

MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN  
THE COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON MONDAY 27 NOVEMBER  
2017, AT 10.00 AM

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PRESENT: Councillor M McMullen (Chairman)  
Councillors P Ballam and B Deering.

OFFICERS IN ATTENDANCE:

Peter Agbley	- Licensing Officer
Meyrem Flint	- Solicitor
Peter Mannings	- Democratic Services Officer
Fabien Simms	- Environmental Health Technical Officer
Clare Stokes	- District Environmental Health Officer

17 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor P Ballam and seconded by Councillor B Deering that Councillor M McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor M McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

18 MINUTES – 25 AUGUST AND 16 OCTOBER 2017

RESOLVED – that the Minutes of the meetings held on 25 August and 16 October 2017 be confirmed as correct records and signed by the Chairman.

19 APPLICATION BY MICHELLE BRACE FOR A TEMPORARY  
EVENT NOTICE FOR THE WHEATSHEAF PUBLIC HOUSE,  
28 NORTHGATE END, BISHOP'S STORTFORD, HERTS,  
CM23 2EU

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The Chairman outlined the procedure to be followed. All those present were introduced. The Licensing Officer advised that the case was a contested Temporary Event Notice (TEN) application at the Wheatsheaf Pub, 28 Northgate End, Bishop's Stortford.

Members were advised that the date for the proposed temporary event was 15 December 2017 and the premises currently operated as a Public House for the sale of alcohol for consumption on the premises. The Licensing Officer summarised the application and detailed the temporary activities being requested by the TEN.

The Sub-Committee was advised that Environmental Health had objected to the TEN on the grounds that allowing the premises to be used in accordance with the notice would undermine the Prevention of Public Nuisance licensing objective. The applicant had been in contact with Environmental Health Officers and following this discussion the objection had not been withdrawn.

The Licensing Officer referred to the additional papers that had been circulated prior to the hearing by Democratic Services. He set out the options for the Sub-Committee when determining the application.

Officers from Environmental Health referred to complaints of noise nuisance and they detailed a number of dates where noise nuisance complaints had been received. Members were advised that the Wheatsheaf was located in a residential area and due to the poorly organised layout of the pub, low frequency bass noise from bands or karaoke could be considered to be a noise nuisance and there was residential accommodation opposite the Wheatsheaf.

The Environmental Health Officer advised that as part of noise complaint investigations, on 28 July 2017, whilst a music event was being held at the pub, he had entered a residential property from 9.50 pm and remained there for 90 minutes. Music from the Wheatsheaf had been clearly audible in four separate rooms with the house windows closed throughout the property. He stated that following this visit, no paperwork or schedule of works had been received from the applicant regarding future noise mitigation at the premises.

The applicant confirmed that she had visited a number of nearby residential properties and was not aware of any other residents who had heard noise from the Wheatsheaf aside from the resident who had contacted Environmental Health. She confirmed that windows were often open in the pub during the summer months although they had been closed during the second half of the evening on 28 July 2017. The applicant emphasised that she was not prepared to spend £1700 on a noise assessment to the BS4142 industry standard when she had been advised that such a high standard was not necessary for a pub.

The Environmental Health Officer confirmed that carrying out a noise assessment in line with BS4142 was a recognised British Standard for measuring the impact of commercial noise on background noise levels. Officers confirmed that any competent acoustician would be aware of BS4142 methodology and it could be adapted to allow its basic principles to be applied to these commercial premises.

The applicant confirmed that she did not consider it to be practical or possible for her to comply with a noise assessment to the BS4142 standard. Officers commented that this was normal practice in relation to regulated entertainment in licensed premises. This was followed by a number of comments and questions regarding the contact between the applicant and Environmental Health regarding the acoustic report and

noise.

Environmental Health Officers stressed that the Authority was not responsible for the installation and calibration of noise limiters in licensed premises. Officers emphasised that they could assist in setting levels for the noise limiter but it was the licence holder's responsibility to install, maintain and use it correctly to control noise.

The applicant detailed the nature of the event that had led to the application for a TEN. She emphasised that all doors and windows would be closed and a single DJ would be in attendance instead of a band. She confirmed that she would be prepared to accept less time than the hour and half extension detailed in the application.

The applicant and Officers were given the opportunity to make closing comments and at the conclusion of this the applicant, the Licensing Officer and Environmental Health Officers withdrew to allow Members to consider the evidence.

Following this the applicant and Officers returned and the Chairman announced that the Sub-Committee had listened to the comments of the Licensing Officer, Environment Health Officers and the applicant and had decided to issue a counter notice to the premises user.

RESOLVED – that the application for a Temporary Event Notice for the Wheatsheaf Public House, 28 Northgate End, Bishop's Stortford, Herts, CM23 2EU, be refused for the reasons now detailed.

Reasons:

1. Members considered that the statements set out by the Environmental Health Officers led them to believe that the Licensing Objective of the Prevention of Public Nuisance had not been met.

- 2. The proposed conditions, whilst having been considered by the Sub-Committee, were not considered by Members to be sufficient.

The applicant will be informed of this decision in writing within 21 days and there was a right of appeal to the magistrates' court within 21 days from receipt of this decision notice.

The meeting closed at 11.42 am

Chairman .....
Date .....