

From: Mooney, James [REDACTED]
Sent: 11 March 2014 12:04
To: Licensing; Spriggs, Fred
Cc: [REDACTED]
Subject: Yew Tree Inn - review application

Attachments: Yew Tree Inn.doc

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of notification of a review application concerning the Yew Tree Inn, Preston on Wye, Herefordshire

West Mercia Police agree with this review application.

Attached is a schedule of incidents concerning noise nuisance at the venue that have been reported to West Mercia Police. The reports indicate a failure to comply with the current conditions attached to the premises licence and a failure to promote the licensing objectives.

Regards

Jim Mooney (on behalf of Insp Paul Crumpton)
Licensing and Harm Reduction Coordinator
Policing Unit - Herefordshire
West Mercia Police
DDI 01432 347102
Switchboard '101' x 4702

[REDACTED]
Think...Confidence and Satisfaction: making the difference

EB821

PREMISES DETAIL SHEET

YEW TREE INN

Printed: 09 April 2014 18:18

Premises Type:	PUBLIC HOUSE	Licence Type:	Sale by retail of alcohol
Lic. Authority:	Herefordshire Council	Premises Status:	Live
Owner:		Sales:	BOTH
PremLH:	PHILLIP PUGH	Main Phone:	01981 500359
Address:	YEW TREE INN PRESTON-ON-WYE HEREFORD HEREFORDSHIRE HR2 9JT	Alt Phone:	
		Email:	
		Fax:	

Person Links:

Visits and Incidents:

DATE OF INCIDENT 31/10/2013 TIME OF INCIDENT 18:19 INCIDENT NO. 0510S 311013

INCIDENT TYPE(S) Public Nuisance

ATTENDING OFFICER(S)

DESCRIPTION

LOCAL RESIDENT COMPLAINING ABOUT EXCESSIVE MUSIC NOISE FROM THE PREMISES.
EHO ADVICE GIVEN. NO POLICE DEPLOYMENT

DATE OF INCIDENT 13/07/2013 TIME OF INCIDENT 23:12 INCIDENT NO. 0616S 130713

INCIDENT TYPE(S) Public Nuisance

ATTENDING OFFICER(S)

DESCRIPTION

LOCAL RESIDENT COMPLAINING ABOUT EXCESSIVE MUSIC FROM VENUE.
TEN IN OPERATION. EHO ADVISE GIVEN. NO POLICE ATTENDANCE

DATE OF INCIDENT 22/06/2013 TIME OF INCIDENT 23:27 INCIDENT NO. 0309N 220613

INCIDENT TYPE(S) Public Nuisance

ATTENDING OFFICER(S)

DESCRIPTION

LOCAL RESIDENT COMPLAINING OF MUSIC NOISE FROM LIVE BAND AT PREMISES -
BREACH OF LICENCE. EHO ADVISE GIVEN

DATE OF INCIDENT 25/05/2013 TIME OF INCIDENT 23:45 INCIDENT NO. 0284N 250513

INCIDENT TYPE(S) Public Nuisance

ATTENDING OFFICER(S)

DESCRIPTION

LOCAL RESIDENT COMPLAINING OF EXCESSIVE MUSIC NOISE FROM PREMISES. NO POLICE
ATTENDANCE. EHO ADVISE GIVEN

DATE OF INCIDENT 02/03/2013 TIME OF INCIDENT 00:43 INCIDENT NO. 0011N 020313

INCIDENT TYPE(S) Public Nuisance

ATTENDING OFFICER(S)

DESCRIPTION

NOISE COMPLAINT - MORE LIKE A BREACH OF LICENCE ISSUE - LOCAL RESIDENT

REPORTING THAT LIVE BAND ENDED AT 2300 TO BE REPLACED BY RECORDED MUSIC.
NO POLICE ATTENDANCE, INFORMATION SHARED WITH LICENSING AUTHORITY

**DATE OF INCIDENT 08/02/2013 TIME OF INCIDENT 12:00 INCIDENT NO.
LICENSING OFFICER**

INCIDENT TYPE(S) Crime and Disorder, Public Nuisance
ATTENDING OFFICER(S) 60154 (CIV MOONEY)

DESCRIPTION

COMPLAINT VIA THE LA THAT THE PREMISES ARE HAVING LIVE MUSIC AFTER 2300 AND UP TO 0100.

SPOKE TO MANAGER - [REDACTED] BRANDEBERRY, CONFIRMED THAT LIVE MUSIC DOES TAKE PLACE AND THAT IT ENDS AT 2300 AS PER THE LAW. SPOKE ABOUT PREMISES LICENCE - ESTABLISHED THAT THE NAMED DPS NO LONGER WORKS AT THE PREMISES AND HAD LEFT IN AUG 2012. ADVISED TO INFORM PLH THAT CHANGE OF DPS SHOULD BE MADE ASAP.

