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

please ask for Miss Helen Bell
direct line 0300 300 4040
date 10 April 2012

NOTICE OF MEETING

LICENSING SUB COMMITTEE

Date & Time
Wednesday, 18 April 2012 10.00 a.m.

Venue at
Room 15 - Priory House, Monks Walk, Shefford, SG17 5TQ

Richard Carr
Chief Executive

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

Cllrs D Bowater, I Shingler and Mrs D B Green

Named Substitutes ; R D Berry, L Birt, D Bowater, I Dalgarno, C C Gomm, Mrs D B Green, K Janes, I A MacKilligan, J A G Saunders, I Shingler, P F Vickers and N Warren

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 declaration and the nature in relation to:

(a) Personal interests in any agenda item

(b) Personal and Prejudicial interests in any agenda item

4. **Licensing Process**

(Attached)

5. **Licensing Objectives**

(Attached)

Report

Item	Subject		Page Nos.
6	**LICENSING ACT 2003 - A hearing called to determine an application for premises licence in respect of the Rose Inn Public House, 75 High Street, Biggleswade.**	*	19 - 64

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

CONTENTS

1. 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 Authority Co-ordinators of Regulatory Services 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 is not 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 65 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 be allowed at the sole discretion of the Sub-Committee. 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 call that have not previously been notified to the Council, in advance of the hearing, shall be allowed at the sole discretion of the Sub-Committee. 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 section 2. Appendix A details 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.

23.2. An appeal must be commenced within 21 days of notification of the decision. Waiting for the delivery of the Decision Notice will not extend this appeal period.

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 by 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). The chair will invite each party to:		A	RA	IP
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.			

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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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LICENSING SUB-COMMITTEE
18TH April 2012

SUBJECT	**LICENSING ACT 2003 – A hearing called to determine an application for a review of a premises licence for The Rose Inn Public House, 75 High Street, Biggleswade, SG18 0JH**
REPORT OF	**Head Of Service Public Protection**
Contact Officers; dave.mcbain@centralbedfordshire.gov.uk	

1. **The Application**

1.1 An application has been submitted by Public Protection as a Responsible Authority. A Copy of the application is attached as Appendix 'A' of this report.

1.2

Activity	Current Provision	The Application
Regulated Entertainment	Indoor Sporting events Mon – Thurs 2000 to 0000hrs Live Music Fri – Sat 2000 to 0000hrs New Year Eve & Christmas Eve as Fri – Sat Recorded Music Sun – Thurs 1000 to 0000hrs Fri – Sat 1000 to 0100hrs	To review the existing authorisation with regard to regulated entertainment
Late Night Refreshment	Sun – Thurs 1000 to 0000hrs Fri – Sat 1000 to 0100hrs	N/A
Supply of Alcohol (On & Off sales)	Sun – Thurs 1000 to 0000hrs Fri – Sat 1000 to 0100hrs	N/A
Hours of Opening	Sun – Thurs 1000 to 0030hrs Fri – Sat 1000 – 0130hrs	N/A

1.3 **Location**

The premise is situated at a road junction close to the Town Centre. It is a traditionally built corner property standing at a traffic light and pedestrian crossing. The licensed area is ground floor only with a beer cellar and a beer garden at the rear. A number of residential and other commercial premises are within the vicinity. There is another public house a short distance away on the High Street. A copy of the location map is attached as Appendix 'B'.

2. **Relevant History**

2.1 The premise has been a licensed premise for many years and previously held a Justices Licence under the Licensing Act 1964. A valid application for conversion of an existing licence, and variation, under the Licensing Act 2003 was received on 28th July 2005. The present premises licence holders have held an authorisation for on and off sales of alcohol under the Licensing Act 2003 since being granted the authorisation on 24th November 2005.

A copy of the Premises Licence is attached as Appendix 'C'

3. **Promotion of Licensing Objectives**

3.1 A number of steps intended to be taken to promote the four licensing objectives were originally offered by the applicants and placed in the Operating Schedule. All relevant Mandatory conditions under the LA03 and certain embedded restrictions under the previous Act apply. The additional steps intended to promote the Prevention of Public nuisance objective can be seen on page 24 of the Premises Licence at Appendix 'C'

4. **Representations from responsible Authorities**

4.1 Public Protection, Environmental Health – Report attached
Public Protection, Health & Safety – No comments
Police Licensing Officer – No comments
Fire Service – No comments
Other Responsible Authorities – No Reply

5. **Interested Parties**

5.1 Two interested parties have sent letters of representation in support of the Premises Licence Holders. Copies of these are attached to this report at appendix 'D'

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 objective **'The Prevention of Public nuisance'** can be viewed at section 7.3.

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 Section 2.32 on pages 23 & 24, and Annex 'D' part 4, Pool of conditions relating to **'The Prevention of Public Nuisance'** objective on pages 144 & 145

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:	2000073

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APPENDIX 'A'

Central Bedfordshire

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 SIMON JOYCE
(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 ROSE PUBLIC HOUSE 75 HIGH STREET	
Post town BIGGLESWADE	**Post code (if known)** SG18 0JH

Name of premises licence holder or club holding club premises certificate (if known) MR EAMON WATSON MISS SARAH MULCHRONE

Number of premises licence or club premises certificate (if known

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**

I am 18 years old or over **Please tick yes** ☐

Current postal address if different from premises address

Post town **Post Code**

Daytime contact telephone number

E-mail address (optional)

APPENDIX 'A'

(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 CENTRAL BEDFORDSHIRE COUNCIL PRIORY HOUSE MONKS WALK CHICKSANDS BEDFORDSHIRE SG17 5TQ
Telephone number (if any) 0300 300 4467
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 ☐

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

I SEEK A REVIEW OF THE PREMISES LICENCE AS I CONSIDER THAT THOSE RESPONSIBLE ARE CAUSING A PUBLIC NUISANCE AND FAILING TO PROMOTE ONE OF THE FOUR LICENSING OBJECTIVES

APPENDIX 'A'

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

INFORMATION IN SUPPORT OF THIS APPLICATION IS ENCLOSED

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			

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

APPENDIX 'A'

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 9TH MARCH 2012

Capacity ENVIRONMENTAL HEALTH OFFICER

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

Appendix 'A'

Information to support an application for the review of the premises licence

Premises: Rose Public House, 75 High Street, Biggleswade, SG18 OJH.

