



REPRESENTATION FORM

OTHER PERSON (Person/Body)

Your Name/Company Name/Name of Body you represent	Dr John Alexander Milne Davidson
Postal and email address	
Contact telephone number	

Name of the premises you are making a representation about	Bath Rugby Limited - Farleigh House
Address of the premises you are making a representation about	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):-

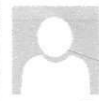
- (a) *persons who live, or are involved in a business, in the relevant licensing authority's area*
- (b) *a body representing persons who live in the relevant licensing authority's area*
- (c) *a person involved in a business in the relevant licensing authority's area*
- (d) *a body representing persons 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	250m
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 application asks for the right to sell alcohol in the following hours: Sun-Thurs: 10:00 – 23:00 which is 13 hours

	<p>There is a clear link between the number of hours when alcohol is available and the amount of alcohol consumed. With alcohol available for these very long periods requested in the license application there will inevitably be individuals on the site who will have consumed to excess. There seems to be negligible measures in place to prevent any attendees to the licensable site from straying out into the wider grounds. There is an unlit public footpath crossing the wider site, East/West, about 20m north of the licensable site. There are three houses in the space of 100m along this footpath, each of which have two very young children. There is therefore a considerable likelihood that these residents will have incidents of encountering individuals who have consumed too much alcohol and with the associated likelihood of antisocial behaviour and risk of confrontations. Managing such an issue on the completely open licensable site where guests are encouraged to wander and enjoy the setting, even were there to be some dedicated security presence will inevitably not be effective enough in the large open licensable site area to guarantee the prevention of individuals on the footpath and adjacent houses in a timely manner from encountering some level of contact with individuals who have consumed too much alcohol and are engaged in alcohol related anti-social behaviour.</p>
<p>PUBLIC SAFETY</p>	<p>There is a long standing and documented issue of road safety on the public highways serving the licensable area/premises. It is not unreasonable to for the licensing officer to take this into account for the safety of the attendees to the licensable area and also the wider public. This safety issue is caused in the main by a combination of the narrowness of the access lanes entering/leaving and inside the licensable area, the poor driver visibility and long history of careless and excessive speed driving for the conditions. By their long established nature witnessed on the approach and exit lanes these road safety issues will undoubtedly continue to be present for the same reason at the entrance/exit areas and inside the licensed premises. The very significant increase in the likely traffic levels if the license is granted will undoubtedly make the issue of public safety much worse than it is now. i.e. it will cause an increase in the danger to the public where it is already an ongoing issue. The following paragraphs give more detail of the situation.</p> <p>The site is accessed by very narrow and unclassified lanes. Farleigh House were mandated to operate a one way system for access to the site (and through the licensable area) when they received their usage permission as a Rugby HQ and training ground. Cars must enter Farleigh House, including the licensable area, via Tellisford Lane in the west and exit via Church Farm Lane to the east. See map below. I own the block of land between these two access lanes (Inside points A,B,D,E on the map). Church Farm Lane is a narrow single track and just wide enough for a car, with no verges for pedestrians and only one small informal 2 ft wide passing place (created by usage) near the top where it joins the A366. Cars exiting also use house access splays as passing places much to the annoyance of the residents. It is signed on the A366 as unsuitable for goods vehicles. Tellisford lane is similar but a little wider but not wide enough for 2 cars to pass and a gateway and road junction serve as passing places. The route marked on the map A – E is a well-used short walking circuit for the residents with the Tellisford Hill side being on the McMillan Way and national cycle route. My only access from my house at point A to our fields is at the gateway at point B. I therefore have to walk down Church Farm Lane against the flow of the exiting traffic and with no verge and this is a very dangerous activity, particularly at the blind corner by the small green area at the mid-point between point A and B. There has been a long standing problem on these lanes of near misses of pedestrians being narrowly missed by speeding cars entering and leaving the licensable area. Bath Rugby have tried to address this issue over the years by now having three signs on the A – B section asking vehicles to drive slowly and considerately and to drive slowly up the hill. This has had little effect to date and road safety is still a major issue on these access lanes .Pedestrians on these lanes very often have nowhere to step off the lane to avoid speeding vehicles because</p>

reported over the years by myself and other residents, to little effect as speeding and careless driving persists on both the access lanes for the licensable area:



Tue 18/04/2023 14:30

John Davidson

NA64VST - Grey Citroen hatch

To

Cc

You forwarded this message on 18/04/2023 14:30.

