

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



**please ask for** Helen Bell  
**direct line** 0300 300 4040  
**date** 21 July 2011

## NOTICE OF MEETING

### LICENSING SUB COMMITTEE

Date & Time

**Thursday, 4 August 2011 at 10.00 a.m.**

Venue at

**Room C2, Watling House, High Street North, Dunstable**

Richard Carr  
Chief Executive

To: The Chairman and Members of the LICENSING SUB COMMITTEE:

Cllrs D Bowater, K Janes and I Shingler

[Named Substitutes: Cllrs R D Berry, L Birt, I Dalgarno, C C Gomm,  
Mrs D B Green, I A MacKilligan, J A G Saunders and P F Vickers

**(Bold text indicates substitute Members who will act as Full Members on  
this Sub Committee on this occasion)**

All other Members of the Council - on request

***MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS  
MEETING***

# AGENDA

1. **WELCOME**

2. **Apologies for Absence**

Apologies for absence and notification of substitute members

3. **Members' Interests**

To receive from Members any declarations and the nature in relation to:-

(a) personal interests in any agenda item

(b) personal and prejudicial interests in any agenda item

## Information

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## **Procedure for the hearing of applications The Licensing Act 2003**

**The Licensing Act 2003 (Hearings) Regulations 2005**

**Public Protection  
Central Bedfordshire Council  
Priory House  
Monks Walk  
Chicksands  
Shefford  
SG17 5TQ**

**0300 300 8000**

**Licensing Sub-Committee Procedure for  
Determining applications under the Licensing Act 2003**

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## Introduction

- 1.1. The Licensing Act 2003 has placed local authorities at the centre of the decision making process for regulating the sale and supply of alcohol, provision of regulated entertainment and late night refreshment.
- 1.2. This document and the procedures detailed herein are based upon the guidance issued by the Local Government Regulation Service and with regards to the provisions of:
  - the Licensing Act 2003;
  - the Guidance issued by the Secretary of State for Culture, Media and Sport on 7 July 2004 under section 182 of the Licensing Act 2003; and
  - The Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 1.3. This guidance is intended for all concerned in any way whatsoever with a hearing before a licensing panel (Licensing Sub-committee, the Licensing Committee or Council, as may be the case) in relation to the determination of applications under the Licensing Act 2003.

## 2. General Principles

- 2.1. All Members sitting on the determination of an application will always:
  - promote the right of all parties to have a fair hearing;
  - only have regard to such of the four licensing objectives that are subject to a relevant representation, namely:
    - the prevention of crime and disorder;
    - public safety;
    - the prevention of public nuisance; and
    - the protection of children from harm;
  - have regard to the Licensing Act 2003 and any relevant secondary legislation;
  - have regard to the Council's Statement of Licensing Policy;
  - have regard to the Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003;
  - treat each application on its own merits; and
  - undertake its decision-making responsibilities honestly and fairly, in an open, transparent and accountable way.

## **PRE-HEARING**

### **3. Licensing Panels**

- 3.1. Generally, hearings will take place before a Licensing Sub-committee consisting of three Members of the Licensing Committee, although, to avoid unnecessary adjournments, a fourth Member may attend as a substitute Member.
- 3.2. If, for any reason whatsoever, it is not possible to have a matter determined by a Licensing Sub-Committee, the matter would be heard by the Licensing Committee. A Licensing Committee must consist of between ten and fifteen Members and at least one half of those Members must attend for a hearing to proceed before the Licensing Committee.
- 3.3. In the highly unlikely event of it not being possible, for any reason whatsoever, to have a matter determined by either a Licensing Sub-committee or the Licensing Committee, the matter would be heard by Council.

### **4. Timescales for Convening a Hearing**

- 4.1. Most hearings under the Licensing Act 2003 must normally take place within 20 working days from the last date in which representations can be made. There are exceptions to this rule.
- 4.2. Exceptions:
  - 4.2.1. A hearing must take place within 10 working days of the Authority receiving notification of a review of the premises following a closure order;
  - 4.2.2. A hearing must take place within 7 working days from the day after the end of the period within which the police can object to a temporary event notice;
  - 4.2.3. A hearing must take place within 5 working days beginning the day after the end of the last day for the police to object to an interim authority notice.
- 4.3. Hearings may be dispensed with where all relevant persons agree a hearing is unnecessary.

### **5. Notice of Hearing**

- 5.1. Generally 10 clear days notice will be given of a hearing. There are exceptions to this rule.
- 5.2. Exceptions:
  - 5.2.1. 5 days notice will be given of a hearing for a review of a premises licence following a closure order;
  - 5.2.2. 2 days notice will be given of a hearing following police objection to an interim authority notice;

- 5.2.3. 2 days notice will be given of a hearing following police objection to temporary events notice.

## **6. Persons to be Notified of a Hearing**

- 6.1. The following persons must be notified of a hearing:
  - 6.1.1. Any applicant for any licence, provisional statement or review;
  - 6.1.2. Premises user who submitted a temporary event notice;
  - 6.1.3. Any person who has made relevant representations;
  - 6.1.4. Any Responsible Authority; and
  - 6.1.5. Where an application is made for a review, the holder of a premises licence or club premises certificate.

## **7. Contents of Notice**

- 7.1. The notice of a hearing must contain:
  - 7.1.1. The date, time and place of the hearing;
  - 7.1.2. The procedure to be followed at the hearing;
  - 7.1.3. The right of a party to attend and to be assisted or represented by any person whether legally qualified or not;
  - 7.1.4. Any points upon which the authority considers that it will want clarification from a party at the hearing;
  - 7.1.5. The right of the party to provide additional information to provide any clarification sought by the Authority;
  - 7.1.6. The consequences of failing to attend the hearing or not being represented at the hearing;
  - 7.1.7. Any information the Licensing Authority has received in support or opposition of the application.

## **8. Hearings to be open to the public**

- 8.1. Hearings will generally be open to the public as the Licensing Authority is committed to taking decisions in an honest, accountable and transparent way, but on occasions a licensing panel may find it necessary to exclude a party or parties, the public and press from all or any part of a hearing.
- 8.2. A panel will only pass an exclusion resolution where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public. Such decisions will be made on an individual basis.

- 8.3. The panel's deliberations, which do not form part of the hearing, will be conducted in private. The announcement of the panel's decision is part of the hearing and will generally be open to the public, subject to any exclusion resolution.

**9. Failure to attend the hearing**

- 9.1. No party is obliged to attend a hearing, although the Licensing Authority encourages all parties to attend hearings to make their application or representation, as may be the case.
- 9.2. Regardless of whether a party attends a hearing or not, the matter will generally be heard and determined by the licensing panel (the Council, the Licensing Committee or a Licensing Sub-committee). At the hearing, the panel will consider any application, representation or notice made by an absent party in the same way as it will of any application, representation or notice made by a party that attends the hearing.
- 9.3. If, however, the hearing is adjourned to a specified date, all parties will forthwith be notified of the date, time and place to which the hearing has been adjourned.