Officer: Simon Joynes

Date: 7th March 2012

I am a Chartered Environmental Health Practitioner of Central Bedfordshire Council and therefore considered to be a representative of the responsible authority. I seek a review of the above premises licence as I consider that those responsible are causing a public nuisance and failing to promote one of the four licensing objectives.

1. Premises Licence Details

The premises licence for the Rose Public House was granted on the 24th November 2005 to Mr Eamon Watson and Miss Sarah Mulchrone. The latter of whom is understood to remain responsible, own the premises and indeed who I have communicated with throughout the course of my investigations.

Relevant to this review of regulated entertainment the following activities are permitted:

- **Supply of Alcohol** – Sunday to Thursday 10.00hrs to 00.00hrs and Friday and Saturday 10.00hrs to 01.00hrs.
- **Hours open to the Public** - Sunday to Thursday 10.00hrs to 00.30hrs and Friday and Saturday 10.00hrs to 01.30hrs
- **Live Music** (Indoors Only) Friday and Saturday 20.00 to 23.30hrs
- **Recorded Music** (Indoors only) Sunday to Thursday 10.00hrs to 00.00hrs and Friday and Saturday 10.00hrs to 01.00hrs.

The premises licence, Annex 2 – conditions consistent with the operating schedule do not consider any matters relating to Public Nuisance other than requesting that prompt, clear and legible notices are to be displayed at all exists requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

Prior to the Licence been granted Public Protection Officers did make appropriate representation as we were not satisfied that the information provided within the operating schedule accompanying the application fulfilled the licensing objectives.

The following conditions were recommended but not imposed on the licence:

- Ingress and egress not withstanding, all external doors and windows to the premises are to be kept closed during regulated entertainment that involved amplified music and/or voices
- No amplified music / or speech shall be audible at the boundary of the nearest residential dwelling

2. Location of the Premises

The premise is located on the junction of Rose Lane and High Street, Biggleswade. The main access to the property is offered from the High Street whilst to the rear of the premises is a small courtyard garden accessed through double doors. To the immediate East, South and West of the premises are commercial properties, albeit those to the south do have some living accommodation above. To the immediate rear and North-East are predominantly residential properties; including Rose Lane and Church Street. Approximate distances to complainants referred to in this statement are given below.

Complainant A – Rose Lane, 16m from the rear of the premises
Complainant B – Rose Lane, 27m from the rear of the premises
Complainant C – Church Street, 58m from the rear of the premises
Complainant D – High Street, 20m from the front of the premises

A plan of the site is attached to this information. The Rose is highlighted in green whilst the extent of the area monitored where public nuisance was considered to be observed is highlighted in blue. This should be considered in the context of the information provided below.

3. Complaint History of Premises up until 2011

The complaint history of the aforementioned premises is summarised below.

Complaint of 10th October 2007 by Local Resident (Complainant A)

APPENDIX A

Complaint about noise from loud music and people in the rear garden. Informal attempts to resolve matters were unsuccessful and on the 16th April 2008 a "Noise Abatement Notice" was served on those responsible for the premises. On the 28th July 2008, the case was considered resolved.

Observation of the 20th September 2008 – by Simon Joynes MBDC

Monitoring conducted on the evening of the 20th September 2008 indicated that music levels external to the premises were unacceptable and needed to be reduced in order to make then acceptable at residential premises. Sarah Mulchrone was advised in writing of these observation on the 26th Sept 2008.

Complaint of the 15th June 2009 by Local Resident (Complainant A)

Additional concerns were raised by Complainant A that the situation has deteriorated and that on some weekends noise can be intrusive and others not, an indication that they can in fact manage the noise from the premises. It as agreed that we would pursue this informally and the management of the premises were informed of the complaint on the 17th June 2009. On the 25th July officers did witness noise within the complainant's property which was audible but not necessarily at a level where formal action was justifiable. The management of the premises were subsequently informed of these observations on the 17th August 2009. No further complaints were received and monitoring undertaken did not identify any further problems.

Complaint of the 26th April 2010 by Local Resident – (Complainant D)

Issues of noise disturbance raised with the Council, mainly concerning music which continues to until 3 or 4am in the morning and that when people leave at that time they are shouting and interrupting sleep.

This matter was subsequently dealt with informally but contact with Sarah Mulchrone of The Rose indicated that whilst they do empty the premises of customers at the correct time, they do sometimes put the juke box on whilst they have an after work drink/clean up. General advice was given in this instance and no further complaints were received.

Observation of the 11th June 2010 – Simon Joynes MBDC

Noted that loud noise was emanating from the premises during routine monitoring at 21.45. It was clearly audible at residential premises and on the railway bridge on the High Street.

