

**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I** Suzanne McLaughlin

*(Insert name of applicant)*

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

**Part 1 – Premises or club premises details**

**Postal address of premises or, if none, ordnance survey map reference or description**

Trunkwell House  
Beech Hill Road  
Beech Hill  
Reading  
Berkshire

**Post town**

**Post code (if known)** RG7 2AT

**Name of premises licence holder or club holding club premises certificate (if known)**

Parsons Leisure Limited

**Number of premises licence or club premises certificate (if known)**

014110

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

✓

3) a member of the club to which this application relates (please complete (A) below)

☐

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title  
(for example, Rev)

**Surname**

**First names**

Please tick ✓ yes

**I am 18 years old or over**

☐

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Environmental Quality Team (Environmental Health – Pollution) Environmental Health & Licensing West Berkshire Council Market Street Newbury Berkshire RG14 5LD
Telephone number (if any) <b>01635 503242</b>
E-mail address (optional) Suzanne.mclaughlin@westberks.gov.uk

**This application to review relates to the following licensing objective(s)**

- |                                         |                                     |                                 |
|-----------------------------------------|-------------------------------------|---------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/>            | Please tick one or more boxes ✓ |
| 2) public safety                        | <input type="checkbox"/>            |                                 |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |                                 |
| 4) the protection of children from harm | <input type="checkbox"/>            |                                 |

Please state the ground(s) for review (please read guidance note 2)

This application for the premise licence for Trunkwell House to be reviewed is made as Environmental Health (Pollution) consider Trunkwell House are failing to prevent public nuisance as complaints of noise from live and recorded music from the events in the two marquees, the noise disturbance from people screaming, shouting and cheering, some of which is associated with the use of the dodgems, and bangs from fireworks, have been made.

The live and recorded music is from inside the marquees. The dodgems have previously been located inside a separate marquee, however not on the evening of 23/09/16. The noise from people is from inside the marquees as well as the use of the garden areas.

Officers from the Environmental Quality Team of Environmental Health carried out their most recent monitoring on the evening of Friday 23/09/16. (See Map 1 for monitoring locations). At 22:26 close to parking area next to The Elm Tree Public House (monitoring location 1) the bass from the music was immediately apparent. At 22:39 close to the memorial (monitoring location 2) the bass and a tune of a song was audible. At 22:47 at the footpath adjacent to Tudor Cottage (monitoring location 3) the bass was audible as well as some screams. From 23:10 to 23:40 at Trunkwell Barn (monitoring location 4), the bass, music, screaming and shouting were audible. At this final location the analysis on the noise levels recorded with the Trojan noise meter, showed a higher pitch when screaming occurred. The recordings clearly identify the disturbance of screaming at 22:41, 22:49, 23:12 and 23:17. No noise was heard at the Village hall (monitoring location 5).

The Officers arrived at Trunkwell House paddock car park and they observed the dodgems were still operating at 23:50. The NMP ("version 07" was received on 19/09/16, see Appendix 1) states they will only operate between 22:00-23:30.

There is a history of complaints regarding noise and disturbance from the premises. Environmental Health has been notified of 20 occurrences from 18/01/16 to 02/10/16. From Map 2 it can be seen that there are residents within a 300m radius and the closest residential properties are 110 m to the south-east and 95m north.

The current premises licence holder has been in place since 18/01/16. Under the previous premise license holder an Abatement Notice under the Environmental Protection Act 1990 was served in February 2015, for noise from the amplified music, in particular the bass from the music was intrusive and was easily detected inside residential premises in the village of Beech Hill. It is acknowledged that some improvement, after the service of the Notice and appeal withdrawn, in the bass as a noise limiter was installed in the Grand marquee in August 2015.

The reason for the review is based on the frequency of events, the intensification in the use of the premises (the previous premise license holder advised on 11/08/16 at a meeting with Environmental Health that events are not held simultaneously), the increase in audibility of noise from the guests attending events and the timings (days of week etc) of when the events are taking place. This has lead to a change of noises affecting residents, i.e. an increase in people noise, and how often they are affected.

