

CENTRAL BEDFORDSHIRE COUNCIL

Record of Licensing Sub Committee hearing convened under The Licensing Act 2003 (Hearings) Regulations 2005 on Tuesday, 22 January 2013

Licensing Sub Committee Composition

Cllrs (Chairman)

Licensing Sub Committee Composition

Cllrs L Birt
Mrs M Mustoe
C Gomm

Members' Interests

There were none.

Name of Applicant

Central Bedfordshire Council – Public Protection Team

Premises Address

White Hart Hotel, Public House
125 Dunstable Street
Amphill
Bedfordshire
MK45 2NG

Name of Parties (including the Applicant, Observers and Persons who have made relevant representations together with any persons who have made relevant representations together with any persons representing each party)

Mr A Stone – Technical Officer Public Protection
Mr P Warne – TLT Solicitors
Cllr L Birt
Cllr Mrs M Mustoe
Cllr C Gomm
Mr D McBain – Licensing Enforcement Officer
Mrs J Borthwick – Service Manager, Public Protection
Mr M Clay – Service Manager, Public Protection
Miss H Bell – Committee Services Officer
Mr M Woolsey – Managing Solicitor
PC 431 Neville Johnson – Bedfordshire Police
Cllr R B Pepworth - Central Bedfordshire Council
Cllr M Blair - Central Bedfordshire Council
Cllr P A Duckett - Central Bedfordshire Council
Cllr R Tebbutt – Amphill Town Council
Mrs M Wilson – Amphill Town Council
Mrs M Wright – Amphill Town Council
Mrs S Hinkin – Amphill Town Council
Mr W Silcock
Mrs S Silcock
Mrs C Valrey
Mrs E Owen

Mrs P Brazin
Mrs F Challacombe
Mrs J Pelling
Mr A Pelling
Mr S Miah – Leaseholder of the White Hart Hotel and Designated Premises Supervisor
Mr E Mater – Punch Taverns PLC
Mr D Wood – Manager of the White Hart Hotel

Names of Parties submitting representations and indications of their representations

Mr A Stone - Applicant
PC N Johnson – In support of the applicant
Cllr P Duckett – In support of the applicant
Mr Pelling – In support of the applicant
Mrs Pelling – In support of the applicant
Mrs Challacombe – In support of the applicant
Mr P Warne – Appearing on behalf of the Premises Licence Holder

Procedures for the Hearing of applications

The procedure for the hearing of the application, The Licensing Act 2003, was noted.

Amendment of Application (if any) requested by the Applicant

There were no amendments to the application by the applicant.

The Application

The Application was made by the Public Protection team of Central Bedfordshire Council to review the premises licence on the basis of persistently causing a public nuisance and failing to promote one of the four licensing objectives.

LICENSING ACT 2003 - A hearing called to determine an application for a review of a premises licence for The White Hart, 125 Dunstable Street, Ampthill, MK45 2NG

The Sub Committee received and considered a report from the Head of Service, Public Protection which advised that an application had been submitted for a review of a Premises Licence at The White Hart Hotel, Public House, 125 Dunstable Street, Ampthill, on the basis of persistently causing a public nuisance and failing to promote one of the four licensing objectives

The Applicant, supporters of the applicant and representatives appearing on behalf of the licence holder attended the meeting and made representations.

The Chairman outlined the procedure to be followed.

The Chairman invited the Licensing Enforcement Officer to present the report to the Sub Committee. The Sub Committee were advised that the Applicant, Mr Alan Stone had submitted an application for a review of the premises licence on the grounds of public nuisance and failing to promote one of the licensing objectives.

The Sub Committee noted that the premises is located on the main through route with some residential property in nearby surroundings. A location map was attached to the report at Appendix B.

The Licensing Enforcement Officer advised that on 26 September 2005 variations and conversion to the premises licence was granted by Mid Bed District Council.

The permitted activities are: indoor sporting events, live and recorded music, performance of dance, late night refreshment (indoors) facilities for making music, dancing (indoors) and similar and; the supply of alcohol (on and off premises). The premises licence authorises the carrying out of licensable activities between the following hours:

- Monday to Thursday 10.00hrs to 00.00hrs
- Friday 10.00hrs to 02.00hrs
- Saturday 10.00hrs to 01.00hrs
- Sunday 11.00hrs to 23.30hrs

The opening hours of the premises are:

- Monday to Thursday 10.00hrs to 00.30hrs
- Friday 10.00hrs 02.30hrs
- Saturday 10.00hrs to 01.30hrs
- Sunday 11.00hrs to 00.00hrs

In presenting the report the Licensing Enforcement Officer drew attention to the number of representations received from the Responsible Authority – Police and interested Parties.

The Chairman invited the Sub Committee to ask questions of the Licensing Enforcement Officer.