Complaint of the 19th July 2010 by Local Resident– Complainant D

Advised that on Friday 16th July 2010 music from The Rose Public House continued blaring until 4am in the morning and that this is an ongoing problem. Complaint advised to contact OOH's service but no further contact .

In conclusion since the premises licence was granted in 2005 the Public Protection Team have received complaints about the activities which have taken place at the Rose Public House. These along with observations have required both formal intervention in the form of a noise abatement notice and many informal interventions in order to reduce the impact on local residents. The frequent nature of our intervention whilst not unusual, in this instance raises questions about the management of the premises as the majority of the complaints relate to the same issues. Further to this when intervention has taken place there is a marked reduction in the levels of noise being emitted which demonstrates that it is feasible to control noise providing the relevant management practices are in place.

4. Complaint of the 29th March 2011 – Complainant C

Summary of Complaint & Investigation of Public Protection

The complaint was received by Central Bedfordshire Council on the 29th March 2011 regarding the Rose Public House in Biggleswade. It referred to the music which frequently prevented the complainant from sleeping, interrupted sleep and referred to users of the premises being very loud. The complainant also refers to the fact that the thought of trying to sleep or being woken up that night fills them with dread. Reference was also made to the noise from the Working Men's Club on Church Street, Biggleswade, referring to the smokers outside being very loud and that combined with that from the Rose Public House means that they cannot even have their windows open.

The complainants live in a terrace property in Church Street, Biggleswade, their main living room and bedroom fronts the street and there is no direct line of site with the Rose Public House which is situated some 60m away from the premises.

Observations - 30th April 2011

A visit to the area on the 30th April 2011 validated the complaint as it was noted that noise both in the form of amplified music and from people using the rear garden at the Rose Public House was clearly audible outside the complainant's property. The levels witnessed were considered likely to amount to a nuisance but it was considered necessary for internal monitoring to be conducted within the complainants property. My observations and concerns

APPENDIX A

were put in writing to both Sarah Mulchrone and Emanon Watson in a letter dated the 3rd May 2011 which also advised of my intention to try and resolve this matter informally and asking them to contact me to discuss. No response was received to this letter.

Further to the receipt of completed diary sheets from the complainant on the 11th May 2011, arrangements were made to try and witness noise within the complainant's properties. These opportunities because of existing commitments of both the investigating officers and complainants were limited, and therefore officers also monitored the noise externally to get an understanding of the impact of the premises on the immediate area.

On the 16th July 2011 Mark Hales, Public Protection Officer noted at 22.00hrs that a band was set up playing, the doors and windows remained shut apart from the left front double door. Standing near the complainant's property for a period of 1 hour he noted that music from the band was clearly audible, increasing when the doors to the beer garden were opened. The band was still playing at a similar level when he left.

Visit on the 6th August 2011

Monitored noise from outside complainant's property at 21.30, solo artist performing but at this time not causing any due concern. Returned at 23.30 and noise from Conservative Club in Church Street was audible along with noise from people in the rear garden of the Rose. Noted that I must keep this under review as likely to result in further complaints.

Friday 16th September 2011

Routine monitoring conducted as part of other investigations provided an opportunity to observe activities at The Rose, Biggleswade. Whilst access was not available to the complainant's premises at 20.50hrs I parked in the loading bay adjacent to the premises and with the window of the vehicle slightly open music was clearly audible within the vehicle. A reconnaissance of the immediate area identified that the front door of the premises was propped open and preparations appeared to have been made for some form of live entertainment albeit at the time music appeared to be recorded music to provide some form of background ambience and I questioned why this should be audible beyond the site boundary of the Public House.

Walking further afar the background music remained audible as far as the entrance to Wells Court in Church Street, and I noted that the rear doors to the premises were also propped open. This clearly demonstrates a lack of noise control or consideration from the premises operator. However, whilst this background music was audible at a considerable distance

and unlikely to have been intrusive in premises, the simply act of ensuring doors remain closed would in my opinion have negated any impact.

At 21.03 hours there was a significant increase in the level of music and the lyrics become clearly audible at 18 Rose Lane (62m from the venue). Commitments prevented any further monitoring that evening but as I returned to vehicle, with all windows closed the music / lyrics remained intrusive within the vehicle observing "Let me go, let me go" lyrics. It was clear that some form of entertainment had commenced and I am confident from these observations that music would be intrusive in neighbouring residential properties.

Saturday 17th September 2011

At 21.30hrs music was clearly audible emanating from The Rose at immediate residential premises and up until Wells Court, Church Street. It was noted the rear doors were shut but again the front door was open and music noise was clearly audible above background noise, consisting of traffic, motorbikes and taxi's. It was also noted during the visit that it had been raining, therefore increasing the background levels (i.e. road/tyre interaction) and despite the increased background levels, noise from music was considered likely to be intrusive at immediate residential premises and certainly audible at the complainants.

23rd September 2011

At 20.24 noise from people using the rear of The Rose Public House was observed at the entrance to Wells Court, Church Street. It is not considered a nuisance at this time of the evening but realistically the impact would increase as background levels reduce later. Shortly afterwards heard an announcement 'Good Evening Everybody'. I proceeded to walk past the rear of pub and noted the doors remain open, the garden is full of people and entertainment started.

I considered the level likely to amount to a statutory nuisance at 21.31 at premises immediately to the rear of the Rose. To demonstrate this, wider monitoring was undertaken in the vicinity of the premises and music can be heard above the traffic at the front of the Golden Pheasant and Pizza Town in the High Street. At 21.37 I observed that the rear door remained open, entertainment was still in progress and excessive noise from people and music was noted opposite The Old Boy Post Office. Announcements, noise from people in the rear garden and music continues to be clearly audible at 42 Rose Lane, some considerable distance from the premises. At 20.42 proceeded back towards complainants via Rose Lane, the back door to the premises remains open and music remains clearly

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audible at complainants, along with chatter, raised voices from people using the rear garden.