**10. Disruptive behaviour**

- 10.1. Any person who disrupts a hearing by the Council, the Licensing Committee or a Licensing Sub-committee of a matter under the Licensing Act 2003 may be required to leave the hearing.
- 10.2. It is for the panel hearing the matter to decide whether such person will be permitted to return to the hearing, but should they be allowed to do so, this may be on such conditions as the panel may specify.
- 10.3. If a disruptive person is a person who has a right to address the panel, then that person may, before the end of the hearing (i.e. before Stage 25 of the following procedure), put in writing any information they would have been entitled to give orally, had they not been required to leave the hearing.



**SUB - COMMITTEE AGENDA**

**11. Licensing Sub-Committee agenda**

- 11.1. The Licensing Sub-Committee Hearing shall be commenced in accordance with the Licensing Sub-Committee agenda. Any Committee matters shall be addressed at this stage.
- 11.2. The Licensing Sub-Committee Hearing procedure shall take over at the point at which the agenda item is called to be heard.
- 11.3. The Sub-Committee agenda shall deal with the issue of exclusion of press and public for the Licensing Sub-Committee Hearing.

## HEARING PROCEDURE

### **12. Opening the Hearing**

- 12.1. The Licensing Sub-Committee Hearing shall be formally opened by the Chair.
- 12.2. The Chair shall introduce Members of the licensing panel (a Licensing Sub-committee, the Licensing Committee or Council), officers present and all other parties present.
- 12.3. The Chair shall explain the procedure to be followed at the meeting and the nature of the decision to be taken by the panel.

### **13. Licensing Officer's Report**

- 13.1. The Licensing Officer presents his / her Report, including an outline of the application, the representation(s) and any points upon which the Licensing Authority has given notice that it required clarification; and identifies anything relevant in the legislation, the Council's Statement of Licensing Policy and the statutory guidance issued by the Secretary of State for Culture, Media and Sport.
- 13.2. Members of the panel may ask questions of the Licensing Officer with regards to the Report.

### **14. Licensing Authority's request(s) for clarification**

- 14.1. If points of clarification have been asked for, the Chair invites the Licensing Officer or relevant party to provide necessary information.
- 14.2. Members of the panel may ask questions with regards to the further information provided.

### **15. Presentation of Case / Submissions from Parties**

- 15.1. In the order of Applicant, Responsible Authority and Interested Party (or in the case of a review the relevant person), each party shall be invited to undertake the following:
  - 15.1.1. Set out their case;
  - 15.1.2. Call Witnesses in support of their case (provided notification of the witnesses has previously been given to the Council);
  - 15.1.3. Introduce documentary evidence in support of their case (provided notification of the documentary evidence has previously been given to the Council); and
  - 15.1.4. Respond to any questions asked of them by Members of the Licensing Panel.
- 15.2. At the Sub-Committee and Chair's discretion each party may ask questions of other parties by directing them through the Chair.

- 15.3. The Sub-Committee shall have the absolute discretion to restrict the number of witnesses and documents that any party can introduce, or the time spent on submissions or oral evidence, to ensure the proper running of the hearing.
- 15.4. Any witnesses that any party is seeking to call that have not previously been notified to the Council, in advance of the hearing, shall only be allowed with the consent of all other parties at the hearing. The Sub-Committee shall have the sole discretion to refuse to allow any witnesses to be heard, even where the consent of all parties has been given. In reaching the decision the Sub-Committee may consider any circumstances they believe to be relevant, and will have regard to the relevance of the evidence to the matters before the Committee.
- 15.5. Any documents that any party is seeking to adduce that have not previously been notified to the Council, in advance of the hearing, shall only be allowed with the consent of all other parties at the hearing. The Sub-Committee shall have the sole discretion to refuse to allow any documents to be adduced, even where the consent of all parties has been given. In reaching the decision the Sub-Committee may consider any circumstances they believe to be relevant, and will have regard to the relevance of the evidence to the matters before the Committee.

## **16. Modification or Withdrawal of Application or Representation**

- 16.1. The Chair shall ask the applicant whether the applicant wishes to modify the application (e.g. by way of withdrawing a licensable activity and / or reducing the times asked for and / or volunteering additional steps to promote the licensing objectives).
- 16.2. The Chair shall ask each party making a representation whether such party would like to withdraw their representation.

## **17. Closing Submissions**

- 17.1. The Chair shall invite each of the parties to present a closing submission to the Sub-Committee.
- 17.2. The Chair shall invite the Licensing Officer to make any final representations.
- 17.3. At the end of the Closing Submissions the Chairman may ask the Legal Advisor if there is any clarification or points they wish to make.

## **18. Legal Advice**

- 18.1. The role of the Legal Advisor is to provide Members with advice on:
  - Questions of law;
  - Matters of practice and procedure;
  - The options available to the sub-committee in making their decision;
  - Whether information or evidence is relevant to the licensing objectives;
  - Any relevant case law or guidelines.

- 18.2. The hearing shall be directed by the Chair and assisted by the Legal Advisor as appropriate and necessary.

**19. Committee Decision in Relation to Procedure**

19.1. The Sub-Committee shall be entitled to vary the order and procedure for the hearing, at its absolute discretion.

**20. Determination of the Application**

20.1. After all representations have been heard, the Chair will inform all parties that the panel will retire in private to determine the matter.

20.2. Either the panel will retire alone to a private room or all parties, officers and members of the public will be required to leave the room, although the panel may invite their legal adviser to join them for the purpose of providing only legal advice - the details of which will be disclosed upon the hearing reconvening.

20.3. Should the sub-committee need to ask any further questions of any party, all parties shall be invited to return for the purposes of asking and answering questions.

20.4. Where the hearing is for:

- a review of a premises licence following a closure order;
- a personal licence by holder of a justices licence; or
- a counter notice following police objection to a temporary event notice.

The Sub-Committee must make its determination at the conclusion of the meeting.

20.5. For all other hearings the determination must be made within 5 working days of the hearing. The Sub-Committee will generally announce the determination at the end of the hearing.

20.6. The Sub-Committee may consider adding any conditions necessary in order to promote one or more of the four licensing objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

20.7. All decisions shall be made in line with the general principles as detailed in Appendix A, the range of options available for determining each type of application.

20.8. The Sub-Committee shall complete the decision notice as shown at Appendix B.

20.9. The hearing will reconvene and the Chair will either:

- announce the Sub-Committee determination including reasons for the determination; or
- advise those persons present that the Sub-Committee has not reached a decision, but will make a determination as soon as it can and, in any event,

within five working days. All parties will then be notified forthwith of the decision.

## **POST HEARING**

### **21. Record of Proceedings**

- 21.1. The authority shall ensure that a record is taken of the hearing.
- 21.2. The record shall be kept for a period of six years from the date of the final action on the matter.

### **22. Irregularities**

- 22.1. Proceedings shall be rendered void due to a failure to comply with the procedures set out in this document.
- 22.2. Any failure to comply with the Hearing Regulations shall not render the process or the decision void.
- 22.3. Where the Authority considers any person to have been prejudiced from the irregularity it shall take such steps as it considers fit to remedy the irregularity, before reaching its determination.
- 22.4. Clerical mistakes may be corrected by the Authority.