The Chairman invited the applicant, Mr Alan Stone to present the case to the Sub Committee.

The application for a review of the licence was due to a public nuisance and failing to promote one of the licensing objectives. Mr Stone spoke in detail about the complaint history of premises from 2006 up until 2012. The nature of the complaints alongside the observations made throughout the investigation pointed to limited management of the premises with regards to noise and little regard for the neighbouring residents of Ampthill. The noise experienced by residents around this premises, both people noise and music, represented a public nuisance. Mr Stone felt that every opportunity had been given to the DPS to prevent this public nuisance and manage the issues highlighted, but unfortunately had not been satisfactorily addressed. It was for this reason along with the persistent breach of conditions and ongoing noise breakout that a review of the premises licence was sought.

The Chairman invited the Sub Committee to ask any questions of Mr Stone.

The Chairman invited PC Johnson to present his case. PC Johnson

Decision

On the basis of the written and verbal representations, the Licensing Sub-Committee made the following findings of fact:

- The Sub-Committee are extremely disappointed with the matter raised before them;
- The Sub-Committee accept the evidence of Alan Stone in its entirety;
- The Sub-Committee accept the evidence of the Police in its entirety;
- The Sub-Committee have heard from ten objectors, all willing to speak out and attend the hearing;
- Each of the objector's is a resident of Ampthill, living in the locality of the Premises;
- All of the objector's are credible and reliable;
- All of the objector's lives' are being affected by the activities at the Premises;
- Numerous warnings have been given to all of those responsible for the Premises, and not acted upon;
- The situation has got worse in the last twelve months;
- It is unchallenged evidence that:
 - the Designated Premises Supervisor is rude and ignores the complaints of residents;
 - the Designated Premises Supervisor has ignored the requests of the Council's public protection team;
 - extreme noise has emanated from the Premises;
- It is accepted that:
 - the Premises has been, and is continuing to be, a problem
 - there has been, and continues to be, a noise nuisance;
 - conditions of the Premises licence have been breached, frequently;
- The Sub-Committee believe that the problems suffered by residents late at night and in the early hours of the morning are exacerbated by the activities of the Premises;
- Doors to the Premises are not just opened by customers and visitors and there is clear evidence that the doors have been deliberately hooked back;
- Use of external areas creates problems for local residents;
- Residents are clear, and it is accepted, that the activities of the Premises are causing them to suffer loss of sleep and extreme noise nuisance;
- Inappropriate noise occurs due to inappropriate bottle disposal;
- The Premises are poorly managed;
- Both the Designated Premises Supervisor and the Licence Holder have

had in excess of a year to act and have failed to do so;

- The Designated Premises Supervisor has set himself a low standard and failed to achieve it;
- The failure of the management is the key issue to the failings of the Premises;
- The Sub-Committee believe that the works required will take longer than a single month.

DECISION

Following the application for review by the Public Protection Team of Central Bedfordshire Council, and on the basis of the findings of fact outlined above, the Sub-Committee has resolved that the following steps should be taken:

- The following amendments shall be made to the Premises licence:
 - Condition 5 shall be deleted and replaced with:
“All doors and windows to be kept closed at all times.”;
 - Condition 6 shall be deleted and replaced with:
“No admission or re-admission to the Premises to be permitted after 23:00 hrs.”;
 - A new condition 10 shall be added to the Premises licence and shall read:
“The opening hours of the Premises shall be limited to 00:00 hrs, seven days a week.”;
 - A new condition 11 shall be added to the Premises licence and shall read:
“All Licensable Activities shall cease at 23.30hrs, seven days a week.”;
 - A new condition 12 shall be added to the Premises licence and shall read:
“Automatic closers shall be affixed to and used on all windows and external doors.”;
 - A new condition 13 shall be added to the Premises licence and shall read:
“Within a period of three months from 22 January 2013 a noise control scheme shall be 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 recorder music and persons using the external areas and shall include consideration as to suitable ventilation and smoking area for the Premises. 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.”;

- A new condition 14 shall be added to the Premises licence and shall read:
“No persons shall be permitted, or allowed, to leave the Premises with any alcohol, other refreshments or food after 23:00 hrs, seven days a week.”;
- A new condition 15 shall be added to the Premises licence and shall read:
“The placing of bottles into receptacles external to the Premises must not take place between 19:00 hrs and 09:00 hrs.”;
- Except where set out above, the conditions set out on the Premises licence shall remain unchanged;
- The opening times of the Premises shall be altered to reflect the amendments set out above;
- The timings for Licensable Activities shall be altered to reflect the amendments set out above;
- Salik Miah shall be removed as Designated Premises Supervisor for the Premises;
- The performance of live music and recorded music shall be suspended for a period of two (2) months from 12 February 2013;

(Note: The meeting commenced at Time Not Specified and concluded at Time Not Specified)