At 21.10hrs I returned to monitoring The Rose Public House from complainants property. They advise that the noise is not as bad as normal and that they were experiencing music from the Working Men's Club tonight. Firstly monitored from rear bedroom, music was emanating from Working Men's club and audible. Informed by complaint that this is not as frequent as other problems and only occasionally do they have serious concerns during hot weather when the club open the doors for ventilation.

I then proceeded to monitor the noise from first floor bedroom facing Church Street. For the first 10min this was done with the window open and noise from working men's club and The Rose Public House was clearly audible. Alongside this you could clearly hear a prominent bass beat arising from the direction of The Rose. I was confident that source of this was The Rose Public House because the type of music differed from that observed emanating from the Working Men's Club and no form of entertainment was known to be taking place at either of the immediate premises, namely the Golden Pheasant and Liberal Club.

The complainant advises that it also gets worse later in the evening when the general background noise levels drop and demonstrates that with windows shut you can still hear the bass, which in my opinion becomes more prominent and would certainly interfere with the ability to sleep. Also advised usually worse on a Saturday when live music is played.

Saturday 1st October 2011

At 21.55 hours whilst proceeding to the Rose Public House from the Market Square in Biggleswade I noted music at an unacceptable level as I proceeded past the ASK restaurant and subsequently noted this was emanating from the Rose. This stopped as the band appeared to having a break in their set as I proceeded to the complainants property. At this time I noted that an event was in progress at the Liberal Club with a low bass throb and recorded music barely detectible at the rear gates but not at other side of road.

At complainants premises I was advised that Friday 30th September had been a very bad night and they had experienced severe impact from the Rose from loud music and people.

I was also informed that an event was in progress at the working Men's Club which I subsequently observed in their rear bedroom, albeit this was a muffled low noise which would not amount to a public or Statutory Nuisance.

At 22.30 whilst speaking to the complainants in their front room facing Church Street, I noted that music could be heard once again, clearly above our conversations and television which was on in the background. I then proceeded to monitor from the first floor bedroom and observed music consisting of drums/bass which I considered to be at a level which would interfere with sleep. In order and conscious of licensed premises much closer, I confirmed the source of the noise to be that of the Rose by walking down the street. Passing the rear of the Liberal Club their music remained barely audible and was certainly at a lower level than that from the Rose.

On return to the complainants property and first floor bedroom significant levels of noise from both music and people in the rear garden remained audible and at a level which would prevent sleep. I continued to monitor and confirm source in same manner until 23.15hrs and the noise level remained similar throughout.

At 23.30 I proceeded back to my vehicle and walked along Rose Lane to the rear of the premises. Music and laughter/speech from those using the rear garden remained audible until its junction with the ASDA access road (adjacent to 44 Rose Lane), some 110m from the venue. An indication of the level of the impact from the premises.

5. Actions since the Monitoring

3rd October 2011 - warning letter and Requisition for Information served on Emanon Watson and Sarah Mulchrone and welcoming the opportunity to discuss the situation and resolve this matter informally.

18th October 2011 - a further warning letter was sent to Emanon Watson and Sarah Mulchrone requesting that we meet to try and resolve this informally.

28th October 2011 - officers noted during an inspection of the premises that noise breakout was acceptable other than when the rear door was open although they remained concerned about the levels of noise from those using the rear garden and how this may impact on local residents later at night.

4th November 2011 - at 23.34 whilst conducting monitoring noted that noise from people in the rear garden of The Rose was clearly audible outside the complainants property, (laughing, cackling and shouting). At 23.45 music become audible at a level which is likely to

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be intrusive at properties such as 15 Church Street and similar observations continued until we had to leave at 00.15hrs.

9th November 2011 - Sarah Mulchrone responded to correspondence and a meeting was held at the Council Offices. We discussed the issues, persistent nature of problems, that we had isolated these to her premises albeit others do have loud music on occasions. Problems with people smoking / drinking outside later in the evening and up until the early hours of the morning.

We discussed noise abatement notices, but more appropriate for licence review and explained opportunities for public to review licence which Sarah Mulchrone was not aware of. Discussed solutions and agreed Friday Karaoke / Music night was the worse and would look at controlling noise levels, closing all doors including front and restricting access to garden for drinkers to 11.30pm (Smokers only). I had requested 23.00pm and Sarah Mulchrone requested 00.00pm but agreed to a trial period of 23,30pm.

With regards to Saturdays and live bands Sarah Mulchrone informed me that she was keen to change this as very little profit was gained and that it was thought that this was difficult to control and likely to cause most problems. Her preference was to have a dance night and currently seeking alterations to internal part of pub to remove pillars and create a dance floor. Advised not disagreeing with this proposal because it would be easier to control volume although this depends on the building structure. She agreed as part of these works to consider a lobby at the rear of the premises to control noise. As for the suitability of venue agreed to visit one evening to assess if they were to conduct a trial event. That way it would give confidence to both parties moving forward. Requested that she review the options discussed and report back within one week. No response was received.

22nd November 2011 - in response to further allegations by a different complainant I wrote to Sarah Mulchrone requesting further discussion about those matters discussed at our meeting. No response was received to this letter.