### **23. Decision Notices**

- 23.1. The Authority shall provide a written notice of its determination as soon as practicable after the hearing and within 5 working days.

### **24. Appeals**

- 24.1. An appeal against the determination of the Authority must be made to the appropriate Magistrates Court within 21 days of the date of delivery of the decision.

### **25. Closing the Hearing**

- 25.1. The Chair shall thank all parties for attending and draw the hearing to a close.
- 25.2. Should there be another hearing to be heard the Sub-Committee shall begin the procedure again.

**Licensing Sub-Committee Checklist**  
**Procedure for determining applications under the Licensing Act 2003**

Item				
1.	Chair to introduce Sub-Committee, Committee Administrator, other Officers and all Parties present.			
2.	Chair to explain procedure for hearing to all parties.			
3.	Licensing Officer to introduce application, including details of the premises, application, objections, references to the Licensing Objectives and Policy and Statutory Obligations.			
4.	Chair to invite Sub-Committee to ask any questions of the Licensing Officer, in relation to the report provided.			
5.	Chair to ask Licensing Officer whether there are any points requiring Clarification.			
Steps 6 to 9 to be completed for each party in the order of Applicant (A), Responsible Authority (RA) and Interested Party (IP) or Relevant Person (RP). The chair will invite each party to:		A	RA	IP/ RP
6.	Set out their case			
7.	Call Witnesses in support of their case (provided notification of the witnesses has previously been given to the Council);			
8.	Introduce documentary evidence in support of their case (provided notification of the documentary evidence has previously been given to the Council); and			
9.	Respond to any questions asked of them by Members of the Licensing Panel.			
Repeat steps 6 to 9 for each party				
10.	At the Sub-Committee and Chair's discretion each party may ask questions of other parties by directing them through the Chair.			
11.	Chair asks Applicant if they wish to modify or withdraw their application in any way.			
12.	Chair to invite closing submissions from applicant, responsible authorities and interested parties.			
13.	The Sub-Committee will retire into private to consider its decision.			
14.	Chair will announce the decision of the Sub-Committee and the reasons for the decision. The Chair will advise all parties of their right of appeal.			



Appendix 'A'

Options for determining applications

Determination of application for premises licence

- To grant the licence
- To grant with the addition of conditions necessary to promote any of the licensing objectives
- To exclude from the scope of the licence any of the licensable activities to which the application relates
- To refuse to specify a person in the licence as the premises supervisor
- To reject the application

Determination of application for variation of a premises licence

- To grant the variation
- To modify the conditions of the licence – this includes altering or omitting any existing condition or adding any new conditions
- To reject the whole or part of the application

Determination of application for review of a premises licence

- To modify the conditions of the licence – this includes altering or omitting any existing condition or adding any new conditions
- To exclude a licensable activity from the scope of the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

Appendix 'B'



**CENTRAL BEDFORDSHIRE COUNCIL**

**DECISION NOTICE**

**LICENSING ACT 2003**

**DECISION OF THE LICENSING SUB – COMMITTEE**

<u>Date of Hearing</u>	
------------------------	--

<u>Applicant's Name:</u>	
<u>Premises Address:</u>	

<u>Application for:</u>	
-------------------------	--

<u>Reasons for Hearing:</u>	
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<u>Members of the Licensing Sub-Committee:</u>	
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<u>Applicant:</u>	
<u>Person(s) Appearing on Behalf of the Applicant:</u>	

<u>Objector(s):</u>	
<u>Person(s) Appearing on Behalf of Objector(s):</u>	

<u>Other Persons Present:</u>	
-------------------------------	--

*If appropriate:*

<b><u>COMMENCEMENT DATE</u></b>
<u>This licence will come into effect from:</u>
<input type="checkbox"/> <u>The date of this decision</u>
<input type="checkbox"/> <u>The end of the period for appeal.</u>

<b><u>FINDINGS OF FACT</u></b>
--------------------------------

The Sub-Committee made the following findings of fact:

<b><u>DECISION</u></b>
<u>The Sub-Committee have decided that the application should be:</u>
<input type="checkbox"/> <u>Granted (as set out in the application)</u>
<input type="checkbox"/> <u>Refused</u>
<input type="checkbox"/> <u>Amended to include the following conditions:</u>
1.
2.
<ul style="list-style-type: none"> <li>• <u>The Sub- Committee considers the additional conditions necessary for the promotion of the licensing objectives.</u></li> <li>• <u>All Licences are granted subject to the mandatory conditions imposed by the Licensing Act, 2003.</u></li> <li>• <u>In coming to its decision, the Sub-Committee has taken into account:</u> <ul style="list-style-type: none"> <li>○ <u>The Licensing Act Section 18, which states that it must take such steps it considers necessary for the promotion of the licensing objectives;</u></li> <li>○ <u>The Secretary of State's Guidance issued under section 182 of the Licensing Act 2003; and</u></li> <li>○ <u>Central Bedfordshire Council's Licensing Policy</u></li> <li>○ <u>The merits of the application and the representations (including supporting information) presented by all parties.</u></li> </ul> </li> </ul>

<b><u>REASONS FOR DECISION</u></b>
<u>The reasons for the Committee's decision are as follows:</u>
<input type="checkbox"/> <u>Prevention of Crime and Disorder</u>
<input type="checkbox"/> <u>Public Safety</u>
<input type="checkbox"/> <u>Prevention of Public Nuisance</u>
<input type="checkbox"/> <u>Protection of Children from Harm</u>
<input type="checkbox"/> <u>General – all four licensing objectives</u>

<b><u>Irrelevant Representations</u></b>	
<u>The Sub-Committee determined that the following representations were irrelevant: Not applicable.</u>	
<u>Representation</u>	<u>Reason Representation was Considered Irrelevant</u>

1.	
2.	

**Right of Review**

At any stage, following the grant of a premises licence, a responsible authority, such as the Police or an interested party, such as a resident living in the vicinity of the premises may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003.

**Effect of Failing to Comply with Conditions (Explained to Applicant)**

The Sub-Committee has explained to the applicant the effect of failure to comply with any of the conditions attached to the licence or certificate is a criminal offence, which upon conviction, would result in a fine of up to £20,000 or up to six months imprisonment or both.

**Right of Appeal**

Applicants or any person who has made a relevant representation who is dissatisfied with this decision or the imposition of any condition or restriction has the right of appeal to the Magistrates Court within 21 days of the date on which they are notified of the decision.

Signed: .....

[Name]

Chair of Licensing Sub-Committee

Date: .....