LA INFORMED REGARDING ALL THE ABOVE INFORMATION.

**DATE OF INCIDENT 02/11/2012 TIME OF INCIDENT 22:06 INCIDENT NO.
0666S 021112**

INCIDENT TYPE(S) Public Nuisance
ATTENDING OFFICER(S)

DESCRIPTION

LOCAL RESIDENT REPORTING EXCESSIVE MUSIC FROM PREMISES. NO POLICE ATTENDANCE. EHO ADVISE GIVEN. EHO INFORMED 05/11/12

**DATE OF INCIDENT 12/10/2012 TIME OF INCIDENT 23:33 INCIDENT NO.
0736S 121012**

INCIDENT TYPE(S) Public Nuisance
ATTENDING OFFICER(S)

DESCRIPTION

CALL BY LOCAL RESIDENT REGARDING EXCESSIVE MUSIC NOISE. EHO ADVICE GIVEN. NO POLICE ATTENDANCE
EHO INFORMED 15/10/12

**DATE OF INCIDENT 12/08/2012 TIME OF INCIDENT 03:40 INCIDENT NO.
0165S 120812**

INCIDENT TYPE(S) Crime and Disorder, Positive Crime and Disorder
ATTENDING OFFICER(S)

DESCRIPTION

LOCAL RESIDENT REPORTING NOISE AND NUISANCE FROM CUSTOMERS LEAVING THE PUB.
NO POLICE ATTENDANCE

MEMORANDUM

To : LICENSING OFFICER
From : Elisabeth Laughland
Tel : 01432 261676 My Ref : ELA/146370
Date : 1 April 2014 Your Ref : EB/PR00211

**LICENSING ACT 2003
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
YEW TREE INN, PRESTON ON WYE, HEREFORDSHIRE, HR2 9JT**

Having assessed the above application, I would like to make the following representation:

Representation

PREVENTION OF PUBLIC NUISANCE

The Environmental Health - Environmental Protection Service raised concerns over the Yew Tree management controls and monitoring of noise emanating from their property, especially during events held within their Marquee. We have also collected evidence on the time the events have run for as there have been additional complaints of the music being played longer than the Premises Licensing conditions.

This Service has received seven noise complaints from local resident and the Wyeseid Group Parish Council regarding music emanating from entertainments at the Yew Tree Inn since October 2012. These were following at least six different events held at the premises under the current premises management. The events were held either inside the premises or within a Marquee in the garden of the premises. Statutory Noise Nuisance investigations of both types of events have been carried out. These included installing noise monitoring equipment and officer visits to the complainants' properties. As part of these investigations we also noted the times the music events ran for.

Marquee outdoor events

The initial results identified noise from the outdoor marquee events were found to create significant noise issues to a number of residence who live in close proximity to the Yew Tree Inn.

As a result of the noise complaints and findings the Environmental Protection Team recommended refusal for a TENS Application for the pubs 'New Management Anniversary Party' on 24th August 2013 in the marquee. This was put before the Licensing Committee, which the Licensing Committee subsequently approved.

Immediately following the Committee hearing Environmental Protection Officers spoke to the Licensee duty holders to discuss the event and recommended action to minimise the noise

impact on the neighbouring domestic properties e.g. siting of marquee & speakers, request DJ be informed of noise complaints so they can set appropriate level to minimise disturbance and recommended regular noise monitoring checks off the premises during the event to ensure minimum disturbance.

Noise monitoring equipment was installed in one of the complainant's property for this event. Following the event the noise readings and diary sheet was assessed (EH Officers Report 1 attached). The noise monitoring sheets detailed they heard the DJ saying "Do you want it Louder?". Following this event we were not informed of any other Marquee events for us to consider further actions under Statutory Nuisance.

OFFICER'S LOG

Date	Officers notes	Evidence
24/8/13	<p>Noise monitoring recordings from the Yew Tree Inn anniversary event in the premises marquee. Equipment installed in the complainant's front room on the ground floor. Music clearly audible on the recordings from inside the complainant's property with the window closed and even louder and clearer with the window open. From the sound clips recorded the music, base and lyrics were clearly audible and was the dominant sound in the room when the music was playing. Noise level noted from the recordings were as follows:-</p> <p>Time - LAeq range 16.00 - 34 dB 19.30 - 36 to 61 dB 21.00 - 44 to 67 dB 22.00 - 36 to 67 dB 00.00 - 48 to 61 dB 02.00 - 30 - 31 dB (event finished)</p>	<p>EH Officer Report 1</p> <p>Noise Recording</p> <p>Complainant Log Sheet</p> <p>Site Plans</p>

Planning Issue

To our knowledge the marquee was erected and used for several months over the summer 2013 period. As well as being used for TENS events the marquee was advertised as being available for bookings and used as additional restaurant and bar space for customers. It is also our understanding that the pub is popular with visitors from outside the village including campers from the local campsites in the area. Planning Enforcement have looked into the use of the Marquee and planning permission maybe required depending on the size, degree of permanence and physical attachment to the ground. Further information on this year's intended use of the marquee would be required to clarify this issue.

