

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



please ask for Helen Bell  
direct line 0300 300 4040  
date 7 December 2012

## NOTICE OF MEETING

### LICENSING SUB COMMITTEE

Date & Time

**Tuesday, 18 December 2012 at 1.30 p.m.**

Venue at

**Room 15a, Priory House, Monks Walk, Shefford**

Richard Carr  
**Chief Executive**

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

Cllrs L Birt, K Janes and Mrs M Mustoe

[Named Substitutes: Cllrs R D Berry, D Bowater, I Dalgarno, C C Gomm,  
Mrs D B Green, R B Pepworth, A Shadbolt 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

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To receive from Members any declarations of interest.

4. **Licensing Procedures**

5. **Licensing Objectives**

**Report**

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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>	
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<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="radio"/> <u>The date of this decision</u>  <input type="radio"/> <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="radio"/> <u>Granted (as set out in the application)</u>
<input checked="" type="checkbox"/> <u>Refused</u>
<input type="radio"/> <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 checked="" type="checkbox"/> <u>Prevention of Crime and Disorder</u>
<input type="radio"/> <u>Public Safety</u>
<input checked="" type="checkbox"/> <u>Prevention of Public Nuisance</u>
<input type="radio"/> <u>Protection of Children from Harm</u>
<input checked="" 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>18<sup>TH</sup> December 2012</b>

<b>SUBJECT</b>	<b>LICENSING ACT 2003 – A hearing called to determine an application for two Temporary Event Notices at The Top Bell, 10 Market Square, Leighton Buzzard, LU7 1EY</b>
<b>REPORT OF</b>	
Contact Officers; <a href="mailto:dave.mcbain@centralbedfordshire.gov.uk">dave.mcbain@centralbedfordshire.gov.uk</a> <a href="mailto:Elizabeth.layton-scott@centralbedfordshire.gov.uk">Elizabeth.layton-scott@centralbedfordshire.gov.uk</a>	

**1. The Application**

1.1 Two applications have been submitted by Ashley Ryder for Temporary Event Notices. Copies of the applications are attached as Appendix 'A' of this report.

1.2	<b>Requested Activity</b>	The Application	Current Provision
	Sales of Alcohol	<b>Dates</b> - 19-25/12/2012 & 27/12/2012 – 02/01/2013  <b>Times</b> - 0400hrs – 0900hrs  * Mondays 0200hrs – 0900hrs	N/A
	Late Night Refreshment	As above	N/A
	Regulated Entertainment	As above	N/A
	<b>Current Activity</b>	<b>Normal Hours of Opening</b>	
	Sales of Alcohol	Monday to Saturday 09.00 hrs to 04.00 hrs Sunday 09.00 hrs to 02.00 hrs	
	Late Night Refreshment	Monday to Saturday 23.00 hrs to 04.30 hrs	
	Regulated Entertainment	Monday to Thursday 18.00 hrs to 00.00 hrs Friday to Sunday 18.00 hrs to 01.00 hrs	Live Music
	Regulated Entertainment	Monday to Saturday 09.00 hrs to 04.30 hrs, Sunday 09.00 hrs to 02.30 hrs	Recorded Music

1.3 Police and Public Protection reports are attached as Appendix 'B'

#### 1.4 **Location**

The premise is situated at the top of Market Square in Leighton Buzzard which is a part of the busy central shopping hub. A number of other Licensed Premises are situated nearby. There are a large number of other retail outlets in the vicinity. There is some private residential accommodation to the rear of the premises. A copy of the location map is attached as Appendix 'C'.

#### 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 and variation of an existing licence under the Licensing Act 2003 was received on 21<sup>st</sup> July 2005. The present premises licence holder has held an authorisation for the premises since being granted a transfer of licence on 9<sup>th</sup> August 2010. The TEN's application user is also the Designated Premises Supervisor at the premises

A copy of the relevant part of the Premises Licence is attached as Appendix 'D'

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

3.1 The Licensing Act 2003 places a responsibility on the user of a Temporary Event Notice to ensure the promotion of the four licensing objectives.

These are;

**The Prevention of Crime and Disorder**

**Public Safety**

**The Prevention of Public nuisance**

**The Protection of Children from harm**

#### 4. **Representations from responsible Authorities**

4.1 Public Protection, Environmental Health – Please see appendix B  
Police Licensing Officer – Please see appendix B

#### 5. **Licensing Policy**

5.1 Members' attention is drawn to the Section 182 of the Licensing Act 2003, in particular section 2.0. The relevant licensing objective '**Crime and Disorder**' and at 2.18 '**Public Nuisance**'



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

- 6.1 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 7 Temporary Event Notices (TEN), and paragraphs 7.31 to 7.39.