## **The 4 Licensing Objectives**

**To promote the Licensing Objectives:**

- 1. Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. Prevention of public nuisance**
- 4. Protection of children from harm.**

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<b>LICENSING SUB-COMMITTEE</b>
<b>4<sup>th</sup> August 2011</b>

<b>SUBJECT</b>	<b>LICENSING ACT 2003 – A hearing called to determine an application for a review of a premises licence for The Bell Public House, 4 Market Square, Toddington, Dunstable, LU5 6BP</b>
<b>REPORT OF</b>	<b>Head Of Service Public Protection</b>
<i>Contact Officers; <a href="mailto:dave.mcbain@centralbedfordshire.gov.uk">dave.mcbain@centralbedfordshire.gov.uk</a></i>	

**1. The Application**

1.1 An application has been submitted by An Interested Party. A Copy of the application is attached at Appendix A.

1.2	<b>Activity</b>	<b>Current Provision</b>	<b>The Application</b>
	Regulated Entertainment	<p><b>Live music</b> - Indoors Friday and Saturday 20.00hrs to 01.00hrs Sunday 20.00hrs to 23.00hrs <b>Further details</b> - Use of amplified music turned down 30 mins before last order.</p> <p><b>Non-standard timings</b> - Except where Xmas Eve, New Years Eve &amp; Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.</p> <p><b>Recorded music</b> - Indoors Monday to Sunday 12.00hrs to 01.00hrs <b>Non standard timings</b> - Except where Xmas Eve, New Years Eve &amp; Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.</p> <p><b>Facilities for Making Music - Indoors</b> <b>Description of Facilities for Making Music</b> - Disco, Karaoke, Dance Floor Friday, Saturday &amp; Sunday 20.00hrs to 01.00hrs <b>Non-standard timings</b> - Except where Xmas Eve, New Years Eve &amp; Bank Holidays fall</p>	To determine a review of the existing conditions

	<p>on Sunday/Monday where extended hours will include up to 02.00hrs.</p> <p><b>Facilities for Dance - Indoors</b> Friday, Saturday &amp; Sunday 20.00hrs to 01.00hrs <b>Non-standard timings -</b> Except where Xmas Eve, New Years Eve &amp; Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.</p>	
Late Night Refreshment	<p><b>Late Night Refreshment - Indoors</b> Monday to Sunday 23.00hrs to 01.30hrs <b>Non standard timings -</b> Except where Xmas Eve, New Years Eve &amp; Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.</p>	To determine a review of the existing conditions
Supply of Alcohol (On sales only)	<p><b>Supply of Alcohol - On the Premises</b> Monday to Sunday 12.00hrs to 01.00hrs <b>Non-standard timings -</b> Except where Xmas Eve, New Years Eve &amp; Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.</p>	To determine a review of the existing conditions
Hours of Opening	<p>Monday to Sunday 12.00hrs to 01.30hrs</p> <p><b>Seasonal variations – None</b></p> <p><b>Non-standard Timings -</b> Except where Xmas Eve, New Years Eve &amp; Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.</p>	N/A



- 1.3 The premise is situated at a crossroads close to the Village Centre and Village Green. Other commercial premises are nearby. Other public houses are situated within a few metres of the premise. There are a substantial number of residential premises nearby. A copy of the location map is attached at Appendix B.

## 2. **Relevant History**

- 2.1 The premise has been a licensed premise for many years and previously had a Licence under the Licensing Act 1964. The premise first received a licence under the LA03 on 19<sup>th</sup> July 2005 following a sub-committee hearing at which a number of conditions, additional to those offered, were placed upon the licence.

Transfer of the Premises Licence to the present holder, Punch Taverns Plc, was made on 23<sup>rd</sup> November 2005. Since that date the premises licence holder has made application to vary the Designated Premises Supervisor on 15 occasions, the last one being on 24<sup>th</sup> March 2011. A copy of the Premises Licence is attached at Appendix 'C'

Objectors lodged an appeal on 12 August 2005. A preliminary hearing was set for 30 September 2005, and subsequently adjourned several times.

A meeting between all parties was held at The Bell on 5 May 2006, at which time the proposed actions to form a consent order were agreed.

On 6 July 2006 the parties agreed the Consent order and the appeal ended at that point. A copy of the Consent order is attached at Appendix 'D'

A number of subsequent complaints were received by the Licensing Authority culminating in an application by Toddington Parish Council on behalf of local interested parties for review of the licence.

This review was held on 19<sup>th</sup> March 2007. The decision of the licensing sub-committee resulted in a number of additional conditions being placed upon the licence. These can be viewed at Appendix 'C' Annex 3 – **Conditions attached after a hearing by the licensing authority** on pages 6 & 7

Since the previous review of the premises licence approximately 15 complaints have been made to the Licensing Authority resulting in involvement from Public Protection Officers. These have mainly involved noise nuisance complaints and allegations concerning the absence of the Designated Premises Supervisor.

## 3. **Promotion of Licensing Objectives**

- 3.1 There are a number of conditions given in the Operating Schedule. These can be viewed at Appendix 'C', Annex 2- **Conditions consistent with the operating schedule** on page 6

4. **Representations from responsible Authorities**

4.1

- Public Protection, Health & Safety – No comments
- Public Protection, Environmental Health – Report at Appendix 'G'
- Police Licensing Officer – Report attached at Appendix 'E'
- No additional comments
- Other Responsible Authorities – No Reply

5. **Interested Parties**

- 5.1 The review application is from 2 Interested parties  
A further interested party has made a representation. This is attached at Appendix F

6. **Licensing Policy**

- 6.1 Members' attention is drawn to the Council's Licensing Policy, in particular section 7.0. Licensing Functions. The relevant licensing objectives can be viewed at sections 7.1, 7.2, 7.3, & 7.4.

7. **Secretary of State's Guidance**

- 7.1 The sub committee must have regard to the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003, in particular Part 2. The licensing objectives, and Annex 'D' – Pools of conditions

8. **Observation and General Guidance**

- 8.1 The Sub-Committee must consider the application and any submissions made in writing, and determine the application. The options available are:
- Take no action (this may include an informal warning)
  - To modify the licence to include conditions that it considers are necessary for the promotion of the Licensing objectives – this includes altering or omitting any existing condition (including a reduction of hours) within the operating schedule and/or adding any new conditions,
  - To exclude a licensable activity from the scope of the licence
  - To remove the Designated Premises Supervisor from the licence
  - To suspend the licence for a period not exceeding three months
  - To revoke the licence

- 8.2 The Sub-Committee determination must be based upon:-

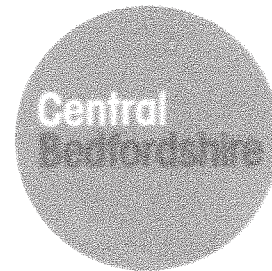
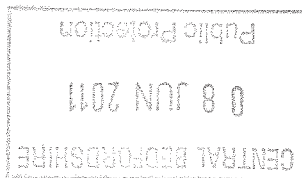
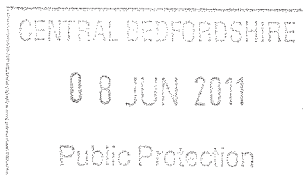
- The merits of the review application and the representations (including supporting information) presented by all the parties.
- The steps that are necessary for promotion of the four Licensing objectives.
- The Policy of the Licensing Authority.
- The Guidance issued by the Secretary of State for the Home

Office under s182 of the Licensing Act 2003

- 8.3 The Sub-Committee must provide clear and relevant reasons for their decision

**Background Papers:** Licensing Act 2003, Home Office Guidance s182,  
Central Bedfordshire Council Licensing Policy  
**Location of Papers:** Licensing Team, Dunstable  
**File Reference:** 013185 / 019784