Events within the premises

The events held within the premises were audible from the complainant's premises yet no significant issues with regards to Statutory Nuisance was identified. However, one of these events were found to overrun the Licensing Conditions time (EH Officers Report 2 attached).

OFFICER'S LOG

29/11/13	Officers visit to complainant's property from 22.30 to 23.30. Live acoustic band advertised to play inside the Yew Tree Inn. Music heard emanating from the Yew Tree Inn when stood in the road. Inside the complainants property the drum beat and base of music was audible in the front room when the T.V was on mute and the windows closed. However the lyric's and the main tune of the music was not recognisable. Although the music was audible it was not sufficiently loud or intrusive to constitute a statutory nuisance. The music stopped within 5 minutes of 23.00 and no other music was heard emanating from the premises up to 23.30 when we left the complainant's property.	
20/12/13	<p>Noise monitoring recordings from the Yew Tree Inn event held inside the premises. Equipment installed in the complainant's front room on the ground floor. Music audible on the recordings from inside the complainant's property, however, not sufficiently loud to raise concerns over statutory nuisance. However, there are three sound clips made in the complainants property that music can be heard playing outside the property up to 23.44.</p> <p>Time LAeq range 21.30 - 32 to 33 dB 22.00 - 32 to 41 dB 23.00 - 30 to 31 dB 00.00 - 30 to 31 dB</p>	EH Officer Report 2 Noise Recordings Log Sheet

Conclusions

The initial results identified noise from the outdoor marquee events was found to create significant noise issues to a number of residents who live in close proximity to the Yew Tree Inn. The events held within the premises were audible from the complainant's premises yet no significant issues with regards to Statutory Nuisance were identified. However one of these events were found to overrun the Licensing Conditions time. Therefore, there are concerns over the Yew Tree management controls and monitoring of their music events.

ELISABETH LAUGHLAND

**PRINCIPAL ENVIRONMENTAL HEALTH OFFICER
HEREFORDSHIRE COUNCIL**

The Yew Tree Inn
Preston-on-Wye
Herefordshire
HR2 9JT
08.04.14

Dear Mr Spriggs,

I am writing today for the last time to ask you to please reconsider the necessity for our license to be reviewed.

Please take the following points into consideration;

1-The complainants are the obvious minority, despite not being the closest house to our pub.

2- They knowingly moved and chose to live near a village pub just 14 months ago.

3- The completely clear "no issues" relationship we hold with the police.

4-The log of "24 events" does not even correspond with our diary of booked, actual events.

5- The fact we have been wrongly accused of playing recorded music (other than background music) and the confusion this has caused.

6-The efforts we have put in to trying to discuss our neighbours concerns (as recommended by noise abatement and Enviro Health), and the fact that they have refused.

7-The measures and controls that we have already put in place to reduce noise levels and show consideration to our neighbours – self door closures, blinds, notices, only booking events until 11, noise policy that we adhere to monitoring speakers, sound levels outside, - We have had no tolerance shown back.

8- The fact we have had no dealings ever with the police in relation to "crime and public disorder" or "noise and public nuisance" – other than the 2 visits when they were sent out by your office and both times were more than satisfied, in fact somewhat confused as to why they were there.

9- We asked for mediation and in deed visits from enviro health and licensing and have been refused on all accounts.

10-Licensing have been inaccurate issuing statements to the Media.

11- The one time we played music overtime and one time when we breached our license by playing music outside without a variation or TEN was deemed as a misunderstanding and resolved at the successful TEN appeal in August 2013, or so we thought.

12- Our business has already suffered significant loss due to a premises license being issued to a campsite less than a mile away.

13- We are more than prepared to apply for a variation on our current license as you are already aware.

14- We have the vast majority of support from a very broad cross section of our village and surrounding community.

15- We sought advice from Noise abatement and acted on their advice and recommendations –this has been overlooked by licensing.

16- We sought advice from Herefordshire Environmental Health and are still waiting for their “2 week investigation” 18 months later – this has been overlooked by licensing.

17- We have responded either verbally or formally by letter to every correspondence from the council regarding noise and the “accusation” of breaching our license.

18 -I have evidence to back up every point above.

19- We are a small rural business, family and community focused, we cannot afford to suffer any losses this year after this winter. The pub will not remain viable.

20- We believe that the consistent allegations and complaints are now feasible for us to look into harassment against our family and business.

With all this in mind, surely there is more than enough reason to negate the need for a hearing and work together to resolve any licensing issues?

Kind Regards,

Theresa Brandeberry