

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



**TO EACH MEMBER OF THE
LICENSING SUB COMMITTEE**

18 October 2013

Dear Councillor

LICENSING SUB COMMITTEE - Thursday 24 October 2013

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the following additional information:-

- 6. Application for review of a Premises Licence under the Licensing Act 2003 at the Waterside Bar, 24-30 Leighton Road, Linslade, Leighton Buzzard, Beds.**

Should you have any queries regarding the above please contact Democratic Services on Tel: 0300 300 4040.

Yours sincerely

Helen Bell,
Committee Services Officer
email: martha.clampitt@centralbedfordshire.gov.uk

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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 MICHAEL JOHN EDEN

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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 WATERSIDE, 24-30 LEIGHTON ROAD, LINSLADE	
Post town LEIGHTON BUZZARD	Post code (if known) LU7 1LF

Name of premises licence holder or club holding club premises certificate (if known) Mr BRIAN ALLAN

Number of premises licence or club premises certificate (if known) 021995

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 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

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 MICHAEL JOHN EDEN PUBLIC PROTECTION CENTRAL BEDFORDSHIRE COUNCIL PRIORY HOUSE MONKS WALK CHICKSANDS SHEFFORD BEDFORDSHIRE SG17 5TQ
Telephone number (if any) 0300 300 5063
E-mail address (optional) john.eden@centralbedfordshire.gov.uk

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 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 1)

THIS REVIEW IS SOUGHT UNDER LICENSING OBJECTIVE D) OF THE PREMISES LICENCE; THE PREVENTION OF PUBLIC NUISANCE. DESPITE CONSIDERABLE CORRESPONDENCE WITH THE PREMISES LICENCE HOLDER AND DESIGNATED PREMISES SUPERVISOR OVER THE PAST 2 YEARS OCCUPANTS OF A FLAT LOCATED ABOVE THE LICENCED PREMISES ARE REGULARLY EXPERIENCING DISTURBANCE FROM LOUD MUSIC AND CUSTOMERS FROM THE PREMISES BELOW.

Please provide as much information as possible to support the application
(please read guidance note 2)

PLEASE SEE ATTACHED INFORMATION

Please tick yes

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

If yes please state the date of that application

Day Month Year

<input type="checkbox"/>									
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If you have made representations before relating to this premises please state what they were and when you made them

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 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

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Post town	Post Code
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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. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Responsible Authorities

Police	Fire and Rescue Service
Chief Officer of Police C/o Chris Carey County Police Office West Street Dunstable LU6 1SJ	Fire Safety Officer Bedfordshire & Luton Fire & Rescue Service Southfield Road Kempston MK42 7NR
Environmental Health - Pollution Control	Environmental Health - Health & Safety
Public Protection Central Bedfordshire Council Priory House Monks Walk Chicksands SG17 5TQ	Public Protection Central Bedfordshire Council Priory House Monks Walk Chicksands SG17 5TQ
Licensing Authority	Child Protection
Public Protection Central Bedfordshire Council Watling House High Street North Dunstable LU6 1LF	Head of Quality Assurance Unit 16 Stephenson Court Priory Business Park Bedford MK44 3WJ
Planning	Trading Standards
Planning Authority Central Bedfordshire Council Priory House Monks Walk Chicksands, SG17 5TQ	Central Bedfordshire Council Public Protection – Trading Standards Priory House Monks Walk Chicksands SG17 5TQ
Health	
Director of Public Health Central Bedfordshire Council Priory House Monks Walk Chicksands SG17 5TQ	

INFORMATION TO SUPPORT AN APPLICATION FOR A REVIEW OF THE PREMISES LICENCE HELD BY WATERSIDE, 24-30 LEIGHTON ROAD, LINSLADE, LEIGHTON BUZZARD LU7 1LF (ALSO KNOWN AS RUMOURS AND INCORPORATING CANAL BAR)

The premises licence was originally issued with effect from 24 November 2005 to the premises then known as THE VENUE. Since then there have been a number of applications to change the name of the premises, to transfer the premises licence and to vary the designated premises supervisor (DPS). The current premises licence was issued on 16 April 2013, effective from 5 April 2013 (**DOCUMENT 1**). The current holder of the premises licence is BRIAN ALLAN and the DPS is SHIRLEY RUFFLES-HUNTE.

The opening hours of the premises are 1200 to 0300 hours Monday to Wednesday; 1200 to 0400 hours Thursday to Saturday and 1200 to 0100 hours Sunday.

Regulated entertainment - recorded music, indoors, is permitted Monday to Thursday from 1900 hours to 0100 hours, Friday from 1900 hours to 0200 hours, Saturday from 1600 hours to 0200 hours and Sunday 1900 hours to 2300 hours. Live music, indoors, is permitted Saturday from 1900 hours to 2400 hours.

The premises licence in Annex 2 – Conditions consistent with the operating Schedule, d) The prevention of public nuisance states:

“By changing the mood of the music half an hour before closing time. Lollipops issued to the public on leaving the premises. Signs displayed asking customers to leave quietly. An announcement by DJ and a doorman at the exit. Liaising with Taxi firms where to pick up customers to limit disturbance to neighbouring properties.”