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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 RENÉ SAMWAYS  
(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 <u>THE BELL PUBLIC HOUSE</u> <u>6 MARKET SQUARE</u> <u>TODDINGTON</u> <u>DUNSTABLE</u>	
Post town <u>DUNSTABLE</u>	Post code (if known) <u>LU5 6BP</u>
Name of premises licence holder or club holding club premises certificate (if known) <u>THE BELL PUBLIC HOUSE</u>	
Number of premises licence or club premises certificate (if known) <u>013185</u>	

**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

SAMWAYS

RENÉ

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

6 MARKET SQUARE  
TODDINGTON

Post town

DUNSTABLE

Post Code

LU5 6BS

Daytime contact telephone number

01525 872346

E-mail address (optional)

R.SAMWAYS@N.WOODS.COM

**(B) DETAILS OF OTHER APPLICANT**

Name and address MRS ELIZABETH PAMELA SAMWAYS 6 MARKET SQUARE TODDINGTON DUNSTABLE LU5 6BS
Telephone number (if any) 01525 872346
E-mail address (optional) PAMSAM@NTWORLDW.COM

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

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

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

SEE ATTACHED :-



Please state the ground(s) for review (please read guidance note 1)

1/ At various times customers leaving the Bell Public House at closing time cause disorder with their arguing, fighting, smashing bottles and glasses on the pavement, urinating against our house, at one time urinating through our letter box, breaking our windows and even smashing a panel of our front door. All these have been reported to the Police, but nothing changes. Two weeks ago I reported to the police that two men were urinating against the front of our house, on asking for a crime number I was informed by this PC that he did not consider this to be a crime and it would be a waste of police time to come out as they would have been long gone before they got there.

We have over the years had many fights outside our house, people being stabbed and hit with bottles and glasses, police have made arrests outside, the latest being 2 weeks ago for fighting.

2/ As regards public safety the amount of broken glass on the pavement outside our house is a hazard to pedestrians, in the mornings small children travelling by foot to St. Georges Lower in Leighton Road run the risk of hurting themselves on this broken glass, also dangerous for animals when people are walking their dogs.

3/ The prevention of public nuisance is plain to see, and be heard, the loudness of music at weekends coming from this pub late at night is excessive, this can be heard in houses across the village green by residents inside their houses, the continuous base beat that is emitted from this pub at night is mind numbing as well as stopping one from sleeping. There is supposed to be a sound restricter in the pub set to a low level by the Environmental Health Department, but it certainly does not seem to be used,

4/ The loudness of noise at night I have been told keeps children living in close proximity awake at night, also the broken glass problem as in 2/ above.

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

SEE ATTACHED DIARY OF NOISE AND EVENTS

Please tick yes

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



## DIARY OF NOISE & EVENTS AT THE BELL PUBLIC HOUSE

Previous to these dates we did not keep a diary:-

May 22<sup>nd</sup>. Monday at 3pm;

Shouting and screeching coming from Bell rear garden, disgusting language being used by male and female customers, unable to enjoy our own back garden we went indoors.

At about 7pm I telephoned the Bar Manager and asked him if would get his customers to quiet down a little. He replied that he was in the rear garden and he did not consider the noise to be too loud, I told him I disagreed with him and again asked if it could be toned down, especially the swearing, he agreed to do this and it did quiet down a little.

11-30 pm.

Once again we have to suffer the excessive base beat which we can hear in our bedroom coming from the pub, it eventually stooped at just after 1 am.

May 6<sup>th</sup> Friday 8pm

Excessive noise coming from rear garden of pub, usual obscene language being used.

11-40,

Base beat is again very loud in our bedroom, stopped at about 12-45 am.

May 7<sup>th</sup> Saturday 8-20pm.

Loud shouting and screeching sounds from pub rear garden, usual obscene language.)Why do they have to screech and shout, using bad language. Unable to again not be able to enjoy our own rear garden we decide to go indoors. The noise never stops, at 11.30 pm we decide to go to bed but that incessant base beat goes on and on, eventually stops at about 1 am.

Peace at last.

May 13<sup>th</sup> Friday 4 pm.

Same loud noise again from rear garden of pub, this carries on all evening until closing time, base beat sounds louder tonight.

1-45 am.

Woken by customers leaving pub as they gather on the pavement outside our house, shouting and swearing at one another, females as bad as males. On looking out of bedroom window I notice they are all young teenagers, one can hardly stand and is being supported by two others, they eventually wander off at about 2.25am.

May 14<sup>th</sup> Saturday. Late afternoon.

Very noisy in rear garden, usual obscene language.

Loud base beat at night again, tried to phone Bar Manager but got no answer.

May 20<sup>th</sup> Friday.

Noise from rear garden very loud throughout the evening, loud base beat again.

May 21<sup>st</sup> Saturday.

PM live football on garden TV but must expect some shouting during the game.

During evening very loud shouting in rear garden, also can hear the music indoors, base beat very loud again until 1am.

May 25<sup>th</sup> Tuesday.

Very noisy again in rear garden, at about 1015 pm a loud argument starts in pub driveway between a couple in the driveway of pub next to my living room, they are shouting at the top of their voices and swearing at one another, others seem to join in as there are now many voices, all shouting, and it sounds like they are smashing up the advertising "A" board that is outside the pub, at 1045 pm I telephone the Bar Manager of the Bell pub and ask him to please take charge of his customers as the noise is now getting ridiculous, he informs me that in no way is he going to put himself at risk by intervening but he had called the police, I told him that I thought as a Bar Manager he should take control of his customers behaviour before they got out of control.

The Police did arrest one male person.

I have found out since that at the start of the trouble in the Bell, he, the Bar Manager, who I think is called Pete was drinking in another pub in the village, namely the "Sow and Pigs" so would have been unaware of any problems in his pub.

May 28<sup>th</sup> Saturday.

We went to bed at about 11-35 pm, the loud heavy base beat kept us awake until past 12-20 am.

Glasses broken on the pavement outside our house and urine stains on our house front wall and across the pavement. The broken glass was still on the pavement at 11-30 am.

If yes please state the date of that application

Day Month Year  
30/11/2010

If you have made representations before relating to this premises please state what they were and when you made them

SEE ATTACHED LETTER TO TOSBINGTON PARENT COUNCIL  
OF 30th NOVEMBER 2010



*Mr. & Mrs. R. Samways  
6 Market Square  
Toddington  
Bedfordshire LU5 6BS*

*Tel: 01525 872346*

Chairman  
Toddington Parish Council Offices  
Leighton Road  
Toddington  
Bedfordshire

30<sup>th</sup> November 2010

Dear Sir,

Once again, problems regarding The Bell Public House and its customers raise concerns.