Dear [REDACTED],

Sorry to bother you but would you please be able to pass this on to whoever in Bath Rugby you think would be able to take a look to see if they recognise NA64VST - Grey Citroen hatch, as one of their young players. He came up round the corner by Brook Cottage at about 12:15 on Sunday as I was going down with my wheelbarrow. Same old story. He was going really fast round the corner. Made no attempt to slow down as he squeezed past me. In fact I think he had to speed up to do the swerve he had to make to avoid me. I could see him leaning over as he swerved and shot on up the hill. He is a real danger to pedestrians driving like that. I don't know if he was just some random young chap cutting through and so he may not be recognised by BR or he may have been involved with the Sunday morning training. A lot of those lads came out just after one o'clock and they were all very careful and courteous. Thanks in advance.

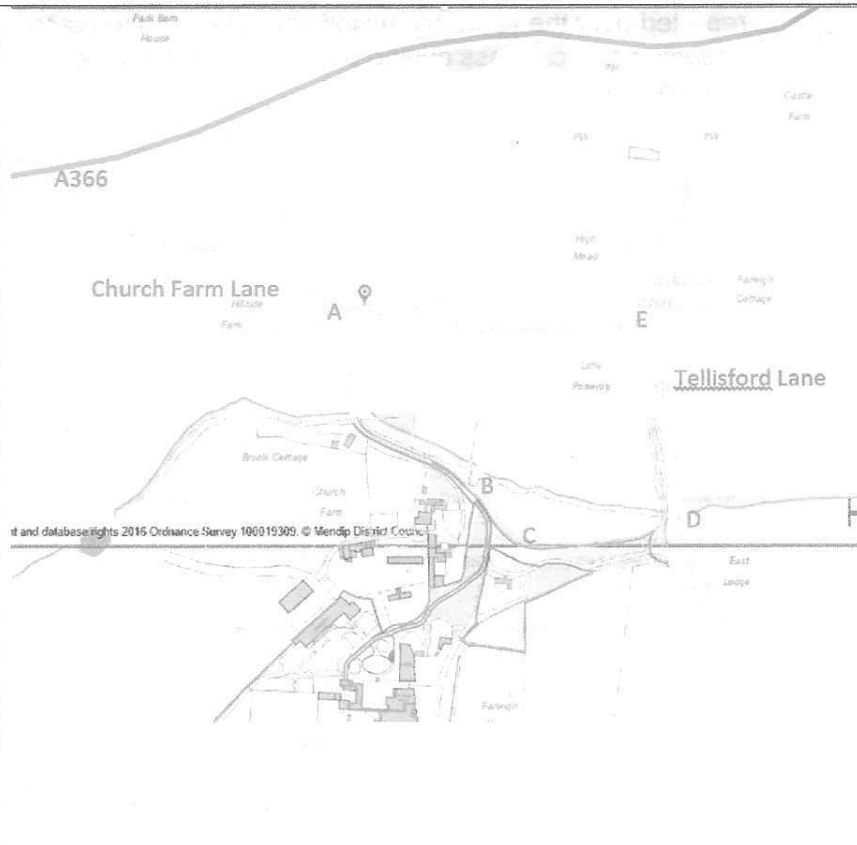
I hope you are on the mend [REDACTED] and not feeling too groggy. At least Bath got a better result than you had on Friday!

Best regards

John

The above describes the current situation which is predominantly in daytime hours due to the current traffic patterns. If a license is granted to the licensable area as requested, these problems will without question be extended into the night-time hours and will be made much worse and will further impact Public Safety by the following aspects:

1. The volume of vehicles trying to access the Farleigh House licensable area will be much increased.
2. Current access is by vehicles largely know to Bath Rugby and who are familiar with the one way system. The event vehicles to the licensed events will be new to Farleigh House and unfamiliar with the narrow lane routes and the one way convention. Many will follow their Satnavs which are as we have witnessed very often direct vehicles in the wrong way against the one way exit on Church Farm Lane. Just yesterday I spoke to one driver accessing Farleigh House by the exit route. He apologised and said that he wasn't familiar with the area and wasn't aware that there was an informal one way system for Farleigh House. There is likely to be a high proportion of this situation for people unfamiliar with the location who are just attending a one off event.
3. Leaving the licensable area will be in the dark with the possibility of the driver having consumed some or excess alcohol.