7. **Observation and General Guidance**

- 7.1 The Sub-Committee must consider the application and any submissions made in writing, and determine the application.

The options available are:

- Accept the applications
- Accept the applications (to include extending the conditions on the premises licence and to apply these to the Temporary Event Notices)
- To refuse the applications

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

- The merits of the applications 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

- 7.3 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:** TEN – The Top Bell, Leighton Buzzard

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**CENTRAL BEDFORDSHIRE COUNCIL**

**Temporary Event Notice**

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send two copies of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

<b>1. The personal details of premises user (Please read note 1)</b>			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	RYDER		
Forenames	ASHLEY		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day 5	Month 3	Year 1986
4. Your place of birth	ROCHFORD, ESSEX		
5. National Insurance Number	JJ 86 73 92 A		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
THE TOP BELL 10 MARKET SQUARE			
Post town	LEIGHTON BUZZARD		Postcode
			LU7 1EY
7. Other contact details			
Telephone numbers	01525 377778		
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)	ashley.ryder@yahoo.co.uk		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
Post town			Postcode

9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

**2. The premises**

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references)  
(Please read note 2)

THE TOP BELL  
10 MARKET SQUARE  
LEIGHTON BUZZARD  
BDS  
LOT 101

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number                      013 843

Club premises certificate number

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (Please read note 4)

PUBLIC HOUSE

Please describe the nature of the event below. (Please read note 5)

EXTEND OPENING HOURS TO INCLUDE 11PM-3AM TO GIVE US THE OPTION OF STAYING OPEN LONGER. WE WILL ALSO HAVE THE OPTION OF OPENING EARLIER TO GIVE NIGHT SHIFT WORKERS A PLACE TO DRINK DURING CHRISTMAS..

IN THE EVENT WE DECIDE TO STAY OPEN LATER WE WILL INCREASE SECURITY AND BE VIGILANT AS TO THE CONDTION OF THE PEOPLE WE LET IN.

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
27.12.12 - 2.1.13	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
04:00 - 09:00 02:00 - 04:00 ON MONDAYS	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	150
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

4. Personal licence holders (Please read note 12)	
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	CENTRAL BGS
Licence number	022829
Date of issue	7/11/2010
Date of expiry	7/11/2020
Any further relevant details	




5. Previous temporary event notices you have given (Please read note 13 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated ( <b>Central Bedfordshire Council, Licensing Team, Watling House, High Street North, Dunstable, Beds LU6 1LF</b> )	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated ( <b>Chief Officer of Police, c/o Police Licensing Officer, County Police Office, West Street, Dunstable, Beds LU6 1SJ</b> )	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated ( <b>Duty Officer, Pollution Team, Public Protection, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ</b> )	<input checked="" type="checkbox"/>

If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

<b>8. Condition (Please read note 16)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

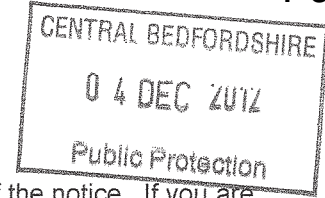
<b>9. Declarations (Please read note 17)</b>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	1.12.12
Name of Person signing	WATLEY RYDER

For completion by the licensing authority

<b>10. Acknowledgement (Please read note 18)</b>	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

CENTRAL BEDFORDSHIRE COUNCIL

Temporary Event Notice



Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send two copies of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	RYDER		
Forenames	ASHLEY		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day 5	Month 3	Year 1986
4. Your place of birth	ROCHFORD, ESSEX		
5. National Insurance Number	J5 86 73 92 A		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
THE TOP BELL 10 MARKET SQUARE			
Post town	LEIGHTON BUZZARD		Postcode LU7 1EY
7. Other contact details			
Telephone numbers	01525 377778		
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)	ashley.ryder@yahoo.co.uk		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
Post town			Postcode



9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

**2. The premises**

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references)  
(Please read note 2)

THE TUDOR BELL  
10 MARKET SQUARE  
LEIGHTON BUZZARD  
BEDS  
LOT 167

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number                      013845

Club premises certificate number

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (Please read note 4)

PUBLIC HOUSE

Please describe the nature of the event below. (Please read note 5)

EXTEND OPENING HOURS TO INCLUDE 4AM-9AM TO  
GIVE W THE OPTION OF STAYING OPEN LONGER.  
WE WILL ALSO HAVE THE OPTION OF OPENING EARLIER  
TO GIVE NIGHT SHIFT WORKERS A PLACE TO DRINK  
DURING CHRISTMAS.