Prior to the transfer of responsibility for licensed premises to local authorities by the Licensing Act 2003 and whilst the premises were under previous management regimes a number of complaints were received of loud music and rowdy behaviour. The earliest report on our computerised records was a scheduled visit in April 1997 to licensed premises with a history of noise complaints. A number of complaints were received between 2001 and January 2003, the premises then being known variously as THE NEW WATERFRONT BAR, BRIDGE BAR and ELEMENTS. These complaints were in the main from a neighbouring commercial property, which had objected to the presence of the club and which was subject to the then Public Entertainment Licensing regime. The complaint was that its guests were kept awake at night and this was affecting trade.

No further complaints were received until July 2006 when a single complaint of noisy amplified music was made against the premises, then known as THE VENUE. This complaint was resolved informally. The aforementioned commercial property made a further complaint in October 2006, again about noise and rowdy behaviour from users of THE VENUE. A single complaint of loud music was made in September 2008. The premises were visited; the manager closed the doors and turned down the music.

PETER BOWERS took over as designated premises supervisor and holder of the premises licence on 6 May 2009. 3 complaints concerning noise and other disturbances were received in April, May and June 2009. These concerned, in the main, a lack of door supervisors and fighting outside the premises.

On 6 October 2009 Mr BOWERS relinquished his position as designated premises supervisor and holder of the premises licence.

On 9 October 2009 Mr ALLAN applied for a premises licence, which was granted on 23 November 2009 with effect from 7 November 2009. Mr ALLAN

was named as the holder of the premises licence. The premises were closed in the interim period.

No further complaints were received until Wednesday 24 August 2011. This complaint of loud music every night came from SIMON WILLIAMS. Mr WILLIAMS'S flat is located in the building housing the licensed premises, which was then known as RUMOURS. The holder of the premises licence then, as now is BRIAN ALLAN; the designated premises supervisor has changed since that complaint.

On 24 August 2011 I contacted Mr WILLIAMS who told me that he had lived in his flat for 9 years and that he accepted there would be noise from clubs such as these, but the noise has been getting worse. He told me that previously music was played in the club premises, which are located at a lower ground level and that background music was played in the ground floor bar, but now loud music and karaoke are played in the ground floor bar. Mr WILLIAMS told me he had spoken with who he believed was the owner of the bar

On 24 August 2011 I wrote to Mr WILLIAMS advising him of the licence conditions, sending him noise log sheets and confirming I had briefed DAVE MCBAIN, Licensing Enforcement Officer.

On 25 August 2011 I wrote to the holder of the premises licence, BRIAN ALLAN and the designated premises supervisor, PETER BOWERS at their home addresses with copies to the licensed premises. I provided copies of the letters to Mr MCBAIN.

On Tuesday 30 August 2011 Mr BOWERS phoned me and apologised. Mr BOWERS told me Tuesday is his day off and the duty bar staff may have turned up the music if asked by a customer. Mr BOWERS confirmed to me he would instruct his staff not to allow loud noise to break out.

On Monday 5 September 2011 at around 0227 hours Mr WILLIAMS, who had been out, made another complaint of loud music to the Council's out of hours service. He told MAURICE CLAY, who was the duty officer that he was concerned that music was being played beyond the permitted licensing hours.

On Wednesday 14 September 2011 notification was received from the Council's out of hours service that Mr WILLIAMS had contacted them on 13 September 2011, however the time of that call was not recorded.

On Wednesday 14 September 2011 I phoned Mr WILLIAMS and left a message on his answering service. I phoned RUMOURS and left a message for both Mr ALLAN and Mr BOWERS. Mr WILLIAMS returned my call and told me he had called the out of hours service at 0130 hours, but was told incorrectly that no body would visit. Mr WILLIAMS told me that on Saturdays the music continues until 0400 hours. Mr WILLIAMS told me he confronted the licensees that morning at 0130 hours and the music level was reluctantly turned down, but then turned up again. Mr WILLIAMS told me his daughter, TIFFENNY WILLIAMS, then went down to the premises following which the music was turned down.

On Friday 16 September 2011 Mr WILLIAMS phoned, he told me the licensee had visited him yesterday. Mr WILLIAMS told me he told him that he was not complying with his licensing hours. Mr WILLIAMS confirmed to me that the previous night had been very quiet and that the licensees must be listening to us.

On Friday 16 September 2011 Mr MCBAIN and I visited RUMOURS and met Mr BOWERS. Mr BOWERS disputed that he was causing a nuisance. Mr BOWERS told me he only plays music and the TV in the ground floor bar through 2 number speakers mounted just below ceiling level, which is just below the flat above. I noted that the bass component from these speakers was very heavy, especially when played at full volume. I confirmed to Mr BOWERS this would not be classed as background music and would transmit via the structure of the building into the upper rooms of the building. Mr

BOWERS told me that other tenants had not complained. Mr BOWERS confirmed to me he would keep both the music level and the bass component down. Mr BOWERS confirmed to me that he keeps the front door permanently open; I told Mr Bowers this would cause airborne transmission and affect others around the premises.

On Saturday 17 and Sunday 18 September 2011 I was the duty out of hours officer; I carried out a number of pro active visits to the outside of RUMOURS that Sunday morning at 0105 hours, 0150 hours and 0210 hours. I did not note any music breaking out onto the pavement outside the premises.