The complainant advises that they continue to hear music and this has been observed independently by the Out of Hours Officere. It is on this basis which we chose to seek a review of the premises licence.

Conclusions

In seeking this review I have had consideration of the 2003 Act and associated guidance, made judgements about what constitutes public nuisance and what is necessary to prevent it in terms of conditions attached to specific premises licences. My consideration solely relates to 'preventing public nuisance', one of the 4 licensing objectives and those specific activities which are the subject of complaint and what are deemed to be having a disproportionate and unreasonable impact on persons living in the vicinity of the premises.

Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low level nuisance perhaps affecting a few people living locally as well as a major disturbance affecting the whole community.

It has to be remembered the disturbances noted and observed usually occur during the latter part of the evening and at times until the early hours of the morning when residents in neighbouring properties may be attempting to go to sleep or are sleeping.

I have also been careful in my observations to ascertain that it is in fact the Rose Public House that is responsible for the aforementioned nuisances. Indeed at times other premises in close proximity were responsible for a level of disturbance, but this was confined to their immediate environment and given the known frequency and duration of the events at such premises, and from discussions with the complainant it was accepted that such would be characteristic of the area in which they lived. Indeed many other noises observed are typical of a town centre environment and the complainant accepts these. However, it is the frequent and persistent impact from the Rose Public House that they do not accept, particular given the distance from their home where it would not be unreasonable to expect such to be inaudible or not to alter the perception of the ambient noise.

The observations made by officers during visits to both the wider area and complainants provide evidence of the existence of a public nuisance. The noise, primarily from the music and also those occupying the rear garden is clearly audible a considerable distance from the premises, considered likely to be intrusive at residential properties and likely to either prevent the complainants getting to sleep or lead to sleep disturbance.

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It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. As an officer I have attempted to seek co-operation in this regard having brought the matters of concern to the attention of those responsible more than once. It is the failure to respond by those responsible to such warnings which has lead to a decision to request a review. I consider that the following actions are required:

1. That the licensable activities which give rise to these complaints, namely live or amplified music are suspended for a period of three months.
2. That within a period of three months from the date of any hearing that a noise control scheme is submitted to and agreed by the Local Licensing Authority. This should consider, the suitability of the venue, its limitations and subsequent recommendations to control noise from live and/or recorded and from people using the rear garden. Any mitigation and/or control measures arising from such shall be implemented within 1 month of approval and thereafter maintained in perpetuity in accordance with the approved details.
3. That the terminal hours for live music and recorded music be reduced to 23.00hrs.
4. That suitable conditions are imposed preventing the use of the rear garden beyond 23.00hrs.

I believe that this response is proportionate in terms of protecting Public Nuisance and promoting the licensing objective.

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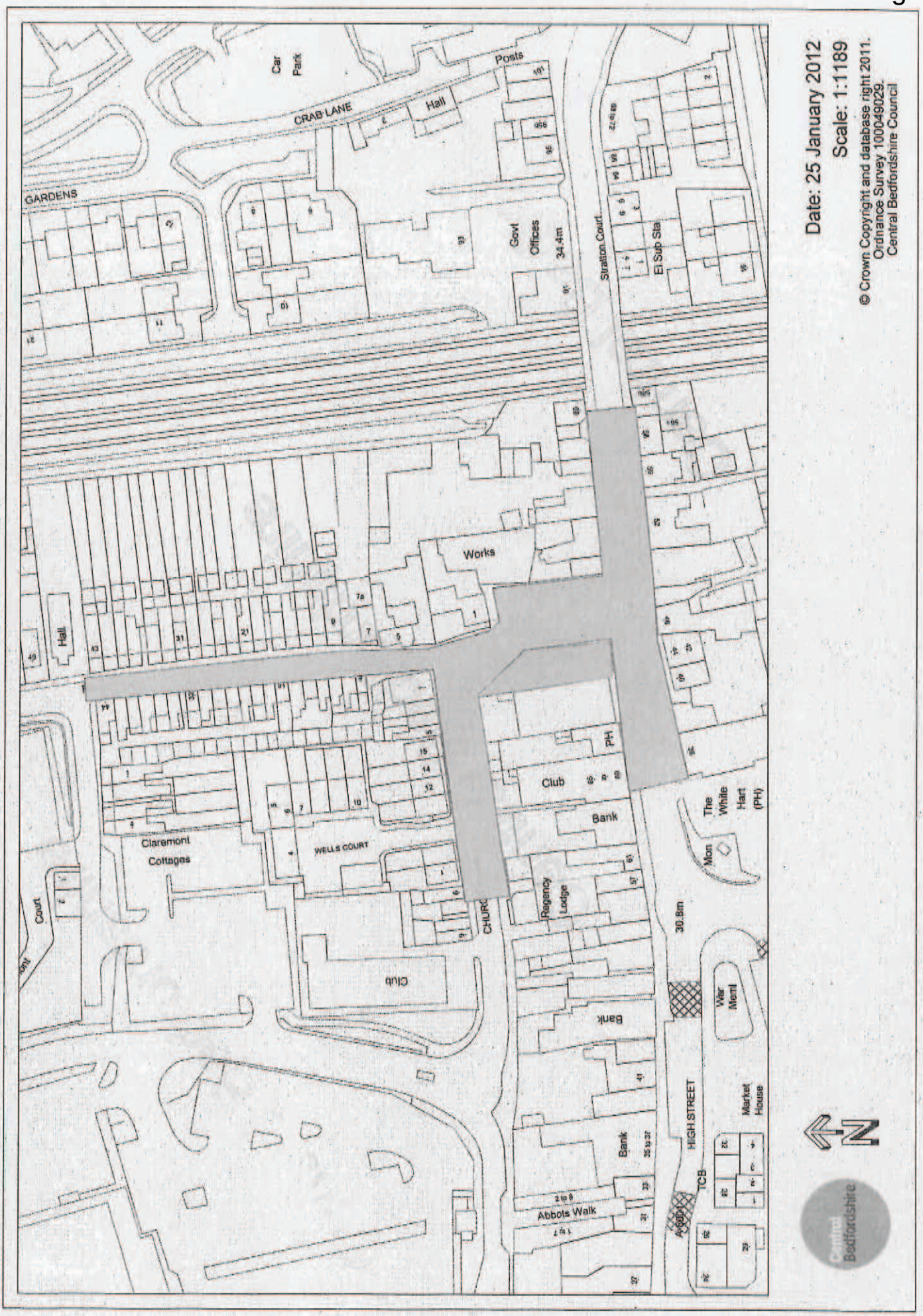
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Market House
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TCB
Abbots Walk
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Central Bedfordshire Council
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Date: 16 March 2012