Also it is considered that there is a lack of management of the number and type of events. Late bookings are taken without consideration for the residents, e.g. the event on Tuesday 12/07/16 agreed to the provision of fireworks at very short notice and does so without the consideration of advising the residents.

Environmental Health does not have full confidence in the management of noise from the premises. The Noise Management Plan (NMP) has taken some time to be developed; and is neither in a satisfactory state of completion nor in a position to enable effective management to then be reviewed. Trunkwell House version 07 was submitted on 19/09/16. There appears to be a lack of understanding that the controls on noise need to be a package of measures and not a reliance on the noise limiters, all of which need to be effectively managed. Also there is a lack of

acknowledgement that the noise from music is not to only noise source of complaint and this need to be acknowledged and controlled. I am aware that the revised NMP does state that music will cease at certain times, but this has only been since 21/09/16. It is considered that the finish times during weekdays are too late. Environmental Health recommended that the times on Sundays were reduced in line with week days. Dodgems use has also been reduced and only to be provided to those events already booked by 21/09/16, but is between 22:00-23:30, which is considered too late, especially the future weekday Christmas parties. The premise license holder also stated at our site meeting on 24/08/16 that dodgems and other fairground rides would not be available unless already booked. Our concern is that the website states they are still available (as at on 17/10/16, see Appendix 2) in the Corporate packages including a photographs of a carousel and fairground rides. In addition in an email received on 10/10/16 (see Appendix 3) the Premise Licence holder advised that the event on 15/10/16 would not finish within the new finish time for a Saturday as this was already booked and it "was a constant battle for us to go back to existing bookings and tell them about the new time restrictions".

Environmental Health do not have any evidence of breaches to the relevant operating schedule of the premise licence however we have received many complaints. The NMP states the hours the premises will be operating from since 21/09/16, which states:

All amplified sound will cease by 23:30 on Sundays – Thursdays

All amplified sound will cease by 00:00 on Friday – Saturdays

All amplified sound will cease by 00:30 on New Years Eve.

One of the reasons of this Review is for tighter controls to be incorporated by these revised hours and therefore the Premise License to reflect these hours.

Please provide as much information as possible to support the application (please read guidance note 3)

### 1. Frequency and timings

There have been a large number of events ranging from weddings, corporate award events, corporate fun day and proms/balls to birthday, christening and Christmas parties and wedding fayre.

The frequency of events is that during the period from 07/05/16 to 02/10/16 there has been the following, as per details received from Trunkwell House by attachment to emails on 18/07/16 and 09/09/16 (see Appendices 4 and 5):

- 58 events, of which 42 events took place in the garden marquee, 13 took place in the grand marquee and only 3 inside the main house.
- 2 occasions which used both marquees for the same event (one being on a weekday)
- 2 occasions when 2 events were occurring simultaneously (one being on a weekday)
- 11 of the 58 events provided fairground attractions, usually dodgems. These have been located between the 2 marquees behind the covered walkway within the paddock area, however the event on 23/09/16 they were located in the paddock area closer to the entrance of the grand marquee. The dodgems are provided for the uni ball/proms and corporate award events, of which 8 were on weekdays. (See layout in Map 3).

The events at the premises have taken place during the week (Monday – Thursday) as well as at the weekend (Friday – Sunday):

- 1 on a Monday
- 4 on Tuesdays
- 6 on Wednesdays
- 8 on Thursdays and Sundays
- 14 on Fridays
- 16 on Saturdays

Consecutive events have been exceptionally frequent when the events have taken place on Friday and Saturdays each weekend. During this last 9 month period there were events every night from Monday 27/05/16 to Friday 01/06/16; from Tuesday 12/06/16 to Thursday 14/06/16 there were 4 events in 3 days; from Wednesday 20/07/16 to Friday 22/07/16 there were 3 events; and Thursday 28/07/16 to Sunday 31/07/16 there were 4 events.