On Tuesday 20 September 2011 whilst I was still the duty out of hours officer I received a call at 2230 hours from Mr WILLIAMS. Mr WILLIAMS told me loud noise was coming from RUMOURS. I arrived at Mr WILLIAM'S flat at 2325 hours. The door to RUMOURS was open at the time and I noted some breakout of music into the street. I noted a very faint bass beat in Mr WILLIAM'S lounge, which was less audible in Ms WILLIAM'S bedroom on the floor above. Mr WILLIAMS told me the music/noise had been turned down following the penalty shoot out on the televised football match, which had brought a lot of cheering as goals were scored or missed. I left Mr WILLIAMS'S flat at 0000hrs.

On Friday 2 December 2011 JENNY GEMMELL and SZABOLCS NAGY, the duty out of hours officers for the weekend of Friday and Saturday 2 and 3 December 2011, were called by Mr WILLIAMS. They reported they arrived at Mr WILLIAM'S flat at 2215 hours and witnessed a bass beat that was clearly audible in the main lounge over the level of normal conversation and the TV. They reported that the floor was vibrating due to the bass beat. They reported they went to Ms WILLIAMS'S second floor bedroom and noted that a thudding bass beat was audible over the TV. They reported they were of the opinion there was a statutory nuisance. They reported they then visited RUMOURS and told Mr BOWERS the noise level was unacceptable. They reported that the music was coming from the lower level club premises. Ms GEMMELL

reported that she noted that her ears hurt due to the level of bass, which was reduced before they left.

On Monday 5 December 2011 I discussed the out of hours events with Ms GEMMELL and Mr MCBAIN. Ms GEMMELL confirmed to me that she would serve a noise abatement notice.

On Friday 9 December 2011 a noise abatement notice was served by Ms GEMMELL on the COMPANY SECRETARY, CANAL BAR LIMITED (**DOCUMENT 2**); Mr PETER BOWERS at RUMOURS (**DOCUMENT 3**) and at his home address and Mr BRIAN ALLAN at RUMOURS (**DOCUMENT 4**) and at his home address.

On Friday 9 December 2011 I phoned Mr WILLIAMS and confirmed to him that notices were being served and for him to call us on a Friday and Saturday night between 2000 and 0100 hours, when we are on duty, if there are further disturbances.

On Monday 16 April 2012 Mr WILLIAMS phoned me. Mr WILLIAMS told me noise levels are gradually increasing and that RUMOURS are exceeding their licensing hours, people are smoking outside and making a noise and the street door bangs every time somebody enters or exits the club. I confirmed to Mr WILLIAMS the opening hours for regulated entertainment. I reminded him to contact the out of hours service if noise again becomes an issue. Mr WILLIAMS told me Tuesday is becoming a problem again. Mr WILLIAMS asked me about reviewing the premises licence; I confirmed I would speak with Mr MCBAIN and ask that he sends the information pack.

On Tuesday 17 April 2012 I wrote to Mr WILLIAMS confirming our conversation of the previous day.

On Tuesday 17 April 2012 I wrote also to Mr ALLAN and Mr BOWERS at their home addresses and copied to RUMOURS warning them that we had

received more complaints and that contravention of the abatement notice could lead to a review of the premises licence.

On Thursday 19 April 2012 Mr ALLAN phoned me. Mr ALLAN told me he had closed the premises and he, a friend and the bar staff were having a drink . I confirmed to Mr ALLAN that I had told Mr WILLIAMS what were the opening hours and that the premises were not to open beyond those hours. Mr ALLAN told me that the TV, gaming machines and music had all been turned off. Mr ALLAN told me also that the lower ground level club had not been used for 3 months. Mr ALLAN said the next door kebab take away, KEBAB YE, 24 Leighton Road, Leighton Buzzard LU7 1LF contributed to the night time noise. I arranged to meet Mr ALLAN at RUMOURS the next day. I informed Mr MCBAIN, who confirmed he would meet me on site the next day.

On Friday 20 April 2012 Mr MCBAIN and I met Mr BOWERS and Mr ALLAN at RUMOURS; I noted signs had been posted by the entrance door asking customers to respect neighbours and to keep the music down. I noted also that insulation strips had been applied to the door and frame to absorb the impact of the door closing, but that the self closure still allowed the door to slam. Mr BOWERS adjusted the self closer to prevent the door slamming. Mr ALLAN told me that there is also a lot of noise coming from one of the other flats above RUMOURS.

On Wednesday 25 April 2012 I wrote to Mr WILLIAMS confirming the outcome of my visit of 20 April 2012.

On Friday 27 April 2012 Mr WILLIAMS called the out of hours service at 1930 hours regarding noise from a drum and bass night from the CANAL BAR.