IF IN THE EVENT WE DECIDE TO STAY OPEN LATER WE  
WILL INCREASE SECURITY AND BE VIGILANT AS TO  
THE CONDITION OF THE PEOPLE WE LET IN,

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
19.12.12 - 25.12.12	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
04:00 - 09:00 02:00 - 09:00 ON MONDAYS	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	
150	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

4. Personal licence holders (Please read note 12)	
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	CENTRAL B605
Licence number	022829
Date of issue	7.11.2010
Date of expiry	7.11.2020
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 13 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>


6. Associates and business colleagues (Please read note 14 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I have (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated ( <b>Central Bedfordshire Council, Licensing Team, Watling House, High Street North, Dunstable, Beds LU6 1LF</b> )	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated ( <b>Chief Officer of Police, c/o Police Licensing Officer, County Police Office, West Street, Dunstable, Beds LU6 1SJ</b> )	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated ( <b>Duty Officer, Pollution Team, Public Protection, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ</b> )	<input checked="" type="checkbox"/>



If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

<b>8. Condition (Please read note 16)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations (Please read note 17)</b>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	1.12.12
Name of Person signing	ASHLEY KYOER

For completion by the licensing authority

<b>10. Acknowledgement (Please read note 18)</b>	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

INFORMATION TO SUPPORT AN OBJECTION TO THE APPLICATION FOR TWO TEMPORARY EVENT NOTICES IN RESPECT OF THE TOP BELL, 10 MARKET SQUARE, LEIGHTON BUZARD LU7 1EY (ALSO KNOWN AS THE BELL)

Two applications for temporary event notices have been submitted by Ashley Ryder, designated premises supervisor for the above premises to extend the hours for the sale of alcohol, regulated entertainment and late night refreshment to 0400 – 0900 hours from 19 – 25 December 2012 (with Monday 24 December being 0200 - 0900 hours) and to 0400 – 0900 from 27 December 2012 – 2 January 2013 (with Monday 31 December being 0200 – 0900 hours).

The reasons I am objecting are that I am of the opinion that the existing premises licence condition in respect Annex 2 of the premise licence, licensing objective d) the prevention of public nuisance would not be sufficient to limit noise pollution when entertainment is offered within the premises and additionally the extended use of the outside patio area would also result in noise disturbance.

Annex 2 of the premises licence – Conditions consistent with the operating schedule - licensing objective d) the prevention of Public Nuisance of states:

*“Door supervisors employed on Friday and Saturday nights. Window to front of premises closed save for Friday and Saturday nights. Additional patrols will take place by members of staff internally and externally to limit any noise pollution when entertainment is offered within the premises.”*

The current premises licence, issued on 12 June 2012, allows, amongst other licensable activities, live music indoors from 1800 – 0000 hours Monday to Thursday and from 1800 – 0100 hours Friday to Sunday; recorded music indoors from 0900 – 0430 Monday to Saturday and from 0900 – 0230 hours Sunday. Late night refreshment is allowed from 2300 – 0430 hours Monday to Saturday and from 2300 – 0230 hours Sunday.

The current hours came about following an application for a variation in the then permitted hours for licensable activities made by a former holder of the premises licence in December 2008. As no complaints regarding noise from the premises had been received no objections were made to the requested variation in hours. The premises licence was subsequently varied in January 2009.

However in March 2009 the legacy South Beds District Council received a complaint of late night entertainment noise and despite trying to resolve the competing interests of late night entertainment at the Top Bell with quiet enjoyment for the residents complaints continued. An agreement was made with the then designated premises supervisor and holder of the premises licence that they would make regular patrols to ensure that music was not audible at the Duncombe Drive car park end of Bell Alley. If music were audible the volume would be turned down.

I was the Council's duty call out officer on 27 December 2009 when I was called at 0315 hours as a result of a complaint of loud amplified music and drumming as well as noisy customers leaving the pub. I was unable to contact the pub, but eventually visited at 0445 hours. The premises were closed, but there was a crowd of people, possibly late teens/early twenties on the pavement outside the pub. They were noisy, but not aggressive.

