

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



please ask for Helen Bell
direct line 0300 300 4040
date 11 January 2013

NOTICE OF MEETING

LICENSING SUB COMMITTEE

Date & Time

Tuesday, 22 January 2013 at 2.00 p.m.

Venue at

Room 15, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

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

Cllrs L Birt, C C Gomm and Mrs M Mustoe

[Named Substitutes: Cllrs R D Berry, D Bowater, I Dalgarno, Mrs D B Green,
K Janes, R B Pepworth, A Shadbolt, I Shingler 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 declarations of interest.

4. **Licensing Procedure**

(attached)

5. **Licensing Objectives**

(attached)

Report

Item	Subject	Page Nos.
6.	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	* 23 - 112



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>	
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<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:

<u>COMMENCEMENT DATE</u>
<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>

<u>FINDINGS OF FACT</u>

The Sub-Committee made the following findings of fact:

<u>DECISION</u>
<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"> • <u>The Sub- Committee considers the additional conditions necessary for the promotion of the licensing objectives.</u> • <u>All Licences are granted subject to the mandatory conditions imposed by the Licensing Act, 2003.</u> • <u>In coming to its decision, the Sub-Committee has taken into account:</u> <ul style="list-style-type: none"> ○ <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> ○ <u>The Secretary of State’s Guidance issued under section 182 of the Licensing Act 2003; and</u> ○ <u>Central Bedfordshire Council’s Licensing Policy</u> ○ <u>The merits of the application and the representations (including supporting information) presented by all parties.</u>

<u>REASONS FOR DECISION</u>
<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>

<u>Irrelevant Representations</u>	
<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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LICENSING SUB-COMMITTEE

22 Jan 2013

SUBJECT	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
REPORT OF	Head Of Service Public Protection
<i>Contact Officers; dave.mcbain@centralbedfordshire.gov.uk</i>	

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
Indoor sporting events, Live & Recorded Music, Late night refreshment. Facilities for making music & dancing. Supply of alcohol (on and off the premises)	Mon – Thurs 10:00hrs to 00:00hrs Fri – 10:00hrs to 02:00hrs Sat – 10:00hrs to 01:00hrs Sun – 11:00hrs to 23:30hrs Non Standard - A further additional hour every Christmas Eve & Boxing Day. To reflect New Years Eve/Day hours.	To review the existing authorisation with regard to the Prevention of Public nuisance
Hours of opening	Mon – Thurs 10:00hrs to 00:30hrs Fri – 10:00hrs to 02:30hrs Sat – 10:00hrs to 01:30hrs Sun – 11:00hrs to 00:00hrs Non Standard – As above	

A copy of the existing Premises Licence is attached as Appendix 'B'

1.3 Location

The premise is situated on the main through route and close to a mini roundabout complex in the Town centre. Other retail properties are situated around this area. There is some residential property within the nearby surroundings. A small public space, with a local monument, is situated nearby. There is a large supermarket with 'off' licence authorisation situated just over 100 metres away to the North of the premises. An additional 'off' licensed premise is situated within 100 metres of the premises to the North East The nearest 'on' licensed premises are in excess of 100 metres from the premise and to the North and the South.

A copy of the location map is attached as Appendix 'C'.

1.4 **Relevant History**

The premise is an Ancient Coaching Inn and has been situated in the centre of Ampthill for many years. It previously held a Justices Licence under the Licensing Act 1964. The Justices licence under that Act was held by the present Designated Premises Supervisor. A valid application for a conversion and variation of a premises licence for the property, under the Licensing Act 2003, was received by Mid Bedfordshire Council on 25th July 2005. Following representations from Bedfordshire Police and local residents a hearing to determine the application was called and held on 26th September 2005. The licence was granted with additional conditions being attached by the Licensing Sub-Committee. These can be viewed in the Premises Licence at **Annex 3 – “Conditions attached after a hearing by the licensing authority”**. Further additional conditions to support the licensing objective of ‘**The protection of children from harm**’ have recently been added to the premises licence by way of a minor variation application. These can be viewed at **Annex 2 – “Conditions consistent with the Operating Schedule”**.