BERESFORD LEWIS and MARGARET JAMES were the duty out of hours officers for that Friday and Saturday night. They reported they contacted Mr WILLIAMS at 2010 hours, who confirmed that it was mainly vibration from the bass as the Canal Bar was having a drum and bass night. Mr LEWIS and Ms JAMES reported they visited Mr WILLIAMS at 2100 hours, but at that time

were of the opinion there was no breach of the abatement notice. Mr LEWIS and Ms JAMES reported that they spoke with Mr BOWERS along with the DJs and asked them to turn down the bass. They noted there were two sets of 18 inch woofers at the CANAL BAR. Mr LEWIS and Ms JAMES were called later that evening at 2315 hours by Mr WILLIAMS who said the music had been turned up again. Mr LEWIS and Ms JAMES revisited at 0015 hours, but found the noise had gone down again.

On Saturday 5 May 2012 Ms WILLIAMS called the out of hours service at 2356 hours complaining of very loud music coming through the floor of her property.

PHILLIP CLARKE and SZABOLCS NAGY were the duty out of hours officers for the night of Friday and Saturday 4 and 5 May 2012. Mr CLARKE and Mr NAGY reported they visited and witnessed noise within the WILLIAMS'S flat. Mr CLARKE and Mr NAGY noted that music was clearly audible in the first floor lounge and vibrations from music could also be felt through the floor. Mr CLARKE and Mr NAGY reported that music was also audible in the top floor of the flat but to a lesser extent. Mr NAGY was the duty out of hours officer when the noise abatement notice was served in December 2011 and although music and vibration were apparent in Ms WILLIAMS'S flat it was described as being no way near as bad as the previous December when the noise abatement notices had been served.

On Sunday 13 May 2012 Mr WILLIAMS called the out of hours service at 0321 hours complaining of loud music. This was not reported to the duty out of hours officers as they had stood down for the night. I had advised Mr WILLIAMS to call the out of hours service whenever he was disturbed even though there would not be any officers on duty in order that his complaint would be logged.

On Sunday 10 June 2012 Mr WILLIAMS called the out of hours service at 0215 hours complaining of loud music and revelry.

On Tuesday 12 June 2012 I phoned Mr WILLIAMS, I left a message for him to call me back.

On Wednesday 13 June 2012 Mr WILLIAMS phoned me. Mr WILLIAMS told me that Mr BOWERS is no longer around and if Mr ALLAN is not about then a young lad is in charge, whose mates come and congregate on the pavement. Mr WILLIAMS confirmed to me that he is going for a review, I acknowledged that Mr MCBAIN had mentioned this and that he should continue to report instances of loud noise and disturbances even though we may not have an out of hours presence at that time.

On Tuesday 19 June 2012 Mr WILLIAMS called the out of hours service at 2338 hours regarding the CANAL BAR.

On Thursday 21 June 2012 Mr WILLIAMS called the out of hours service at 1520 hours complaining that very loud music and singing from the CANAL BAR had been going on since 1230 hours. The out of hours call centre confirmed it was possible to hear the music and singing over the telephone.

On Monday 25 June 2012 Mr WILLIAMS called the out of hours service at 0135 hours complaining of bar noise and music from the CANAL BAR.

On Thursday 28 June 2012 I phoned Mr WILLIAMS. Mr WILLIAMS asked me for copies of the review papers as he cannot download them. Mr WILLIAMS told me he did not think a reduction in hours would be any use as they are already operating beyond their permitted hours. Mr WILLIAMS told me dances are advertised from 1500 hours, which he said is earlier than permitted. I suggested to Mr WILLIAMS he needs to speak with Mr MCBAIN and his service manager, Ms JO BORTHWICK.

On Thursday 28 June 2013 I notified Mr MCBAIN and Ms BORTHWICK of my conversation with Mr WILLIAMS. I then phoned Mr WILLIAMS back to confirm I had raised his concerns with the licensing team.

On Sunday 1 July 2012 Ms WILLIAMS called the out of hours service at 1942 hours complaining of very loud music coming from the club.

On Saturday 1 September 2012 BERESFORD LEWIS and SZABOLCS NAGY, duty out of hours officers carried out a proactive visit at 2245 hours to RUMOURS/CANAL BAR, but did not note any noise breakout.

On Friday 23 November 2012 a call from the WILLIAMS'S flat was made to the out of hours service at 2035 hours complaining that loud music from the bar was shaking the property.

On Friday 23 November 2012 SIMON JOYNES and HELEN HEANES, duty out of hours officers visited the WILLIAMS'S flat at 2215 hours and noted music could be clearly heard within the second floor, which is three floors above the basement and that vibrations were also felt through the floor.

On 26 November 2012 I phoned Mr WILLIAMS and told him that we would be seeking a review, but I would need him to provide his records of when and how he had been affected to support our action. Mr WILLIAMS confirmed that his daughter, TIFFENNY WILLIAMS, had stored this information on her computer and would provide it.

On Tuesday 15 January 2013 Mr WILLIAMS called the out of hours service at 2358 hours complaining of shouting, cheering and banging for the bar below.

On Sunday 20 January 2013 Mr WILLIAMS called the out of hours service at 0159 hours complaining of bass noise and the DJ shouting.

I phoned Mr WILLIAMS on 23 January 2013 and left a message for him.

On Sunday 3 February 2013 Mr WILLIAMS called the out of hours service at 0130 hours complaining that loud drum and bass music was shaking the whole building.