On return to work I contacted the Top Bell; I was told that since the indoor smoking ban they had directed smokers to the rear patio area rather than to the front pavement where there could be trouble with other groups of roaming youths; this was probably the source of the "people" noise that had been heard. They said they had reduced the number of live bands and rearranged the positioning of speakers etc to try and manage any noise breakout.

A further complaint was received in March 2010 and on investigation loud music, rave type and drumming, was noted in the Duncombe Drive car park. Further complaints were received in March. However when contacted by either the complainant or the duty call out officer the DPS would reduce the volume, but only for it to increase later.

I was called, again as the duty call out officer, in May 2010 and noted drum and bass when in the Duncombe Drive car park. I noted considerable breakout of noise from the façade of the pub facing Bell Alley. I also noted people in the rear patio area had spilled out into Bell Alley. I arranged with the DPS and DJ an acceptable noise level, but later that night I was called again as the level had again increased. Further attempts were made with the holder of the premises licence to find ways to manage the noise and a noise policy was submitted later that month. I had reservations that what was suggested would resolve the problem of music breakout and disturbance.

A further complaint was received in August 2010, noise from people using the outside patio area dominated. By then there was a new designated premises supervisor and also a new holder of the premises licence. The holder of the premises licence, RF Leisure, remains the same today. Further complaints were received that November and that is when I brought to the attention of Mr Ryder the past history of noise complaints regarding the club and the previous agreement that music from the Top Bell should not be audible at the Duncombe Drive car park end of Bell Alley. Further complaints were received in 2011 and loud music was witnessed on occasion in the Duncombe Drive car park. A complaint was again received regarding loud noise coming from the outside patio area on the night of Boxing Day last year.

Complaints continued through 2012 and again on occasion breakout of loud music has been witnessed in the Duncombe Road car park. I carried out a random visit on 13 April 2012 and noted a bass beat in the Duncombe Road car park; a disco was taking place and loud music was breaking out from the frontside and rear of the premises. I confirmed the music was too loud and asked that it be turned down. I was told that the level was 70dB and therefore OK. I reminded them that there is no prescribed noise level regarding loud

music and that the agreement is that music must not be audible at the Duncombe Drive car park end of Bell Alley.

It is for these reasons that I am objecting to the temporary event notices to increase the licensable activities to 0900 hours. The premises already enjoy extensive opening hours and disturbance from both loud music breakout and people using the premises has been witnessed; management agreements cannot be relied upon to ensure there would be no further disturbance over the Christmas and New Year period.

Michael John Eden BSc (Hons), MSc, PG Dip Acoustics, CMCIEH  
Chartered Environmental Health Practitioner

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Elizabeth Layton-Scott

**From:** JOHNSON, Neville 431 [neville.johnson@Bedfordshire.pnn.police.uk]  
**Sent:** 05 December 2012 16:01  
**To:** 'ashley.ryder@yahoo.co.uk'  
**Cc:** Elizabeth Layton-Scott  
**Subject:** TENs re Top Bell, 10 Market Square, Leighton Buzzard for 19 - 25/12/2012 inc. & 27/12/2012 - 02/01/2013 inc.

Mr RYDER,

It may already have been brought to your attention by now that I have made a formal objection on behalf of the police to these TENs. My objection is based on the licensing objective appertaining to crime and disorder as it is my belief that the proposed extended alcohol opening hours will lead to an increase in crime and disorder in the area. Prior to making this objection I did consider whether extending the existing premises licence conditions for the duration of the TEN would prevent any such increase but I decided it would not.

Please feel free to contact me should you feel it necessary to discuss the matter further.

Kind regards, Nev.431

**PC 431 Neville Johnson**  
**Central Bedfordshire Licensing Officer**  
**Bedfordshire Police**  
**Dunstable Station**  
**T01582 473180**  
**M07768 177719**  
**neville.johnson@bedfordshire.pnn.police.uk**

\*\*\*\*\*  
\*\*\*\*\*

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

This footnote also confirms that this email message has been swept for the presence of computer viruses.

\*\*\*\*\*

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Bedfordshire Police monitors all Internet email activity and content.