In excess of 95% of the events held were weddings, corporate awards, parties and proms which have regulated entertainment (live or recorded music). The exact number of attendees at each event is not known however details provided by email from Trunkwell House on 09/09/16 (Appendix 4) now indicate some events are for 500 guests. The website currently advertises Corporate packages can be up to 1000 guests (see Appendix 6) and the 2016 Christmas hire could be up to 950 guests on the premises (see Appendix 7).

Looking forward to future events, as per the email of 09/09/16, from 07/10/16 to 08/01/17 there are 41 events planned of which 1 has fireworks, 10 are weddings/barn dance or party, and 31 are the themed Christmas parties with regulated entertainment and dodgems. For the latter there are 8 nights when there are 2 simultaneous events per night. All events are being held in either the grand and/or the garden marquee. The Christmas party events are due every weekend as well as weekdays (Wednesdays and Thursdays); these will be consecutive nights from Wednesday 07/12/16 to Sunday 11/12/16, Wednesday 14/12/16 to Sunday 18/12/16, Wednesday 21/12/16 to Friday 23/12/16 (followed by a wedding on Saturday 24/12/16), and Friday 06/01/17 to Sunday 08/01/17. The number of people attending an event does vary however they can range from 80 to 500. During December there are 4 dates (1 on a weekday) when the total number of guests could exceed 600 due to both marquees being in use. This is a large number of people at the premises which if not controlled will continue to cause disturbance to the residents of Beech Hill.

### 2. Audibility and complaints

Environmental Health has received notifications from residents direct and from the Parish Council on behalf of the village. Since 18/01/16 our records show that we have received complaints mostly relating to noise in the evenings from music, bass levels and clearly deciphering the songs, people noise, including cheering, screaming, and bangs from the fireworks. Environmental Health has been advised that on some occasions the residents have contacted the management of Trunkwell House to advise them direct that the noise is too loud. These residents do not consider the response by Trunkwell House has been satisfactory.

The contact from local residents has identified the following timings and events between 18/01/16 – 02/10/16:

1. Noise from music from loud disco on Saturday 30/04/16
2. Noise from live band on Saturday 07/05/16 in the Garden marquee.
3. Noise from a party on Sunday 08/05/16 afternoon from a party in the Garden marquee.
4. Noise from a loud wedding on Wednesday 11/05/16 in the Garden marquee.
5. Noise loud after midnight for a ball on Friday 20/05/16 in the Garden marquee.
6. Noise loud after midnight for a dinner on Saturday 21/05/16 in the Garden marquee.
7. Noise loud from prom on Friday 27/05/16 in Garden marquee.
8. Noise loud and fireworks on Saturday 28/05/16 from wedding in Garden marquee.
9. Noise loud from people on Friday 03/06/16 from wedding in Garden marquee.
10. Noise loud in afternoon and evening on Saturday 04/06/16 for wedding in Grand marquee.
11. Noise from bass on Saturday 25/06/16. Event was a wedding in the Garden marquee.
12. Noise from people screaming, loud music that the songs are clearly identified and non-notification of fireworks on Tuesday 12/07/16. Fireworks 22.30-22.45. There were 2 events. Event with fireworks was a corporate event with amplified background music in the Grand marquee. This was a late booking and not on the list of events provided to Environmental Health. There was also a Prom in the Garden marquee with dodgems. Contact by Environmental Health with the Premise License holder advised that the sole noise limiter was in use for the Garden marquee.
13. Noise from people singing along with disco on Thursday 14/07/16. Event was wedding in Garden marquee.
14. Noise from people and music to 01:00 on Saturday 16/07/16. Event was a wedding in Grand marquee.
15. Noise from loud music, people shouting into microphones on Friday 05/08/16. Event was a wedding in the Garden marquee.
16. Noise from people and music on Friday 09/09/16. Event was corporate event in the Garden marquee.
17. Noise from loud music on Saturday 10/09/16 until 00:15 Event was a wedding in the Garden marquee.
18. Noise from music all Sunday 11/09/16 afternoon until 18:00. Event was a christening in the Garden marquee.
19. Noise from loud DJ and screaming on Friday 30/09/16. Event was a birthday party in Garden marquee.
20. Noise from loud DJ on Saturday 01/10/16. Event was a wedding in the Grand marquee.