Scale 1:1250

The Rose Inn
75 High Street
Biggleswade

Central Bedfordshire

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PREMISES LICENCE

Premises licence number
2000073

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description Rose PH 75 High Street			
Town	Biggleswade	**Post code**	SG18 0JH
Telephone number	01767 312873		

Where the licence is time limited the dates

Licensable activities authorised by the licence
Indoor sporting events Live music Recorded music Late night refreshment Supply of alcohol

The times the licence authorises the carrying out of licensable activities

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Indoor Sporting Events Standard days and timings			**Indoor sporting events to take place as indicated by area ticked**	Indoors	√
				Outdoors	
Day	Start	Finish		Both	
Mon	20:00	00:00	**Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left**		
Tue	20:00	00:00			
Wed	20:00	00:00			
Thur	20:00	00:00			
Fri					
Sat					
Sun					

Live Music Standard days and timings			**The performance of live music to take place as indicated by area ticked**	Indoors	√
				Outdoors	
Day	Start	Finish		Both	
Mon			**Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left** Where New Years Eve or Christmas Eve was to fall on weekday or Sunday we would like to be able to have live music as per Fridays and Saturdays.		
Tue					
Wed					
Thur					
Fri	20:00	23:30			
Sat	20:00	23:30			
Sun					

Recorded Music Standard days and timings			**The performance of the playing of recorded music to take place as indicated by area ticked**	Indoors	√
				Outdoors	
Day	Start	Finish		Both	
Mon	10:00	00:00	**Non standard timings. Where you intend to use the premises for the performance of recorded music at different times to those listed in the column on the left**		
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	00:00			

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Late Night Refreshment Standard days and timings			**The provision of late night refreshment to take place as indicated by area ticked**	Indoors	√
				Outdoors	
Day	Start	Finish		Both	
Mon	10:00	00:00	**Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left** Christmas Eve 10:00 to 01:00 New Years Eve 10:00 to 02:00 Boxing Day 10:00 to 01:00		
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	00:00			

Supply of Alcohol Standard days and timings			**The supply of alcohol for consumption as indicated by area ticked**	On the Premises	
				Off the Premises	
Day	Start	Finish		Both	√
Mon	10:00	00:00	**Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left** We would like to be permitted to make off-sales during permitted hours only.		
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	00:00			

The opening hours of the premises

Hours Premises are Open to the Public Standard days and timings			
Day	Start	Finish	
Mon	10:00	00:30	**Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left,** We are asking that we be allowed to have members of the public who have been our customers during permitted hours on the premises for the times stated to allow drinking-up time of 20 minutes and a further 10 minutes as time to leave. And for 30 minutes after the hours permitted for Christmas Bank Holidays as applied for in section L.
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	01:30	
Sat	10:00	01:30	
Sun	10:00	00:30	

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

ON & OFF

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Miss Sarah Mulchrone & Mr Eamonn Watson

The Rose
75 High Street
Biggleswade
Beds
SG18 0JH

01767 312873

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

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

Sarah Jane Mulchrone

The Rose
75 High Street
Biggleswade
SG18 0JH

01767 312873

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

MBD1000329

Mid Bedfordshire District Council

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Annex 1 - Mandatory conditions

Mandatory conditions where licence authorises 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.

Conversion of Existing Licenses
Schedule 8 paragraph 6 of the Licensing Act 2003

This Licence has been granted upon conversion under Schedule 8 of the Licensing Act 2003 of the existing Justices Licence and such rights and restrictions that applied thereto are hereby incorporated into this Licence, subject to any terms herein to the contrary and/or any limitations or restrictions imposed by the Licensing Act 2003 or any subsequent amendment thereto.

On Licences			
s.59, 60, 63, 67A, 68, 70, 74, 76, 78 Licensing Act 1964	Permitted hours on licences		Alcohol shall not be sold or supplied except during permitted hours In this condition, permitted hours means: a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m. b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m. c. On Good Friday, 12 noon to 10.30 p.m. d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m. f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m g. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December). The above restrictions do not prohibit: (a) the consumption of the alcohol on the premises during the first twenty minutes after

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			the above hours; (b) the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first twenty minutes after the above hours; (c) the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals; (d) consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises; (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; (f) the sale of alcohol to a trader or club for the purposes of the trade or club; (g) 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; (h) the taking of alcohol from the premises by a person residing there; or (i) 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 (j) 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."

