

**MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 20 August 2013 at 2.00 pm**

**Present:** Councillor JW Hope MBE (Chairman)

**Councillors:** CM Bartrum and BA Durkin

**22. ELECTION OF CHAIRMAN**

Councillor JW Hope MBE was elected as Chairman for the Regulatory Sub-Committee hearing.

**23. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**24. NAMED SUBSTITUTES (IF ANY)**

There were no substitutes present at the hearing.

**25. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**26. APPLICATION FOR A TEMPORARY EVENT NOTICE 'YEW TREE INN, PRESTON-ON-WYE, HEREFORD.'**

The Sub-Committee considered an objection by the Environmental Health Service to a Temporary Event Notice (TEN) applied for by the Yew Tree Inn, Preston-on-Wye.

The Chairman introduced the Members and Officers and outlined the procedure for the meeting.

Mr Phillip Pugh the applicant for the TEN and Theresa Brandeberry the premises licence holder were present.

No extension to the ten minute time limit for representations was requested.

The Licensing Officer presented the report. She added that a number of e-mails and letters had been received from members of the public. However, in accordance with the prescribed process for considering a TEN these could not be reported to and considered by the Sub-Committee.

The Principal Environmental Health Officer (PEHO) provided further detail on the complaints that had been received about noise from the Yew Tree Inn. She made the following principal points:

- There had been six complaints relating to four different events held at the pub. Five of these were from residents. One complaint was from the police.
- The police had also twice received complaints from the public about noise outside licensed hours.

- The Service had installed noise monitoring equipment in one of the two properties nearest to the public house. An assessment had been made of the noise from the public house that could be heard outside the property and inside the property both with windows and doors closed and without.

The assessment was that amplified outdoor events did present a noise problem and noise could be heard outside the property, and inside the property if windows/doors were open. In response to a question the PEHO commented that only initial noise tests had been carried out. The assessment that there was a noise nuisance was a subjective one by the relevant environmental health officer.

- Four letters had been sent by the Authority to the applicant about noise nuisance between July and December 2012.

The following principal relevant points were made on behalf of the applicant:

- Two neighbouring properties, in particular, had expressed concerns about noise. The applicant had taken a number of steps to seek to minimise noise.
- There was support within the community for the application.
- A number of the complaints had been made by new residents who would have been well aware of the presence of the public house nearby.

In response to questions the following points were made:

- The PEHO clarified that, although noise monitoring equipment had been installed in a neighbouring property, no detailed noise recording had been undertaken at this stage, other than to establish that, as mentioned in the opening remarks, noise could be heard.
- The licence holder commented that the public house was licensed to serve alcohol until 1 am on a Saturday, the day on which the event that was the subject of the application was proposed to take place. However, the application for the TEN was only until 12 midnight to seek to minimise the possibility of noise nuisance.
- It was clarified that the event was to be held in a marquee in the grounds of the public house. The licence holder commented that as she understood it, based on a plan attached to the previous licence, licensable activity could be undertaken in both the public house and the adjoining beer garden.

The Licensing Officer commented that the plan attached to the current licence showed the public house building only could be used for licensable activity. The application made no reference to the fact that the event was to be held outside in a marquee. She added that a TEN had been granted for a previous event held on 13 July in a marquee from 19.30 till 13.00 hours. No reference had been made in that application either to the fact that the event was to be held outside.

It was noted that a late application for a TEN for a subsequent event had been refused following an objection from the Environmental Health Service. Because it had been a late application there was no provision for that objection to be referred to the Sub-Committee.

The Sub-Committee retired to make its decision. When the meeting was reconvened the Chairman invited the Senior Litigator to advise all parties of the decision. He stated that the application had been granted for the reasons below.

The application is granted because the Sub-Committee refuses to issue a counter notice. However, the decision is made with some misgivings.

Any future Sub-Committee will not be bound by today's decision. Depending on what, if any, further complaints or objections are being made known to it its decision will be based on the evidence put before it on that day.

The Sub-Committee urges the licensee to ensure that music ends at midnight sharp and that in future the license clarifies exactly where an external event will be held; and further, generally, fuller details are needed in any future application.

**RESOLVED:**

**Herefordshire Council as Licensing Authority of the Yew Tree, Preston on Wye, Herefordshire, has decided not to issue a counter notice in respect of the application. The effect of this is to approve the temporary event notice listed above.**

The meeting ended at 2.49 pm

**CHAIRMAN**