2. **Representations from the responsible Authorities**

Police – Report attached as Appendix ‘D’
Children’s Services – No comments
Other – No reply

3. **Interested Parties**

10x representations in support of the application, from interested parties, have been received. These can be viewed as Appendix ‘E’.

4. **Licensing Policy**

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.

5. **Secretary of State’s Guidance**

The sub committee must have regard to the Secretary of State’s Guidance issued under Section 182 of the Licensing Act 2003 as amended in October 2012. In particular Sections 2.18 to 2.24 on pages 14 & 15 relating to ‘**The Prevention of Public nuisance**’ objective.

6. **Observation and General Guidance**

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

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

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: 2000318

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APPENDIX 'A'



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 ALAN STONE
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>WHITE HART</u> <u>125 DUNSTABLE STREET</u>	
Post town <u>AMPTHILL</u>	Post code (if known) <u>MK45 2NG</u>
Name of premises licence holder or club holding club premises certificate (if known) <u>PUNCH TAVERNS PLC</u>	
Number of premises licence or club premises certificate (if known) <u>2000318</u>	

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
CENTRAL BEDFORDSHIRE COUNCIL PRIORY HOUSE MONKS WALK CHILESANDS SHEFFORD BEDS SG17 5TR
Telephone number (if any)
0300 300 4388
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.

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

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

7th DECEMBER 2012

Capacity

TECHNICAL 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.

11. 11/15/2011

1. The Board of Directors shall review and approve the minutes of the previous meeting.

2. The Board of Directors shall review and approve the report of the Finance Committee.

3. The Board of Directors shall review and approve the report of the Operations Committee.

4. The Board of Directors shall review and approve the report of the Human Resources Committee.

5. The Board of Directors shall review and approve the report of the Audit Committee.

6. The Board of Directors shall review and approve the report of the Risk Management Committee.

7. The Board of Directors shall review and approve the report of the Information Technology Committee.

8. The Board of Directors shall review and approve the report of the Environmental, Social and Governance Committee.

9. The Board of Directors shall review and approve the report of the Sustainability Committee.

10. The Board of Directors shall review and approve the report of the Diversity and Inclusion Committee.

Item	Description	Status
1	Review and approve the minutes of the previous meeting.	Completed
2	Review and approve the report of the Finance Committee.	Completed
3	Review and approve the report of the Operations Committee.	Completed
4	Review and approve the report of the Human Resources Committee.	Completed
5	Review and approve the report of the Audit Committee.	Completed
6	Review and approve the report of the Risk Management Committee.	Completed
7	Review and approve the report of the Information Technology Committee.	Completed
8	Review and approve the report of the Environmental, Social and Governance Committee.	Completed
9	Review and approve the report of the Sustainability Committee.	Completed
10	Review and approve the report of the Diversity and Inclusion Committee.	Completed

11. The Board of Directors shall review and approve the report of the Compensation Committee.

12. The Board of Directors shall review and approve the report of the Nominations and Governance Committee.

13. The Board of Directors shall review and approve the report of the Executive Compensation Committee.

14. The Board of Directors shall review and approve the report of the Board of Directors.

15. The Board of Directors shall review and approve the report of the Board of Directors.

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

Premises: White Hart Hotel, 125 Dunstable Street, Ampthill, Beds .

Officer: Alan Stone

Date: 7th December 2012

I am a Technical Officer in the Public Protection Team 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 current premises licence for the White Hart was granted on the 19th April 2012, following a minor variation to the layout, to Punch Taverns plc, Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire DE14 2WF. The designated premises supervisor (DPS) is a Mr Salik Miah.