On Saturday 23 March 2013 Mr WILLIAMS phoned the out of hours service at 0255 hours saying that although the premises licence for regulated entertainment is only until 0200 hours music was still playing at 0255 hours.

On 28 March 2013 at 1500 hours I visited WATERSIDE, but the premises were closed.

On Saturday 30 March 2013 Mr WILLIAMS phoned the out of hours service at 0243 hours complaining of constant pounding noise.

On 3 April 2013 at 1600 hours I revisited WATERSIDE, I was told music from the TV was played via 2 number speakers located on a shelf just below the ceiling of the ground floor bar. I spoke with a man who identified himself to me as MATTHEW BROOKS. He confirmed that currently he is the bar man. Mr BROOKS told me he was aware of the history of complaint with Mr WILLIAMS. Mr WILLIAMS had stormed into the bar on Friday night and made a scene. I confirmed to Mr BROOKS that we had served a noise abatement notice and had witnessed breach of the notice and still had received more complaints. I confirmed to Mr BROOKS that I was considering also a review of the licence. I told him that given there are dwellings above the club they have to be very careful to ensure music is played at a reasonable level so as not to disturb the residents. I told Mr BROOKS flanking transmission is more difficult to remedy than air borne transmission of noise. I spoke with a customer at the bar who said he lives in one of the flats above the club, but he is not bothered by any noise.

On 4 April 2013 Mr WILLIAMS spoke with ALAN STONE, Technical Officer, who confirmed to Mr WILLIAMS that I had visited WATERSIDE the previous day and had spoken with MATTHEW BROOKS. Mr STONE told me he reminded Mr WILLIAMS to forward his record of when and how he had been disturbed.

On Friday 5 April 2013 Ms WILLIAMS called the out of hours service at 2139 hours complaining of loud music from the licensed premises below.

On Friday 5 April 2013 GUY QUINT and KILJARNIT KOONER, duty out of hours officers visited Ms WILLIAMS'S flat at 2304 hours. Mr QUINT and Mr KOONER reported that Ms WILLIAMS had left for the night because of the noise, but they contacted Mr WILLIAMS who arrived at 2345 hours to allow Mr QUINT and Mr KOONER to assess the noise from within the flat. Mr QUINT provided a witness statement (**DOCUMENT 5**) that confirmed the bass from amplified music coming from the Pub was clearly audible and that he could feel the floor vibrating in both the first floor and second floor rooms. They left at 0017 hours and noted the bass in particular was still audible and intrusive.

On Thursday 11 April 2013 Ms WILLIAMS called the out of hours service at 0448 hours complaining of ongoing noise, which had only just stopped. Ms WILLIAMS told the out of hours service that the police had been called earlier as there had been a fight.

On Thursday 11 April 2013 KAY STERLING, Technical Officer reported that she had phoned the complainants that day to advise that the matter would be brought to my attention on my return from leave.

On Friday 12 April 2013 MARK HALES and PHILLIP CLARKE, duty out of hours officers installed noise monitoring equipment in the WILLIAMS'S flat.

On Thursday 18 April 2013 I had a meeting with PC NEVILLE JOHNSON, Central Bedfordshire Licensing Officer and briefed him on the recent complaints made by Mr and Ms WILLIAMS.

On Monday 22 April 2013 MARK HALES and I collected the noise monitoring equipment. Mr WILLIAMS told me that the Saturday night entertainment continued to nearly 0600 hours. Mr WILLIAMS told me that MATTHEW [BROOKS] had his mates there. Mr WILLIAMS confirmed to me that he had called the police. Mr WILLIAMS told me he had spoken also with Mr ALLAN. I confirmed to Mr WILLIAMS that I was waiting for him to send me his evidence. Mr WILLIAMS told me he had tried to email his evidence, but he

said the files are too big. I told Mr WILLIAMS there is a 10MB size limit so we cannot accept large files.

On Monday 22 April 2013 I had a meeting with PATRICIA DAVIES, Licensing Co-Ordinator, who confirmed to me she would be writing to the premises licence holder confirming there is an allegation of a breach of the premises licence.

On Wednesday 24 April 2013 at 0920 hours I received a telephone call from Mr WILLIAMS. Mr WILLIAMS told me the bar was still open from last night. Mr WILLIAMS told me the new barman had said that customers had bought 8 pints just before last orders and then they drank them through the night until the morning. I confirmed to Mr WILLIAMS that the licensing section would have to give a judgement on the legality of those actions. I confirmed also to Mr WILLIAMS that I would discuss this matter with the licensing section later today. Mr WILLIAMS told me there was no music this time, but that there were loud voices that disturbed him through the night.

On Thursday 25 April 2013 I told LIZZIE LAYTON-SCOTT, Licensing Co-Ordinator of Mr WILLIAMS'S allegations of late night drinking. Ms LAYTON-SCOTT confirmed to me she would inform PC NEVILLE JOHNSON, Central Bedfordshire Licensing Officer of the alleged breach of licence conditions.