1. Have their licence conditions been changed? Again we are suffering the loud bass beat of the music, at times up to 1am. Is music still going through limiter?
2. No entry after 11.30pm. Customers *are* being allowed entry after 11.30pm.
3. Are licensed doormen being employed on Fridays, Saturdays and Sundays?
4. Sunday opening times? We thought they were noon to 11pm? Pub is now open until 1am on Sundays.
5. When customers leave at closing time they stand outside the pub and our house (above address) with glasses and cans of alcohol in hand, creating noise and nuisance. i.e. shouting, fighting and urinating against our house. We thought Market Square to be an alcohol free zone, or so signs say on various places around the Square. Why is this tolerated by the Police?
6. Taxis are supposed to pick up in the pub car park only, yet they wait outside our house, on the double yellow lines, with engines running. This goes on until 2am most Fridays and Saturdays. Police cars cruise by but never question these taxi drivers. Why?
7. Last Saturday, 27<sup>th</sup> November 2010, my wife and I were again woken at 12.30am by shouting and arguing by a group of about 10-12 people outside our house. Some had glasses, bottles and cans of alcohol. One glass was smashed on the pavement, another was thrown into our driveway, smashing and leaving shards of glass.

/2...

2

Two males urinated against the wall of our house. I telephoned the Police at 1.40am and a lady operator said someone would come out. I stood at my window watching and at 1.50am a Police car drove slowly by but did not stop.

I called the Police again and told a P.C. operator what I had seen and reported the incident to him. I asked for a crime number and he informed me that he would not issue a crime report number because people urinating against my house, or in public, is not a crime!

At 0200 a Policeman arrived and spoke to one of the group, a female I believe. After a few minutes he drove off, but the group did not disperse until after 0215, still shouting and drinking.

The glass on the pavement outside the Bell was still there at 10.30am Sunday morning, along with a large amount of cigarette stubs. I, once again, had to clear up broken glass in our driveway.

It appears that as far as the Police are concerned, problems of this nature come a poor second to what happens in Dunstable. What is so sacrosanct about Dunstable?

As you are aware, there have been problems with The Bell Public House for as long as 20 odd years, whoever has been the owner, landlord or manager. Is it now about time to ask if it is possible to get this pubs licence revoked, or even changed by revoking the late licence?

Yours faithfully,



Mr. Rene Samways



Mrs. Elizabeth Samways



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.

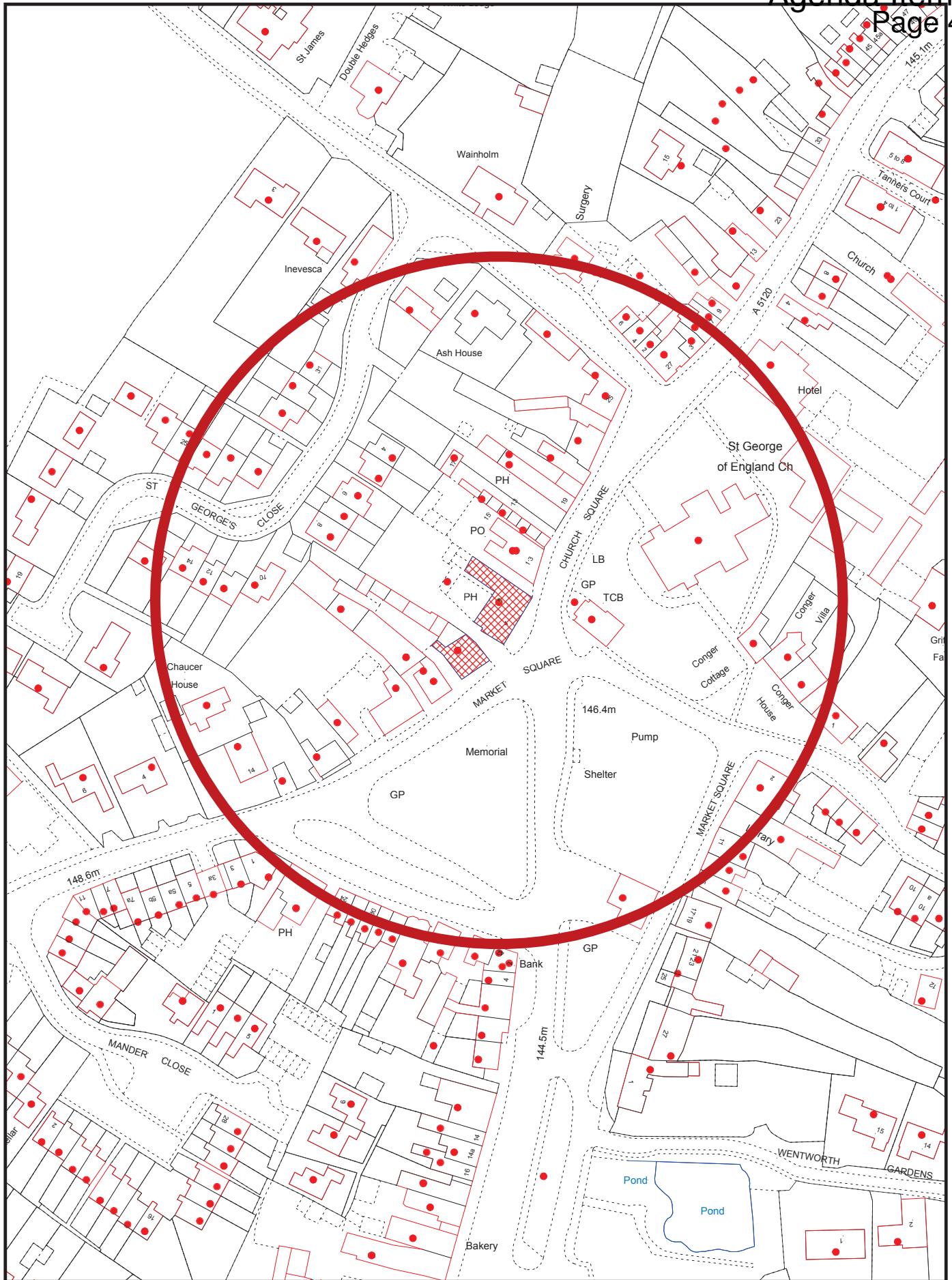
Signature *[Handwritten Signature]*  
 Date 7th June 2011  
 Capacity RESIDENT OF MARKET SQUARE TODDINGTON

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)</b> MR. RENÉ SAMWAYS 6 MARKET SQUARE TODDINGTON	
<b>Post town</b> <u>DUNSTABLE</u>	<b>Post Code</b> <u>LU5 6BS</u>
<b>Telephone number (if any)</b> <u>01525 872346</u>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

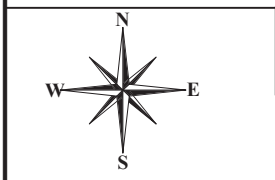
**Notes for Guidance**

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.

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### Appendix B




Date: 22 June 2011

Scale 1:1500

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Ordnance Survey 100049029.

Central Bedfordshire Council.



