

Licensing Sub-committee
13 September 2019

WELWYN HATFIELD COUNCIL

RECORD OF PROCEEDINGS of a hearing by the LICENSING SUB-COMMITTEE of an application for a premises Temporary Event Notice held on Friday 13 September 2019 at 10.00 am in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors B. Fitzsimon (Chairman)

G. Hayes, P. Hebden

OFFICIALS Licensing Technical Officer (D. Pennyfather)

PRESENT: Senior Litigation Officer (A. Byrne)
Environment Health Team Leader (J. Hollingsworth)
Governance Services Officer (Clerk to the Hearing) (G. Paddan)

ALSO

PRESENT: Mr A (Licence Holder/Applicant)

6. APPOINTMENT OF CHAIRMAN

Councillor B Fitzsimon was appointed Chairman of the Sub-Committee.

7. APPLICATION FOR TEMPORARY EVENT NOTICE FOR JUDGES BRASSERIE AND BAR, 1 JUDGES HILL, NORTHAW, POTTERS BAR

8.1 Introductions and Procedures

The purpose of the meeting was to consider a Temporary Event notice for Mr A under the Licensing Act 2003.

The Chairman welcomed those present to the meeting and introduced the Members of the Sub-Committee and the Officers serving the Sub-Committee, explaining the hearings procedure which had been adopted by the Council, copies of which had previously been circulated.

The licence holder confirmed his identity to the Sub-Committee.

8.2 Documentary Evidence

A copy of the Licensing Officer's report and the Temporary Events Notice application; together with relevant documentation had been previously circulated.

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8.3 Report of the Licensing Officer

The Licensing Officer presented his report which contained the application for a Temporary Events Notice (TEN) to permit the sale of alcohol to be extended until 03.00 hours on the Sunday morning of the weekend of 16/17 November 2019, for live/recorded music to be played in the premises, which included their garden. The garden adjoins the neighbouring property.

The Sub-Committee was obliged to determine the application in light of an objection from the Environmental Health Officer with a view to promoting the prevention of Public Nuisance Licensing Objective. In making its decision, the Sub-Committee was also obliged to have regard to the National Guidance and the Councils own Licensing Policy.

Members were advised that a noise abatement notice had been served on the previous manager of the premises and a noise abatement had also been served on Mr A. It was noted that a noise abatement notice was not time limited and if a breach of a notice was witnessed the Council would consider the most relevant sanction for that breach i.e. initiating prosecution proceedings and/or seizure of noise equipment. The Licensing Officer clarified that the noise abatement notice was separate to and not superseded by any licensing legislation.

8.4 Licence Holder

The applicant, Mr A advised the Sub-Committee that he had recently taken over the business in January 2019. Although there had been a number of complaints and incidents associated with noise, prior to him being responsible for the premises; it was noted that steps had been taken to maintain the approved level of noise. He also advised that when he took over he was not aware of the existing noise abatement notice but a noise abatement notice has been served on him and he was aware of that notice. The Sub-Committee was informed that special equipment had been installed in the garden of the said premises which houses the temporary building; from which music had been noted to have exceeded the acceptable levels of sound.

The applicant explained the situation and advised that he has monitored the noise levels and no further complaints had been received. He also confirmed that he would be submitting another six TENs to help his business. These would be during November and December – run up to the seasonal events and New Year's Eve. The Sub-Committee was advised that without the sufficient TENs being granted he would not be able to run a sustainable business.

8.5 Committee Questions

The Sub-Committee Members sought clarification on the objection from the Environmental Health Officer.

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The Officer explained that there had been complaints from neighbours in terms of noise emanating from the premises, inconsiderate parking around the establishment and unacceptable behaviour of intoxicated customers.

It was noted that the premises had undergone refurbishment and there was a temporary structure (similar to a marquee) within the garden which has been utilised for events. Unfortunately the temporary structure in the garden is not sound proofed therefore the music cannot be contained inside. It was suggested that music be played inside the main building to help with noise levels. Regrettably, the pub has small rooms which cannot accommodate a party with a DJ. The proximity of the village pub to neighbouring residential properties does not lend itself easily to events outside in the garden with music. Concern was expressed regarding noise levels from people assembling around the smoking shelter in the garden.

8.6 Determination

The Sub-Committee then withdrew from the room to consider its decision.

On returning, the Chairman gave notice of the Sub-Committee's decision which was to refuse the application for the extension of sale of alcohol until 3am on Sunday morning, which would be confirmed in writing to the licence holder:

The decision of the Licensing Hearing was to REFUSE the Temporary Event Notice.

The Sub-Committee explained the reasons for their decision and acknowledged the concerns faced by the applicant.

Meeting ended at 11.30 am
GP