On Friday 26 April 2013 I was forwarded a copy of PC JOHNSON'S reply to Ms LAYTON-SCOTT. The reply confirmed that he had spoken with Mr ALLAN and Ms RUFFLES-HUNTE, and that the manager, MATTHEW BAKER (who had been introduced to me as MATTHEW BROOKS) had been summarily dismissed. PC JOHNSON stated he had strongly reminded Mr ALLAN and Ms RUFFLES-HUNTE of the permitted hours stated on the premises licence and that every body had to be off the premises at closing time and that come 0400 hours the premises had to be in a state of lock down.

On Sunday 5 May 2013 Mr WILLIAMS called the out of hours service at 1650 hours saying there had been loud music since 1600 hours.

On Sunday 2 June 2013 Mr WILLIAMS called the out of hours service at 0208 hours complaining of noise and music from the bar below.

On Tuesday 4 June 2013 I wrote to Ms RUFFLES-HUNTE, the designated premises supervisor and Mr ALLAN, holder of the premises licence at their home addresses with copies to them at RUMOURS.

On Wednesday 5 June 2013 Ms WILLIAMS emailed video clips of an argument at the premises from the previous night. However the format of those video clips meant that they could not be downloaded.

On Friday 7 June 2013 I returned a call to Mr WILLIAMS. I confirmed again that both he and Ms WILLIAMS should continue to call the out of hours service as it provides a chronology of disturbances. I asked again that he should provide a statement of how and when he has been affected.

On Monday 10 June 2013 Mr WILLIAMS emailed to me a photograph of the speakers brought in for the last drum and bass night (**DOCUMENT 6**).

On Monday 10 June 2013 Mr ALLAN phoned, he told me that he thought the people in the flat above are running a vendetta against him. I told him that we had witnessed noise in the flat on a number of occasions. I told him also that the fire protection between the club and the flats may not be sufficient as sound is breaking through readily. Mr ALLAN told me he has tried to speak with the landlord of the building, but has not been able to contact him. Mr ALLAN told me he is having a meeting this afternoon at the Council's WATLING HOUSE offices with Ms DAVIES to re-apply for the Sexual Entertainment Venue Licence (SEV). Mr ALLAN told me that this would reduce the noise from the club by 80% as it would remove the need for DJ nights etc. Mr ALLAN told me the dancers would dance to CDs that were not

played loudly. Mr ALLAN told me also that he had cut the wires to the 2 speakers over the pool table, which is under the first floor dwellings.

I told Mr ALLAN that I had received a photo today of speakers being delivered for a drum and bass night, Mr ALLAN told me that there was nothing held on Friday or Saturday night. I arranged to meet with Mr ALLAN at the WATERSIDE at 1100 hours on Friday 14 June 2013.

On Thursday 13 June 2013 Mr WILLIAMS called and spoke with ALAN STONE. ALAN STONE told me he was told by Mr WILLIAMS that there was a drum and bass night scheduled for this Friday and asked whether the out of hours team could be called upon to monitor. Mr STONE told me he made Mr WILLIAMS aware of my planned visit for 14 June 2013.

On Friday 14 June 2013 I revisited WATERSIDE at 1100hrs. I spoke with the new bar lady, who identified herself to me as VICKY and Mr ALLAN. Mr ALLAN told me he has spoken with his landlord who was hoping to meet with us today, but could not make it. Mr ALLAN gave me his landlord's phone number and asked that I call him later.

Mr ALLAN showed me he had disconnected the 2 number speakers in the pool room (left of the ground level bar when facing the premises from Leighton Road), but the TV still played through the 2 speakers in the room to the right of the ground level bar. Mr ALLAN confirmed to me that he had told staff to close the front door at midnight and also the door to the ladies toilet.

VICKY told me that she had spoken with Mr WILLIAMS earlier in the week either on Monday or Tuesday. VICKY told me she said she had explained to Mr WILLIAMS about the speakers that Mr WILLIAMS had photographed and had given Mr WILLIAMS her mobile number to call.

Mr ALLAN told me he had spoken with Mr WILLIAMS yesterday. I explained to Mr ALLAN the statutory nuisance and licensing regimes and confirmed to him that various officers had witnessed noise and vibration in the WILLIAMS'S

flat. I confirmed to Mr ALLAN that a complaint from single person is all that is needed to for a local authority to commence an investigation. Mr ALLAN told me the other flats have not complained

I asked Mr ALLAN if they are having drum and bass that night, he initially told me that he did not think so, but he then checked his diary and confirmed a Techno night for tonight finishing at 0200 hours. I told Mr ALLAN that noise intrusion at 0200 hours is likely to generate a complaint. I told Mr ALLAN that tonight's Techno event could be critical in determining whether they can operate without causing a problem.

Mr ALLAN invited me to listen to the event tonight. I told Mr ALLAN the call out officers may be called depending upon how loud it is.

On returning to the office I phoned Mr WILLIAMS and left a message for him confirming that I had spoken with Mr ALLAN this morning and asked Mr WILLIAMS to call the out of hours service if there are any problems tonight.

I then phoned Mr ALLAN'S landlord, but had to leave a message for him. I emailed MAURICE CLAY, Service Manager, and MARK HALES, out of hours officer asking that the call out officers visit tonight.

On Friday 14 June 2013 Mr WILLIAMS called the out of hours service at 2315 hours complaining of excessive noise from the bar below his maisonette.