**TO PREVENT
PUBLIC NUISANCE**

Public nuisance is a major concern if the license is granted and for the hours and days requested. 365 days a year usage for the sale of alcohol is requested and during much extended hours from the current usage of Farleigh House. In particular the sale and consumption of alcohol at events on Bank Holidays, all weekend and into the small hours of the morning after midnight will create noise and nuisance at times where the residents have previously had nothing of that nature. Farleigh Hungerford is a very quiet and rural hamlet accessed by unclassified lanes. The houses in Farleigh Hungerford are predominantly built along the edge of these lanes with no intervening footpath. For example the front of my house (and bedroom) is 1.9m from the edge of the carriageway.

I have lived in my property for over 37 years and during this time I have witnessed the daytime traffic during normal working and travel hours (between 7am and 7pm) increase due to the usage at Farleigh House. However after these hours and on Bank Holidays the lanes are almost exclusively used by the small number of residents accessing their properties and I recognise virtually every car on the lanes. By 8pm it is exceptional to see or hear a car on the lanes by our house unless it is due to the exit of an evening event at Bath Rugby, which have occurred, but infrequently to date. The only vehicles I hear apart from that is a milk delivery 3 times a week at between 1:30am and 2:00am. The evening and night time periods in Farleigh Hungerford are currently therefore extremely quiet and undisturbed by traffic or any other noise. The introduction of alcohol sales under the terms of the license requested will put an end to that evening/night time/weekend/bank holiday peace and tranquillity and cause a significant public nuisance and disruption to the rights of the residents to have peaceful enjoyment of their homes..

As far as I am aware, the applicant has made no attempt to carry out a noise survey to find out what impact their activity will have in terms of noise disruption for the residences in Farleigh Hungerford. What all of the residents do know is that Farleigh House is positioned at about 300m distance at the bottom of a bowl landscape with the majority of the residents house at the top of the bowl and slightly above the level of Farleigh House. The prevailing wind is invariably from the south west and so the residents are very familiar with the situation that the daytime activities of training at Bath Rugby regularly produce a level of noise which is clearly audible at the residents houses, mine included. The level

understood. I have recordings from my house if proof of this is required. This is the situation at present during the daytime with the daytime background noise and so I am certain that the noise created by guests consuming alcohol with live/recorded music in the evening and night time hours will be equally loud and audible and will more than likely be perceived as **significantly** louder and more intrusive to the residents who are in their houses with windows open after dark and trying to sleep.

My understanding is that had the applicant done a noise assessment, most assessments will take an approach that the noise emissions from an event should not exceed the existing background noise level outside of a residential property by +5 dB (for up to 30 events), or +15 dB (for up to 12 events), before 11pm. After 11pm, source noise should be inaudible inside a bedroom with an open window, which is roughly <20 dB LAeq inside a bedroom, and 35 dB LAeq outside of the window. Based on the noise that we already hear from daytime usage for training, I am confident that in the very quiet evening and night time hours in Farleigh Hungerford, considering the unique topology of the houses being above Farleigh House, these levels will easily be breached by the new requested activity, in particular the "after 11pm" situation. I provide evidence in the tables below of the quietness of Farleigh Hungerford in the early/mid evening. These measurements were taken in 2019 when Bath Rugby submitted a planning application (now withdrawn) to extend their training hours to 21:00. There has been no material change in the usage and circumstances since these measurements were taken and I stand by them as an accurate reflection of the current ambient noise levels at those times. I surmise also that current ambient noise levels will decrease and not increase from these times to the requested end time of 1:30am in the license application. There is clearly a need for a full noise assessment before any license is granted.

These measurements were taken over two nights at the end of March and in the locations numbered on the map. They were taken with an iPhone SE with the "dB Meter" App. No wind shielding. The measured noise levels were consistent over the two evenings and show that all three locations have very low ambient noise levels. As a quantitative indication, the recording app categorised the average noise level as "Quiet Library".

The residents of the closest properties to Farleigh House Grounds have now had several years of experience of the type and level of noise generated by the training activities as mentioned above. This is both from training activities and traffic noise. The noise levels at the application site are of course affected by wind direction and they are at their most serious effect at the houses in locations 3, 4 and 5 when the wind is from a south or generally south westerly direction, which is the prevailing direction. Location 3 is 300m north of the licensable area in direct line of sight of the area in a slightly elevated position above the level of the area and therefore is particularly receptive to noise generated in the area. I provide a link below (IMG_1334) to download a video of the licensable site (zooming in to the proposed marquee site at the later part of the video) seen from just to the left of "location 3 Front" area taken at around 20:20 on the 19th May 23. I would encourage the licensing officer to view and listen to this 25second video to get some appreciation of what the impact of dropping a licensable area of the virtually unrestricted daily and hourly scope to the heart on our small, very quiet and tranquil hamlet, in terms of the public nuisance that it will introduce as described herein.