The live and recorded music is from inside the marquees. The venue offers the use of their own DJ or bringing own DJ or live band. The dodgems appear to be generally located in the paddock area. The NMP is not clear where the dodgems are located.

A noise limiter was installed in August 2015 and a second in August 2016. Concern is that there had been a delay in installing the 2<sup>nd</sup> limiter and previously the only limiter was being moved from one marquee to the other and was it correctly set up. The previous Premise License holder advised that no simultaneous events with amplified music would or do take place in the 2 marquees as there was only 1 limiter. Environmental Health advised Trunkwell House on 24/08/16 at a site meeting that checks were required to ensure the limiters were set up correctly, however this is not going to be carried out until mid October, meanwhile events with amplified music have continued

to be held.

Fireworks are permissible at events. The most recent use was on Tuesday 12/07/16 for a corporate event however we were advised by the residents that they were not notified. It is acknowledged that the use of fireworks is currently infrequent but controls are required to ensure residents are not unduly disturbed. The NMP now states that: "quieter fireworks will be considered, will not be after 22:15, will last no longer than 15 minutes in duration, and pre-notification to residents will take place". Regarding the latter point, the NMP states the letter drop is to "all properties to the north of Beech Hill Road" ; this is considered unsatisfactory as prior notification should be to all sensitive receptors that could be affected.

### 3. Contact with Premise License holder

The last contact with the previous Premise License holder was on 11/01/16. Environmental Health was not aware on that date that the holder had changed as the transfer to change the name did not require Environmental Health as a Responsible Authority to be consulted. The previous holder did not advise Environmental Health that they were no longer the current Premise License holder. This communication requested their Noise Management Plan to be amended as I had a number of concerns with their document, in that it did not suitably control all aspect of noise from the premises.

Following complaints in early May, Environmental Health met with the new Premise License holder on 12/05/16 to discuss complaints received. I advised him of previous history regarding the statutory nuisance / Abatement notice, noise limiter, monitoring locations and the noise management plan. Following this meeting I sent, as agreed, a guidance document produced by West Berkshire Council Environmental Health on noise management plans.

After further communication and a site meeting on 24/08/16 it was determined that the NMP still had not been satisfactorily completed. A deadline of 14/09/16 was requested which was not met until 19/09/16.

Also a second limiter had been purchased during the summer and installed however Environmental Health raised concerns with the Premise License holder that the new limiter had not been installed correctly. I was advised on 22/09/16 by email from the Environmental Health consultants, acting on behalf of Trunkwell House, that the agreements stated in the NMP regarding times are in place with effect from 21/09/16. These include the times that music will cease, times that the dodgems will start and finish, details of fireworks to be used and the prior notification to the residents. The officer monitoring undertaken on Friday 23/09/16 witnessed that the dodgems were still operating at 23:50. The NMP states they will only operate between 22:00-23:30. In addition the location of the dodgems was observed in a different location as was stated at the Environmental Health meeting with the Premise License holder on 24/08/16.

The Premise License holder confirmed by email on 09/09/16 (see Appendix 8) that dodgems and other fairground rides would not be available unless already booked. Our concern is that the website states they are still available (on 17/10/16) in the Corporate packages (see Appendix 2) as well as photographs of a carousel ride in the Other Events section (see Appendix 9).

### 4. Action by Environmental Health since 18/01/16

Inside a residential property Environmental Health have installed noise monitoring equipment for 2 periods of time:

1. Between 12/05/16 – 27/05/16, the outcome being nothing recorded
2. Between 24/06/16 - 04/07/16, the outcome that noise from fireworks on Saturday 25/06/16 (wedding in Garden marquee), people screaming and bass on both Monday 27/06/16 (prom in Garden marquee with dodgems) and Tuesday 28/06/16 (prom in Garden marquee with dodgems), bass, screaming and singing along to the songs on



Wednesday 29/06/16 (prom in Garden marquee with dodgems), and screaming on Thursday 30/06/16 (prom in Garden marquee with dodgems).