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**THE LICENSING ACT 2003**  
**CENTRAL BEDFORDSHIRE COUNCIL**  
**PREMISES LICENCE**

**PART A**

**Premises licence number**

013185

**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> The Bell Public House 4 Market Square	
<b>Post town</b> Toddington	<b>Post code</b> LU5 6BP
<b>Telephone number</b> 01525 872564	

<b>Where the licence is time limited the dates</b> Not applicable
--

<b>Licensable activities authorised by the licence</b> Live Music Recorded Music Facility For Making Music Facilities For Dancing Late Night Refreshment Supply Of Alcohol
--

**The times the licence authorises the carrying out of licensable activities**

**Live music - Indoors**

**Further details** - Use of amplified music turned down 30 mins before last order.

Friday and Saturday 20.00hrs to 01.00hrs

Sunday 20.00hrs to 23.00hrs

**Non-standard timings** - Except where Xmas Eve, New Years Eve & Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.

**Recorded music - Indoors**

Monday to Sunday 12.00hrs to 01.00hrs

**Non standard timings** - Except where Xmas Eve, New Years Eve & Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.

**Facilities for Making Music - Indoors**

**Description of Facilities for Making Music** - Disco, Karaoke, Dance Floor

Friday, Saturday & Sunday 20.00hrs to 01.00hrs

**Non-standard timings** - Except where Xmas Eve, New Years Eve & Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.

**Facilities for Dance - Indoors**

Friday, Saturday & Sunday 20.00hrs to 01.00hrs

**Non-standard timings** - Except where Xmas Eve, New Years Eve & Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.

**Late Night Refreshment - Indoors**

Monday to Sunday 23.00hrs to 01.30hrs

**Non standard timings** - Except where Xmas Eve, New Years Eve & Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.

**Supply of Alcohol - On the Premises**

Monday to Sunday 12.00hrs to 01.00hrs

**Non-standard timings** - Except where Xmas Eve, New Years Eve & Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.

**The opening hours of the premises**

Monday to Sunday 12.00hrs to 01.30hrs

**Seasonal variations** – None

**Non-standard Timings** - Except where Xmas Eve, New Years Eve & Bank Holidays fall on Sunday/Monday where extended hours will include up to 02.00hrs.

**Part 2**

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Alcohol - On the Premises

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Punch Taverns Plc  
Jubilee House  
Second Avenue  
Burton on Trent  
Staffs DE14 2WF

01283 501600

**Registered number of holder, for example company number, charity number (where applicable)**

03752645

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Trevor Coyne  
1 High Street North  
Dunstable  
Beds  
LU6 1HX

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

050457

**Issued by:** Luton Borough Council

This licence is effective from 24<sup>th</sup> March 2011

Dated the 25<sup>th</sup> March 2011



**Susan Childerhouse**  
**Head of Public Protection**

**Annex 1 - Mandatory conditions**

**a) MANDATORY CONDITIONS WHERE A LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

1. No supply of alcohol may be made under the premises licence -
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**NEW MANDATORY CONDITIONS**

1.
  1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –
    - a. games or other activities which require or encourage, or are designed to require or encourage individuals to -
      - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
    - d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –
      - i) the outcome of a race, competition or other event or process, or
      - ii) the likelihood of anything occurring or not occurring;
    - e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.



**2.**

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

**3.**

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

**4.**

1. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

2. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

**5.**

The responsible person shall ensure that-

a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- i) beer or cider: ½ pint
- ii) gin, rum, vodka or whisky: 25ml or 35ml; and
- iii) still wine in a glass: 125ml; and

b) customers are made aware of the availability of these measures.

**EMBEDDED RESTRICTIONS UNDER THE LICENSING ACT 1964**

**On-licences**

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means those shown in this licence.

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
  - b) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
  - c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
  - d) the sale of alcohol to a trader or club for the purposes of the trade or club;
  - e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
  - f) the taking of alcohol from the premises by a person residing there;
- or

- g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

### **MANDATORY CONDITION DOOR SUPERVISORS**

Any individual required by condition at a premise to carry out security activity must be licensed by the Security Industry Authority.

#### **Annex 2 – Conditions consistent with the operating schedule**

##### **a) General - all four licensing objectives (b, c, d, e)**

All of below

##### **b) The prevention of crime and disorder**

Regular checks on age. Regular checks on both toilets. Staff monitoring customers.

##### **c) Public safety**

Fire extinguishers. First aid. Signs around premises.

##### **d) The prevention of public nuisance**

Use of amplified music. Turning music down 30mins before last orders. Notice on all doors asking to respect neighbours.

##### **e) The protection of children from harm**

Must be accompanied by a responsible adult at all times. Only allowed in designated areas.

#### **Annex 3 – Conditions attached after a hearing by the licensing authority**

1. Doors and Windows to be closed during regulated entertainment save for entrance and egress. Toilet windows to be kept locked.
2. Doors to be closed to new customers from 23.30hrs. No entry or re-entry save for the purposes of compliance with smoke free legislation.
3. A tamper proof decibel limiter to be in place, and set at a level as approved by an Environmental Health Officer of the Council. All amplified entertainment to be supplied through the noise limiter.
4. Background music to be kept at a low volume.
5. Management of the Bell to contact taxi companies asking them to pick up customers from the car park only and not to toot horns.

6. Management of the Bell to place 2 laminated signs in the car park requesting customers and car drivers to keep noise to a minimum. One sign to be at the front of the car park and one to the rear.
7. Management of the Bell to provide an emergency mobile and landline contact number to the Parish Council for dissemination to residents.
8. The toilet window to remain glued and nailed shut.
9. A single SIA registered door supervisor to enforce the no new customer after 23.30hrs policy and ensure customers leave in a quiet manner.
10. The premises to designate taxi firms. Staff at the premises to be available to call taxis for customers, the premises to remain vigilant in ensuring that taxis pick up in the car park and do not sound horns.
11. Signs are to be displayed at the premises encouraging patrons to use the designated taxi firms.
12. An internal management and training scheme with clearly defined managerial evidence to be operated. A staff training manual to be kept, with all existing and new staff to sign to confirm that they are aware of the licensing conditions, restrictions and the need to call taxis for customers if necessary.
13. An incident book and the management and training scheme shall be kept on the premises and shall be available for inspection by the Council at any time. A copy of either to be forwarded to the Council within 14 days of any request.
14. The Designated Premises Supervisor to hold meetings with the residents when requested, no more than 4 per annum.
15. Only background music to be played in the outside area. Such music only to be permitted until 21.00hrs.
16. Further sound insulation of the rear doors to be effected by means of acoustic seals.

#### **Annex 4 – Plans**

Attached

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Appendix 'D'

*Received with  
from IML notes*

IN THE LUTON & SOUTH BEDS **MAGISTRATES' COURT** IN THE MATTER OF A LICENSING APPEAL  
BETWEEN  
TODDINGTON PARISH COUNCIL & OTHERS  
Appellants

and  
SOUTH BEDFORDSHIRE DISTRICT COUNCIL  
Respondent (1)

and  
THE SELL PUBLIC HOUSE  
Respondent (2)

CONSENT ORDER

Pursuant to the meeting of the parties on 5 May 2006 and Taking note of the issues discussed and actions agreed therein BY CONSENT IT IS ORDERED THAT

1. The parties endeavour to carry out the actions agreed (schedule annexed hereto) between them on 5<sup>th</sup> May 2006.
2. The matter be adjourned generally.
3. No order as to costs.

