the site before 22.30

The site should not be open to external service providers until 09.00

All members of staff and service providers to have left the site by 23.00
No residential accommodation on the site for guests

No live music and/or amplified sound outside the built structure

No fireworks

No drones

No traffic marshalls on the public highways

No person should be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage

Bath Rugby to provide a sound assessment of the current environment at all times of the day and night and propose sound limits to the satisfaction of the Licensing Panel prior to any License being granted.

	<p>Bath Rugby to provide a traffic management plan to the satisfaction of the Licensing Panel prior to any License being granted.</p> <p>No TENS applications to be made meaning that no Licensed events will take place unless a full Licence has been granted.</p>
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Generally if there is to be hearing to determine the premises licence (or club premises certificate) application, the Councillors will only be able to consider matters that have been previously disclosed. No new evidence can be introduced at the hearing. It is therefore imperative that you detail all matters that you wish to be considered on this initial representation. (Please attach additional sheets if necessary).

If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

All representations in their entirety, including your name and address, will be disclosed to the applicant for the premises licence.

E-signed: Simon Hill (by e-mail)

Date: 20.05.23

Please return this form along with any additional sheets to: The Licensing Department, Mendip District Council, Cannards Grave Road, Shepton Mallet. BA4 5BT. Or email to licensing@mendip.gov.uk

This form must be returned within the Statutory Period, which is generally 28 days from the date the notice was displayed on the premises or the date specified in the Public Notice in the newspaper. Please contact the Licensing Department to confirm this date.