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For more information please visit <http://www.symanteccloud.com>

05/12/2012

**Elizabeth Layton-Scott**

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**From:** Licensing Enquiries  
**Sent:** 05 December 2012 11:51  
**To:** Elizabeth Layton-Scott  
**Subject:** FW: TENS: Top Bell

Pat Davies MIOL, MCM  
Licensing Co-Ordinator  
Public Protection

Central Bedfordshire Council Watling House, High Street North, Dunstable, Beds LU6 1LF  
Tel: 0300 300 4172 Int Ext 74172  
Email: [patricia.davies@centralbedfordshire.gov.uk](mailto:patricia.davies@centralbedfordshire.gov.uk)

---

Information security classification\* of this email: **Not protected**

\*Information security definitions:

Restricted - Sensitive Data only to be sent via secure email e.g. GCSX or message labs

Protected - Contains personal data covered by the Data Protection Agency

Not protected - General Data

---

**From:** John Eden  
**Sent:** 05 December 2012 10:57  
**To:** 'ashley.ryder@yahoo.co.uk'  
**Cc:** Licensing Enquiries  
**Subject:** TENS: Top Bell

Dear Mr Ryder

Re: The Top Bell, 10 Market Square, Leighton Buzard LU7 1EY - Extended opening hours on 11-17 December 2012 from 0400-0900 hrs and 0200-0900 hrs on Mondays; 19-25 December 2012 from 0400-0900 hrs and 0200-0900 hrs on Mondays and 27 December 2012-02 January 2013 from 0400-0900 hrs and 0200-0900 hrs on Mondays.

I am notifying you that I object to the 3 number temporary event notices submitted by you (the first of which is a late notice) in respect of the above. The reasons being that I am of the opinion that the existing premises licence condition in respect of licensing objective d) the prevention of public nuisance would not be sufficient to limit noise pollution when entertainment is offered within the premises and additionally the extended use of the outside patio area would also result in noise disturbance.

Regards

John Eden BSc MSc MCIEH, Chartered Environmental Health Practitioner

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

DD: 0300 300 5063 | Ext: 75063 | email: [john.eden@centralbedfordshire.gov.uk](mailto:john.eden@centralbedfordshire.gov.uk)

\* Information Classification:

Unprotected – General Data

Protected – Contains personal data covered by the Data Protection Act

Restricted – Sensitive data only to be sent via secure email

05/12/2012



## BEDFORDSHIRE POLICE

FROM: PC431 JOHNSON  
Licensing Officer  
Central Bedfordshire  
Ext: 3180  
Date: Thurs. 06/12/2012

TO: Licensing Committee  
Central Bedfordshire Council

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**Subject: Hearing re The Top Bell, 10 Market Square, Leighton Buzzard, Bedfordshire LU7 1EU**

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In the last 6 months there have been 15 incidents logged on the Police Operational Information System for this address, of which 13 are directly attributable to it.

URN 362 – 06/12/2012: This incident relates to a report of violence against the person. A male repeatedly entered the premises and attempted to assault people within. He punched two males but left prior to police arrival and no complaints were forthcoming.

URN 340 – 01/12/2012: This incident relates to disorder by a group of 9 travellers who upon being refused service by the manager refused to leave.

URN 23 – 30/11/2012: This incident relates to a report of violence against the person. A male had alleged he'd been assaulted by another male who was still inside the pub. Upon police arrival no complaint was forthcoming.

URN 440 – 30/09/2012: This incident relates to a report of disorder by a group of 10 travellers who refused to leave at closing time and then began threatening a staff member.

URN 296 – 27/10/2012: This incident relates to a report of disorder at the location between two customers. Upon police arrival there were no complaints forthcoming.

URN 291 – 07/10/2012: This incident relates to disorder by a group of 6 – 8 travellers who were making threats to a member of staff who was about to come on duty.

URN 43 – 30/09/2012: This incident relates to the possession of drugs by a number of people at the location. Upon police arrival two persons were located in an alleyway immediately adjacent to the location, found to be in possession of ketamine (a class C drug) and arrested.

URN 501 – 12/08/2012: This incident relates to a report of disorder at the location by a male who began smashing things up with a pool cue. The male was arrested by police, charged with criminal damage / possession of an offensive weapon / threatening behaviour and convicted at court.

URN 3 – 05/08/2012: This incident relates to a report of violence against the person. A male was assaulted by other customers as they were all leaving the premises. (The male sustained a cut lip, swelling to the nose and a lump on his head.) Two men and one woman were arrested in connection with the incident and the woman subsequently bit an officer. (The officer sustained reddening to his wrist.) No further action was taken re the assault on the man but the woman was charged re the assault on the officer.