SCHEDULE OF AGREED ACTIONS The following actions were

agreed:

- 1 Proposed closing times Sunday - Thursday 12MN (last orders 11.30pm) and Friday - Saturday 2am but doors to be closed to new customers from 11.30pm. To be implemented from Monday 8 May.
- 2 Music - Doors/Windows to be closed when Discos/Karaoke is being played. Decibel limiter to be in place. Background music to be kept at a low volume if - windows are to be opened. To be implemented immediately.
- 3 Taxis - Management of "The Bell" (Respondent 2) to contact Taxi companies as soon as possible asking them to pick up their customers from the car park and not toot horn. Management of "The Bell" to place two laminated signs in the car park requesting customers and car drivers to keep noise to a minimum. One sign to be at the front of the car park and one at the rear. Mrs Redman (and others) to draw up a draft notice !as soon as possible.

Appendix 'D'

- 4 Mr McDermott, Management of "The Bell" to give Mrs Redman (one of the' appellants) his mobile phone number for her to contact if there are noise/disturbance issues. Both Mrs Redman and Mr McDermott to maintain a log calls so they can be cross-referenced. (Mr McDermott gave hi mobile number to Mrs Redman during the meeting).
- 5 Condition 2 on the premises licence under the heading "Conditions transferred from Public Entertainment Licence" be removed.


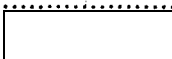
Dated the 6 day of July 2006

AKL Solicitors

(Solicitors for the Appellants)

27576-113 Punch Bell Amended Schedule of Agreed Actions 6 Jul 06.odt 6 July 200612:57  
Julie Wallis  
Dated the 6th day of July 2006

Page 1 of 2 Produced by

  
.....  



AKL Solicitors

(Solicitors for the Appellants)

  
.....

for South Bedfordshire District Council (Respondent 1)

for South Bedfordshire District Council (Respondent 1)

  
.....

Ford & Warren Solicitors

For Punch Taverns Plc (The Bell Public House) (Respondent 2)

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Appendix 'E' Police Report

<b>FROM</b>	C. J. Carey PC 715 Licensing Officer Central Bedfordshire	<b>TO</b>	<b>Review Panel Central Bedfordshire Licensing Authority</b>
<b>Extn</b>	<b>01582 473260</b>		
<b>Date</b>	<b>23<sup>rd</sup> June 2011</b>		
<b>SUBJECT</b>	The Bell Public House 4 Market Square Toddington		

This report covers all incidents requiring police attendance at the above named premises between 1<sup>st</sup> January 2011 and the present date. Full copies of each incident can be provided if required.

URN 19 02:02 Tuesday 04/01/11.

Report of an audible alarm sounding at the premises, police attended, premises checked and in order.

URN 513 22:10 Monday 18/04/11.

Report of a car driving erratically in and out of the car park of the premises, the occupants appeared to have bottles of alcohol attention message passed to patrols . No further calls received.

URN 391 19:41 Saturday 30/04/11.

Reports from taxi company that a female was picked up in Flitwick and had been taken to the premises. The female was refusing to pay the taxi fare and had gone into the premises. Police attended, female seen and fare paid.

URN 512 22:46 Tuesday 24/05/11.

Call from manager reporting 4 persons fighting in the premises. Police attended and 2 persons arrested for threatening words and behaviour. Fight also reported on URN 515 22:49 24/05/11.

URN 476 21:29 Sunday 19/06/11.

Report via door staff of a male causing problem in the premises. Premises contacted and manager spoken to, stated they were dealing with the male and that he would call again if police attendance was required. No further calls received.

C. J. Carey PC 715  
Licensing Officer  
Central Bedfordshire

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CENTRAL BEDFORDSHIRE

29 JUN 2011

Public Protection

7 Church Square  
Saddlingwell  
7US6 1A1a

Dear Sir (Madam)

I would like to report  
a lot of noise coming  
from 2 Door up.

which is called

the Bee public House  
I hear this night time  
Burning Noise coming  
from Basement (with  
this I don't sleep

very annoying as I am  
over 70 years of age &  
should not have those  
problems please help

to do something about  
it Thanking you

M yelmora

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History of complaints received by the Pollution team and Out of hours Officers regarding the Bell.

**March 2009** - Complaint received from Mr Stairs regarding loud music coming from the Bell

Leasing with Mr Smedley and Joanna Lake (Punch Taverns) and Alan Wright to resolve complaint.

**August 2009** - Complaint received from Mr Stairs regarding loud music coming from the Bell at 23.30 on Saturday night

The noise breaking out from the pub was resolved by the Tennant Rose Jones ensuring that the Windows were kept closed whilst regulated entertainment was taking place

**August 2010** - Complaint received from Mrs Kenningham regarding loud music and noise from people shouting in the Beer Garden late into the night

John Eden, Leasing with Joanna Lake and Edwin Mater who sent standard response it is there tenants that are responsible for the day to day running of the premises.

John Eden, Leasing with the DPS Rob Waskett - not happy with the Friday night youngsters night and (JE) discussed this with Edwin Mater and Trevor Coyne

**November 2010** - Further complaint received from Mr Stairs at midnight via the Out of Hours regarding loud music and people noise late at night

Again further discussions with the Licensee about there responsibilities to adhere to the licensing objectives.

**March 2011** Complaint received Via the Out of hours from Mr Kenningham at approx 22.30 on Friday night and witnessed by Guy Quint (Environmental Health Officer) from 23.10 regarding loud music breaking out from the rear of the premises when the doors are been opened and noise from people talking and laughing outside at the rear

**6 June 2011** I received a copy of the application to review the the premises licence for the Bell with attached dairy record.

**10 June 2011** I contacted Edwin mater to arrange a meeting with Trevor Coyne and the Manager

**15 June 2011** Had meeting with the Peter Trevor and Edwin. Discussed the problems around the complaint and provided advice on what they should be doing to manage this further. Date arranged to set the noise limiter with DJ present during the evening.

**21 June 2011** Meeting with Mr Samways to discuss the there complaint and advise about the setting of the noise limiter advised about the date and tat I would need to have access to there property during that evening to determine if they were happy with the volume of the music that we were proposing to set.

**4 July 2011** I attend the premises with Simon Joynes (EHO) and met with Peter Bar Manager, Trevor Coyne and Edwin Mater. Advised that they should play the music at the level that they would normally have it on.

Whilst the music was on we also under took an assessment of the exterior of the premises to determine areas where their is noise break out .

It was determined that the Front door on the lobby needed to be kept closed and not kept propped open, the lobby doors at the rear need all have self closing devices fitted as one was missing and this was not working and the fire doors to the left of the lobby needed serious attention as these were allowing a considerable amount of noise to break out through them.

In ensuring that these points areas are addressed and necessary repairs undertaken in line with the noise limiter working correctly and not been altered this will reduce the impact of noise from regulated entertainment.

During our discussions we also advised that we there are also complaints about noise from people laughing, shouting and talking when they are using the outside area until 1.30am. They will need to look at implementing controls to ensure that there customers only use the outside area for smoking after 11pm. in doing this they will reduce the amount of time people will be outside.