Outside residential properties Environmental Health have undertaken 5 evening monitoring visits at the monitoring locations shown on Map 1.

1. Friday 22/07/16 - music audible, but noise from people cheering and whooping very clear from the monitoring location directly north of Trunkwell House only (corporate event in Garden marquee)
2. Thursday 28/07/16 no noise at all, question if event taking place (wedding in Garden marquee)
3. Saturday 30/07/16 music audible at the monitoring location opposite the Elm Tree Public House and by the footpath next to Tudor Cottage only and noise from guests in field next to paddock car park (wedding in Grand marquee)
4. Sunday 21/08/16 music audible at monitoring location opposite the Elm Tree Public House and by the footpath next to Tudor Cottage only (wedding in Grand marquee)
5. Friday 23/09/16 music audible, people screaming clear (corporate awards in Grand marquee with dodgems).

Review of when complaints received, noise recorded and Officer witnessing shows the following:

- Not all events have been a disturbance
- One music venue within the premises has not been the sole source of complaint
- Majority of events with dodgems have caused complaints from people noise
- Music is audible in the village.

#### 5. Licensing background

Following the introduction of the Licensing Act 2003 the original liquor license was transferred to Trunkwell Mansion House Ltd in January 2006. This included live and recorded music both amplified and non-amplified, indoors only, on Monday-Saturday 11:00 – 02:00 and Sundays 12:00- 00:30 with 4 occasions including New Years Eve to 03:00 on any day of the week. The location for the entertainment was in a “function room” with a seated capacity of 220 guests, this is currently known as the Garden marquee. The details provided for the licensing objective of the prevention of public nuisance referred to minimising guests leaving the premises and that there were no immediate neighbours. In 2008 the Premise Licence holder was transferred to Trunkwell Leisure Ltd and again in January 2016 to Parsons Leisure Ltd, the current holder.

#### 6. Development planning

There have been a number of changes at the premises and in the village within in the last ten years since the PL was originally issued. Two residential dwellings have been converted/built closer to the Trunkwell House site to the north and the provision of an additional marquee, currently known as the Grand marquee, in the paddock/main car park area. Planning permission for a new, brick built, function room and bedrooms was granted over 10 years but this has not been developed.

#### 7. Marquees

Noise attenuation from a marquee is difficult as the structure provides extremely little to no insulating properties. Although the marquees on the site do have uPVC double glazed doors and windows overall the structure is simply material. Obviously these are frequently open and shut for access and egress and also when the temperature is warm, which also enables more noise dispersion.

#### 8. What has changed since the Abatement Notice was served?

Environmental Health served an Abatement Notice under the Environmental Protection Act 1990 for a statutory nuisance in February 2015 on the previous Premise License holder. This was due to

the noise from the amplified music. In particular the bass from the music was intrusive and was easily detected inside residential premises in the village of Beech Hill. The Notice was appealed and later the appeal withdrawn. Following the installation of a noise limiter in the Grand marquee a series of monitoring was undertaken by the Environmental Health to determine if statutory nuisance had recurred. It was determined that this was not the case at that time. As the Notice was served on the previous Premise License holder, as the person(s) responsible this Notice is no longer valid.

The situation is that noise from the premises is not limited to now. It has been an issue for some years now, whether it was a statutory nuisance in the past and public nuisance now.

The situation since May 2016 appears that the noise from the Trunkwell House premises has changed. The complaints now relate to an intensification of events and the frequent disturbance by people noise, including cheering, shouting and in particular screaming. The noise recordings taken by EQ officers during a monitoring event at a residential property on Friday 23/09/16 clearly show this at 22:41, 22:49, 23:12 and 23:17.

Have you made an application for review relating to the premises before

Please tick ✓ yes

☐

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the premises please state what they were and when you made them**

N/A

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Redacted Signature]

Date 17/10/16

Capacity Senior Environmental Health Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.