[IMG_1344.MOV](#)

Bath Rugby are aware of the residents' concerns about the above aspect because there have been previous noise complaints directly to Bath Rugby since they took over Farleigh House in 2010. In particular relating to music played in the gym buildings. As can be seen from the level of the evening noise

involving the sale of alcohol to a “quiet library” ambient noise level in the evening, and night time hours is going to have even more perceived impact than currently experienced with the daytime training noise. It is also not just about noise levels. A very significant aspect which also needs to be considered by the licensing officer when looking at this application, is the type of noise that is being generated (shouting and shrieking from individuals who have drunk too much) over periods of several hours in the quiet evening, and night time, weekend and bank holiday periods when residents can currently enjoy peaceful usage of their property amenities. This type prolonged and repeated noise creates a great level of annoyance, and nuisance even at only an addition of a small sound level increment in such a quiet environment.

I urge the licensing officer to give due consideration to the above and reject the current applications for the sale of alcohol at Farleigh House.

Ambient Evening noise measurements – no activity at Farleigh House

Location	Date	Time	Duration	Average	Peak	Comment
3 back	30-Mar-19	19:48	6:04	40	49	Background noise mainly from A366 Traffic. Background noise adding about 3 dB to ambient average. Occasional noise from breeze
3 Front	30-Mar-19	19:57	6:07	41	44	Two cars on Tellisford Lane. Background noise mainly from A366 Traffic. Background noise adding about 3 dB to ambient average
4	30-Mar-19	20:17	6:10	38	40	Barking dog. Occasional background noise from traffic on A366. Couple of instances of noise of a train from BoA direction.
5	30-Mar-19	20:26	6:21	37	39	Occasional background noise from traffic on A366.
3 back	30-Mar-19	20:35	6:23	38	42	Occasional background noise from traffic on A366.
5	31-Mar-19	20:36	6:01	38	43	Some contribution from light breeze noise in adjacent trees. Very little effect from A366 ad-hoc road noise.
3 back	31-Mar-19	20:44	6:01	38	48	Some contribution from light breeze noise blowing from east along the lane. Very little effect from A366 ad-hoc road noise.
4	31-	20:53	6:02	35	36	Sheltered position

General comment: With no cars passing on A366 the instantaneous reading was very consistently in the 35- 37dB range

30-Mar-19 - Weather was dry and clear with a very light breeze.

31-Mar-19 – Weather was dry and overcast with light breeze.

Measured on an iPhone SE with “dB Meter” App. No wind shielding.

Locations – See below and map

3 back = on lane behind Little Pomeroy

3 front = garden in front of Little Pomeroy

4 = Church Farm Lane just above Brook Cottage

5 = In front of Orchard View



THE PREVENTION OF HARM TO CHILDREN

There is no physical barrier to stop the children living at Hermitage House and The Stables or indeed any unaccompanied child on the public footpath from straying into the licensable area. These children regularly play sport and games on the grass in front of Hermitage House. I see them playing there today. This area directly borders the licensable area. They have no way of knowing that they are entering the licensable area. Straying into the licensable area unsupervised will expose children to the sale and consumption of alcohol and the issues raised above under the DISORDER section.

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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	The applicant should be required to do a full noise and traffic assessment (before the license is granted) to ensure that what they propose in the way of events to which the license application refers, do not produce a level of disturbance, public nuisance and public safety impact that would be unacceptable in the quite rural environment which has existed for the residents of Farleigh Hungerford for many, many years. Following that, if a license were granted, the hours and days when alcohol can be served should be significantly reduced to protect the living conditions of the residents of Farleigh Hungerford, particularly after 11pm, the weekends and bank holidays. Specific conditions should be included in any license grant rather than just granting "very wide rights on hours and days" and relying on residents to report issues to be investigated and maybe resolved by adding conditions. Many of the issues which will certainly arise with these "wide rights" are easily predictable and should be addressed now in any license grant by conditions.
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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.

Signature:  Date: 21/5/23

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.