On Monday 17 June 2013 I received notification from MARK HALES and KULJARNIT KOONER of their call out visit on the night of Friday 14 June 2013. Mr HALES and Mr KOONER reported hearing voices and music at 0031 hours coming from the WATERSIDE when parked in the TESCO car park on the opposite side of the Grand Union Canal. They reported they walked past the front of the WATERSIDE and noted music breaking out through the open front door. Mr HALES and Mr KOONER reported they entered Mr WILLIAM'S flat and noted that music was still audible in his living room and that they could also hear people shouting and laughing as well as a

punch bag in the bar below being hit. They reported they noted the music level went up and down but was audible with the bass component dominating over the level of the television. At 0044 hours they reported they noted the noise level went down, but then crept up again. Mr HALES and Mr KOONER reported they were able to feel the bass beat through the floor. At 0051 hours they reported the music level went up again and the bass beat became more dominant. They reported they were unable to determine the track as it was just the bass beat of techno music. At 0057 hours they reported they went into the bedroom and noted that bass beat was still audible within that room. They reported that the level fluctuated depending upon the track being played. Mr HALES and Mr KOONER reported they left at 0115 hours and the music was still continuing (**DOCUMENT 7**).

On Wednesday 19 June 2013 I had a meeting with BRETT WARREN, Private Sector Housing Officer, regarding fire protection between the club and flats. Mr WARREN confirmed to me that although the tenanted flats are self contained they could still fall under parts of houses in multiple occupation (HMO) legislation if a percentage of the building as a whole is flats.

On Wednesday 19 June 2013 Mr WILLIAMS told me the club had Techno nights booked for the next 2 Friday nights, he told me he will be away this Friday, but he will be back for the following Friday. Mr WILLIAMS told me the door was open at 0120 hours even though he said that Mr ALLAN had told him that he would close it at 0000 hours. I confirmed to Mr WILLIAMS that I had spoken with Mr ALLAN on Friday 14 June 2013 and had told him noise penetrates all through Mr WILLIAM'S flat and that Mr ALLAN needs to play his music at a reduced level otherwise it was likely to be intrusive. Mr WILLIAMS told me the ground floor is advertised as a sports bar, which he told me that at this time of the year is not used so much, but when the football season begins he hears the shouting etc from the people in the bar below.

On Thursday 20 June 2013 I wrote to Mr ALLAN, with copies to Ms S RUFFLES-HUNTE, designated premises supervisor confirming that the duty out of hours officers had been called out on the night of Friday 14 June 2013,

and that they had witnessed noise within the WILLIAM'S flat. I confirmed that it was evident that techno/drum and bass type music (and other types of amplified music) cannot be played without there being intrusion into the flat above.

On Monday 24 June 2013 Mr ALLAN phoned. Mr ALLAN apologised to me that the front door was open later than when he said it would be shut and he confirmed that he had instructed staff to close it. Mr ALLAN told me he would be seeing the landlord either today or tomorrow regarding the lack of insulation between the bar and the flat and would ask his landlord to contact me. Mr ALLAN confirmed that he had moved the boxing machine to the other side of the bar. Mr ALLAN told me that he proposed to move the ground floor bar to downstairs and make it the main bar. I confirmed to Mr ALLAN the call out officers had noted loud breakout of music from the downstairs bar, which also was clearly audible in the Tesco car park. Mr ALLAN told me the bar was shut at 0200hrs on the Friday night/Saturday morning. Mr ALLAN told me again he was applying for Sexual Entertainment Venue (SEV) licence, which would remove the need to have a DJ and loud music.

On Friday 28 June 2013 Mr WILLIAMS called the out of hours service at 2319 hours complaining of constant throbbing loud music from the Techno night .

On Monday 1 July 2013 I received notification from BERESFORD LEWIS and RICHARD JOHNS, call out officers of their visit on the night of Friday 28 June 2013. They reported that at 2352 hours they parked 100 metres away from the premises and could clearly hear loud rave type music with a fast tempo and loud bass. Mr LEWIS and Mr JOHNS reported that on approaching the WATERSIDE they noted approximately 20 customers in the outdoor rear section of the premises and that the outer double door was propped open. They reported that they noted that this resulted in the music volume changing from loud to louder when the inner door was frequently opened. Mr LEWIS and Mr JOHNS reported they visited Mr WILLIAM'S flat and that they could hear rave type music with very loud bass in the lounge. They reported that they could feel the bass vibration in the floor through their feet. Mr LEWIS

and Mr JOHNS reported that they entered the (second floor) bedroom and could still hear loud music, which in their opinion would have prevented sleep as the noise was intrusive. They reported that they noted that the music changed, but that it was still loud with a fast tempo and loud bass. Mr LEWIS and Mr JOHNS reported that at 0011 hours the music was turned up even louder and was ongoing when they left at 0020 hours (**DOCUMENT 8**).

On Wednesday 3 July 2013 I received an email from Mr ALLAN'S landlord asking me to call him. The email confirmed his ownership of the premises.