On Licences			
S.168, 171, 201 Licensing Act 1964	On-licence - no children's certificate	ER	"No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies: (1) He is the child of the holder of the premises licence. (2) He resides in the premises, but is not employed there. (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress. (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary. In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals."

Off Licences			
s. 60, 63, 86, Licensing Act 1964	Permitted hours (Off-licences and off-sales departments of on-licensed premises)	ER	"Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means: a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m. b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m. c. On Christmas Day, 12 noon to 3 p.m. and 7p.m. to 10.30 p.m. d. On Good Friday, 8 a.m. to 10.30 p.m. The above restrictions do not prohibit: (a) the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first twenty minutes after the above hours; (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; (c) the sale of alcohol to a trader or club for the purposes of the trade or club; (d) the sale or supply of alcohol to any

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			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."

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Annex 2 - Conditions consistent with the Operating Schedule

1) There is to be no admittance to the premises after 22:30hrs
2) Operation of policy "Challenge 21" whereby any person not looking the age of 21 must prove that they are in fact over the lawful age of 18 for the purpose of sale of alcohol. Acceptable forms of identification concerning the issue of age are the Portman Card, Citizen Card or ten year Passport.
3) There are to be no discounted drinks promotions.
4) Prominent, clear and legible notices are to be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
5) Active members of Pubwatch which will act as an effective detterent and will provide training on drug awareness.
6) No children are allowed on the premises unless aged between 14 and 17 and are accompanied by an adult.
7) Children are not allowed in the main bar area and must stay in the restaurant or beer garden.

Annex 3 - Conditions attached after a hearing by the licensing authority

None.

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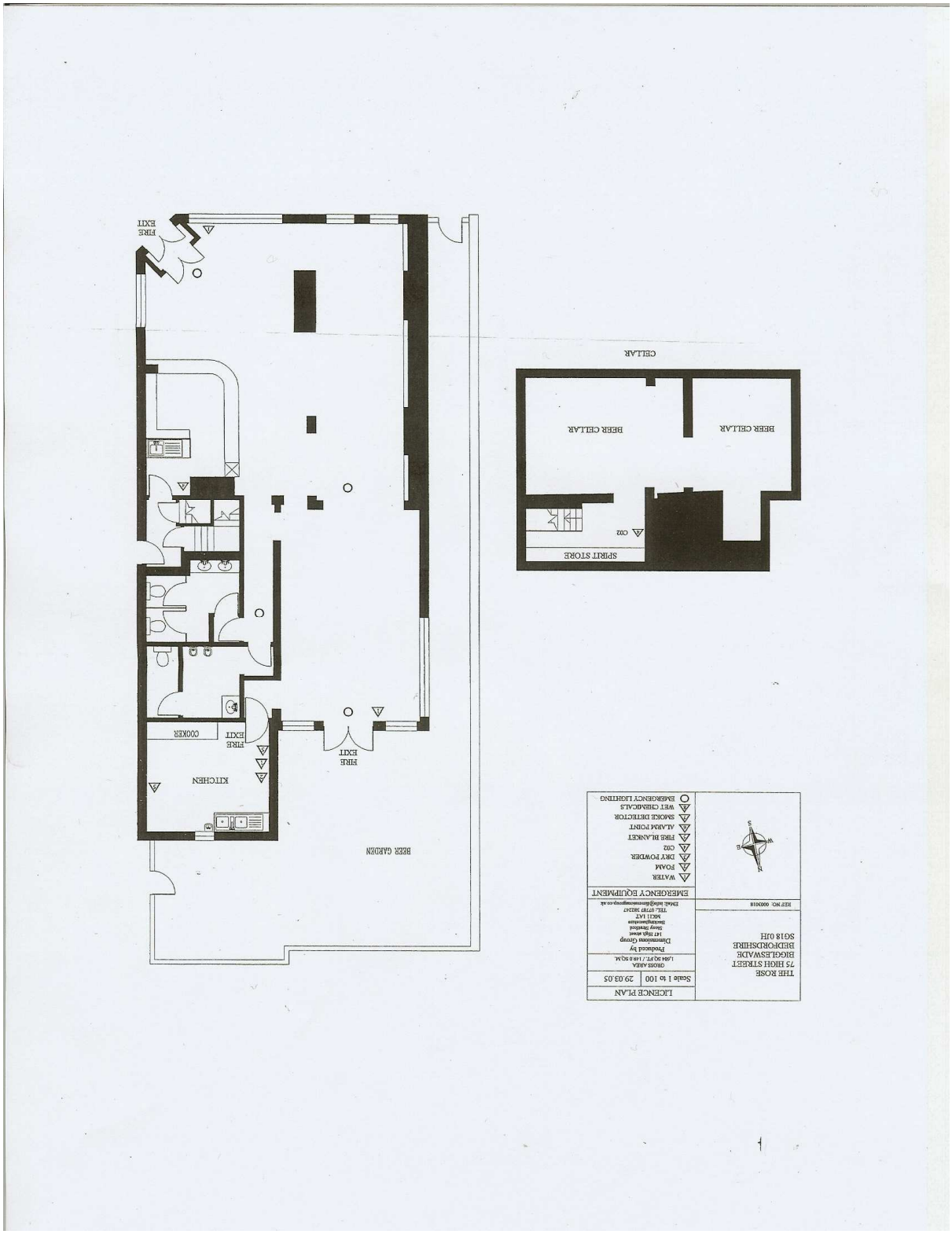
Annex 4 – Plans



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This licence was granted on 24th November 2005

Susan Childerhouse
Head of Public Protection
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford
Beds
SG17 5TQ