URN 458 – 20/07/12: This incident relates to a report of disorder. A drunken male, who had been causing a nuisance on the premises and had been removed, was trying to gain re-entry. He was prevented from doing so by another customer, fell to the floor and sustained a cut to his head which required hospital attention.

URN 47 – 07/07/2012: This incident relates to a report of violence against the person. A male was assaulted by another male and sustained a cut lip. The offender was never identified.

URN 364 – 05/06/2012: This relates to a report of violence against the person. A male left the location and began indiscriminately hitting people outside. No injuries were sustained by anyone and no complaints were forthcoming.

URN 29 – 05/06/2012: This relates to a report of violence against the person. A male called police to express his concerns about a female friend in the ladies toilets at the location. Prior to police arrival the male was assaulted by another male as he was leaving the premises. The male sustained loosened front teeth which caused bleeding from his gums. The male was intoxicated, no trace could be found of the female and he refused to co-operate with police regarding the assault.

The supply and possession of drugs is also an issue in Bell Alley, Leighton Buzzard. Bell Alley is a footpath immediately adjacent to the premises which connects Market Square to Duncombe Drive and has historically been used by people taking drugs. In the last 6 months the police have made three drugs related arrests in this area and received one intelligence report to the effect that drugs are being supplied there.

Elizabeth Layton-Scott

Appendix B

Subject: FW: TENS: Top Bell

Reply to John Eden  
from Mr Ryder

**From:** Ashley Ryder [mailto:ashley.ryder@yahoo.co.uk]  
**Sent:** 05 December 2012 11:42  
**To:** John Eden  
**Cc:** Licensing Enquiries  
**Subject:** Re: TENS: Top Bell

John,

We would not be using a DJ or anything other than our own music system that late. Our own system is not powerful enough to create a disturbance outside the premises. Also the back garden will continue to be closed at 1, as it is now. With these in mind could you possibly revise your objections? We will cooperate in any way possible.

Regards,

Ashley Ryder

Sent from my iPhone

On 5 Dec 2012, at 10:57, John Eden <[John.Eden@centralbedfordshire.gov.uk](mailto:John.Eden@centralbedfordshire.gov.uk)> wrote:

Dear Mr Ryder

Re: The Top Bell, 10 Market Square, Leighton Buzzard LU7 1EY - Extended opening hours on 11-17 December 2012 from 0400-0900 hrs and 0200-0900 hrs on Mondays; 19-25 December 2012 from 0400-0900 hrs and 0200-0900 hrs on Mondays and 27 December 2012-02 January 2013 from 0400-0900 hrs and 0200-0900 hrs on Mondays.

I am notifying you that I object to the 3 number temporary event notices submitted by you (the first of which is a late notice) in respect of the above. The reasons being that I am of the opinion that the existing premises licence condition in respect of licensing objective d) the prevention of public nuisance would not be sufficient to limit noise pollution when entertainment is offered within the premises and additionally the extended use of the outside patio area would also result in noise disturbance.

Regards

John Eden BSc MSc MCIEH, Chartered Environmental Health Practitioner

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

DD: 0300 300 5063 | Ext: 75063 | email: [john.eden@centralbedfordshire.gov.uk](mailto:john.eden@centralbedfordshire.gov.uk)

\* Information Classification:

Unprotected – General Data

Protected – Contains personal data covered by the Data Protection Act

Restricted – Sensitive data only to be sent via secure email

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Appendix 1c



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Ordnance Survey 100049029.  
Central Bedfordshire Council.  
Cities Revealed aerial photography copyright  
The GeoInformation Group, 2010

The Bell  
10 Market Square, Leighton Buzzard, Bedfordshire, LU7 1EY

Date: 05 December 2012

Scale 1:1500



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**Appendix 'D'**

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

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

No further measures identified

**a) The prevention of crime and disorder**

Door supervisors employed on Friday and Saturday nights.

**b) Public Safety**

Door supervisors employed on Friday and Saturday nights. A zero tolerance towards drugs will be enforced at all times. If a DJ is used on any night, he/she will ask customers to leave quietly.

**c) The prevention of public nuisance**

Door supervisors employed on Friday and Saturday nights. Window to front of premises closed save for Friday and Saturday nights. Additional patrols will take place by members of staff internally and externally to limit any noise pollution when entertainment is offered within the premises.

**d) The protection of children from harm**

A recognised proof of age policy will be enforced at all times.

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

Not applicable

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