On Thursday 4 July 2013 I phoned Mr ALLAN'S landlord. He told me he had purchased the building in 1986 as a bar in the basement and a shop on the ground floor. He told me he had refurbished the flats in 1986. He told me Mr ALLAN has been associated with the premises for around 5 years. He told me that 2 flats are on a long leases and that there are 3 other self contained flats as well as the flat above the KEBAB YE takeaway premises. He told me he had spoken to both Mr WILLIAMS and Mr ALLAN. I told him that Mr WILLIAM'S complaints of noise are fully justified as high levels of noise and vibration have been noted in his flat. I confirmed also I was preparing a review of the premises licence.

On Thursday 4 July 2013 Mr WILLIAMS phoned. Mr WILLIAMS told me there was another techno night on Friday 5 July 2013, but also that last night he could hear shouting and chanting from the bar underneath, although there was no music. I confirmed to Mr WILLIAMS that I had spoken with Mr ALLAN after the first techno night and had told him there were justifiable complaints. I told Mr WILLIAMS that we were coming on Monday 8 July with the fire officers to look at the separation of the bar and flats. Mr WILLIAMS told me he would try to be there on Monday.

On Monday 8 July 2013 Fire Officers STEVE OSBORN and STEVE LOGAN and BRETT WARREN and I met at the WATERSIDE where we met Mr WILLIAMS. Mr ALLAN did not attend. A further visit was scheduled to

inspect the fire separation of the WATERSIDE and Mr WILLIAMS'S flat on Friday 2 August 2013.

During the visit I spoke with the occupant of one of the dwellings situated on the canal bank between the canal and the WATERSIDE. This occupant told me that she is disturbed also by noise breakout from the WATERSIDE. I told her to call the out of hours service if there is a problem in the future.

On Wednesday 24 July 2013 I received two emails from Ms WILLIAMS that provided an account of noise and disturbance since December 2011 **(DOCUMENTS 9 and 10)**.

On Thursday 1 August 2013 I received notification that the visit scheduled with the fire service for Friday 2 August 2013 had been cancelled by Mr ALLAN because the landlord was not available to attend.

On Friday 2 August 2013 Mr WILLIAMS phoned. Mr WILLIAMS told me there was no music last night but still loud voices until 0100hrs. Mr WILLIAMS told me the drum and bass appeared to have stopped on a Friday night, and that there was nothing advertised for that night.

On Monday 5 August 2013 a complaint was received from Ms LAUREN PRIESTLEY who occupies one of the flats within the building of loud music all through the night and that this caused her ears to hurt.

On Tuesday 6 August 2013 I phoned Ms PRIESTLEY. She told me she has been a tenant of the flat since June 2013 and that she and her baby are both affected by noise and music in the day and night. Ms PRIESTLY told me also that she can hear the punch bag in the bar below being hit. I wrote to Ms PRIESTLEY and sent her the noise nuisance pack and log sheets.

On Sunday 11 August 2013 Mr WILLIAMS called the out of hours service at 0324 hours complaining of around 6 to 8 people playing music and singing loudly.

On Monday 12 August 2013 I phoned Mr WILLIAMS who confirmed to me that there was loud singing of football chants, such as “I am forever blowing bubbles”, which he told me continued until approximately 0335 hours with a short burst of music from 0330 to 0335 hours.

On Monday 9 September 2013 Mr WILLIAMS called the out of hours service at 0025 hours complaining of noise from the bar.

On Tuesday 10 September 2013 I phoned Mr Williams. Mr WILLIAMS confirmed to me that the noise the previous morning was general noise from customers in the pub and not from loud music. Mr WILLIAMS told me that Tuesday nights are noisy as this is a “pool night”, which can continue beyond midnight.

On Wednesday 11 September 2013 Mr WILLIAMS called the out of hours service twice at 0135 hours and then at 0246 hours. The first complaint was that loud music was still playing beyond the permitted time (0100 hours) stipulated on the premises licence. The second complaint was that loud noise was coming from people at the WATERSIDE.

On Saturday 14 September 2013 Ms PRIESTLY called the out of hours service at 2020 hours complaining of noise and vibration all day from the WATERSIDE.

On Monday 16 September 2013 I phoned Ms PRIESTLY who confirmed to me that she hears music and the punch bag machine all day. Ms PRIESTLEY also confirmed that she had not received my letter of 6 August 2013.

The WATERSIDE is part of building that comprises 3 storeys to the front elevation and four storeys to the rear that; it stands close to the junction of Stoke Road, Old Road and Wing Road (**DOCUMENT 11**). The ground floor comprises a bar; there is another bar in the basement that opens onto the

Grand Union Canal. The ground floor also houses KEBAB YE, a hot food takeaway. The first and second floors comprise a number of self contained flats. The premises are located in a predominantly residential area; there are a couple of cottages immediately to the north fronting the canal tow path, a block of flats to the north and a mental health rehabilitation unit to the rear.

There have been a large number of complaints made over the past 2 years against the current operators of the pub regarding breakout of loud music. A noise abatement notice was served, which brought a short lived improvement to the problem, but could not satisfactorily resolve the underlying cause of the complaints in that the premises are not suited to hold late night regulated entertainment. Officers have witnessed on a number of occasions loud music and vibration in the dwelling above. It is for these reasons that I seek a review of the premises licence to restrict the hours that the premises are open to 2330 hours Monday to Sunday and regulated entertainment to cease by 2300 hours Monday to Sunday.