Part B
Premises licence summary

Premises licence number	**2000073**

Premises details

Postal address of premises, or if none, ordnance survey map reference or description Rose PH 75 High Street	
Town Biggleswade	**Post code** SG18 0JH
Telephone number 01767 312873	

Where the licence is time limited the dates

Licensable Activities authorised by the licence Indoor sporting events Live music Recorded music Late night refreshment Supply of alcohol

The times the licence authorises the carrying out of licensable activities

Indoor Sporting Events Standard days and timings			**Indoor sporting events to take place as indicated by area ticked**	Indoors	√
				Outdoors	
Day	Start	Finish		Both	
Mon	20:00	00:00	**Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left**		
Tue	20:00	00:00			
Wed	20:00	00:00			
Thur	20:00	00:00			
Fri					
Sat					
Sun					

Live Music Standard days and timings			**The performance of live music to take place as indicated by area ticked**	Indoors	√
				Outdoors	
Day	Start	Finish		Both	
Mon			**Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left** Where New Years Eve or Christmas Eve was to fall on weekday or Sunday we would like to be able to have live music as per Fridays and Saturdays.		
Tue					
Wed					
Thur					
Fri	20:00	23:30			
Sat	20:00	23:30			
Sun					

Recorded Music Standard days and timings			**The performance of the playing of recorded music to take place as indicated by area ticked**	Indoors	√
				Outdoors	
Day	Start	Finish		Both	
Mon	10:00	00:00	**Non standard timings. Where you intend to use the premises for the performance of recorded music at different times to those listed in the column on the left**		
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	00:00			

Late Night Refreshment Standard days and timings	**The provision of late night refreshment to take place as indicated by area ticked**	Indoors	√

				Outdoors	
Day	Start	Finish		Both	
Mon	10:00	00:00	**<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left</u>** Christmas Eve 10:00 to 01:00 New Years Eve 10:00 to 02:00 Boxing Day 10:00 to 01:00		
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	00:00			

Supply of Alcohol Standard days and timings			**<u>The supply of alcohol for consumption as indicated by area ticked</u>**	On the Premises	
				Off the Premises	
Day	Start	Finish		Both	√
Mon	10:00	00:00	**<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left</u>** We would like to be permitted to make off-sales during permitted hours only.		
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	00:00			

The opening hours of the premises

Hours Premises are Open to the Public Standard days and timings			
Day	Start	Finish	
Mon	10:00	00:30	**<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left,</u>** We are asking that we be allowed to have members of the public who have been our customers during permitted hours on the premises for the times stated to allow drinking-up time of 20 minutes and a further 10 minutes as time to leave. And for 30 minutes after the hours permitted for Christmas Bank Holidays as applied for in section L.
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	01:30	
Sat	10:00	01:30	
Sun	10:00	00:30	

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

ON & OFF

Name, (registered) address of holder of premises licence

Miss Sarah Mulchrone & Mr Eamonn Watson

The Rose
75 High Street
Biggleswade
Beds
SG18 0JH

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

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Sarah Jane Mulchrone

State whether access to the premises by children is restricted or prohibited

APPENDIX D

Henry Merrett
12 Rose Lane
Biggleswade
Bedfordshire
SG18 0JT

Licensing Team
Public Protection
Central Bedfordshire Council
Watling House
High Street North
Dunstable
LU6 1LF

24th March 2012

Dear Licensing Team,

Having noticed the sign outside The Rose pub in Biggleswade jct Rose Lane / High Street, I thought it necessary to write to express my opinions regarding the possibility of potential license loss.

I live on Rose Lane, a few doors up from the Rose. Even during their busiest periods, it is impossible to hear any noise from the pub at all in our house or courtyard garden.

Being fully aware when buying our house that we were close to a pub I was prepared for noise at unsociable hours, however I have been consistently pleasantly surprised by the lack of noise. I find it very surprising that anyone in my neighbourhood has found the need to complain.

I would be happy for my property to be visited by members of the Council or for them to use noise measuring equipment on my property if necessary.

The Rose provide a valuable source of quality entertainment for the local community and any threat to this could be very damaging to the area.

Should you require any further information, please feel free to contact me by telephone on 01767 318061 or the address above.

Yours truly,

HMerrett

Henry Merrett

APPENDIX 9

40 Rose Lane,
Biggleswade
Beds
SG18 0JT

CENTRAL BEDFORDSHIRE
29 MAR 2012
Public Protection

Licensing Team
Public Protection
Central Beds Council
Watling House
High Street North
Dunstable
Beds LU6 1LF

24th March 2012

To whom it may concern:

I am very concerned about the notice I have read regarding "The Rose" public house on the corner of Rose Lane and the High Street, Biggleswade regarding the noise level.

I recently moved to my present address two weeks ago which is a maximum of 100 yards from "The Rose" and prior to moving there I lived at 50a High Street, Biggleswade for one year which is opposite "The Rose" public house, the reason I mention this is because the suggestion of noise coming from "The Rose" is **incorrect**.

I accept that "The Rose" do have music nights but at 11pm they have always closed the two pairs of doors and the noise cannot be heard from the street, I know this because I occasionally drink there and having lived across the road I can honestly say that the noise could not be heard.

As far as I am concerned and witnessed the noise and public disorder on the street happens much later when "the Rose" has closed its doors and this is from other people leaving town.

Their music nights are good for the local community and in my opinion residents who live next to a public house/ town centre should expect some noise, let's be honest you don't live within a flight path of an airport and then complain about aircraft passing over!

I am willing to make a formal statement to this effect should you need me to do so.

Amie Jeeves

CC the Rose Pub