The permitted activities for this premises 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 license 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 to 02.30hrs
- Saturday 10.00hrs to 01.30hrs
- Sunday 11.00hrs to 00.00hrs

The premises licence was granted following a hearing in 2005 and a number of conditions relating to public nuisance were imposed on the license in Annex 3. These conditions include:

- No noise from music should be audible within adjacent noise sensitive premises;
- All doors and windows to be kept closed during regulated entertainment events;
- No admission or re-admission to the premises is allowed after 23.30;
- A minimum of 3 SIA registered door supervisors will be on duty on Friday and Saturday nights from 21.00 hours to the terminal hour and;
- The provision of live/recorded music, performance of dance, the provision of facilities for making music or providing dancing is limited to the interior of the premises

2. Location of the Premises

The premises are located to the south of the double mini roundabouts serving Church Street, Dunstable Street, Bedford Street and Woburn Street in Ampthill. The main access to the premises is offered from Dunstable Street via an alleyway leading to the cellar bar, main bar and car park. To the immediate East, North and West of the premises are commercial properties, at ground floor level although there is some living accommodation above. Slightly further afield than this, there are many residential properties along all roads leading from the junctions and from these residential premises Public Protection has 4 main complainants:

Complainant A – Dunstable Street, approximately 75m to the south west

Complainant B – Dunstable Street, immediate vicinity

Complainant C – Dunstable Street, immediate vicinity

Complainant D – Woburn Street, approximately 50m to the north west

A plan of the site is attached to this information.

3. Complaint History of Premises from 2006 up until 2012

The White Hart Hotel has been the subject of many complaints over the recent past. Some have resulted in evidence being gathered to substantiate a problem, whilst others have been resolved with an initial contact either by the Council or the complainant and some were

unsubstantiated. A brief summary of the complaints received from 2006 to 2012 are detailed below.

Complaint of 17th July 2006 by Local Resident (Complainant A)

A complaint was received alleging loud music emanating from the cellar bar building on Friday and Saturday nights. Following an investigation into the allegation, a noise abatement notice was served on the DPS requesting that the nuisance be abated. The noise was mainly escaping via the roof structure of this part of the premises and as a result, ultimately resulted in works being undertaken to reduce noise breakout. A false ceiling was constructed and insulation placed on top. As a result of these works, the noise from music emanating from the premises was reduced, however, on occasions we still received complaints. This was found to be a result of the door to the cellar bar being propped open when events were in progress. On meeting with the DPS this matter was resolved at this time.

Complaint of 9th October 2007 by Local Resident (Complainant B)

A complaint was received by the Council alleging loud music from a disco in a room adjacent to the main bar (the Tudor Room) of the White Hart Hotel mainly on Friday and Saturday nights. It was agreed that the complainant approach the designated premises in pursuit of a resolution to the matter. This approach seemingly worked as the complainant did not wish to pursue the matter at this stage.

Complaint of the 26th February 2008 by Local Resident (Complainant B)

A further complaint was received from Complainant B alleging that the situation has deteriorated. They advised that on the weekend that had just passed noise was audible in their property on both Friday and Saturday nights and they thought that approaching the DPS again would be futile. I made contact with Mr Miah and a meeting was arranged between Mr Miah, the police licensing officer, the local beat officer and myself. This duly occurred on 5th March 2008 and I explained what actions I could take and offered advice on noise mitigation measures that could be employed to improve the situation. As a result, some works were undertaken to a window adjacent to the complainant's property to reduce the amount of noise escaping. Further investigations

found that these works, allied to a reduction in volume and bass levels, resulted in the noise issues being resolved at this time and the case was closed.

Complaint of the 3rd December 2008 by Local Resident – (Complainant C)

A complaint was received from complainant C alleging noise and disturbance from music, people on the premises and from people leaving the premises. I advised that I would visit to discuss with the DPS and the Police licensing officer whilst also requesting that the complainant keep a note of when they were disturbed by any noise from the premises. This meeting was duly arranged on 9th December 2008 and all matters were discussed. The DPS asserted that improvements would be made.

When the complainant was contacted in January they claimed that the noise from the premises had improved and that they were satisfied with the situation as it currently stood.

Complaint of the 2nd April 2009 by Local Resident– Complainant B

Complainant A complained again regarding noise from music from the main bar area on Friday and Saturday nights. Following a brief investigation, no evidence was gathered to substantiate the complaint and the complaint was duly closed.

Complaint of the 16th September 2010 by Local Resident– Complainant B

A further complaint was received about music from recorded music in the Tudor Room and following an investigation in to this allegation it was considered that noise amounting to a statutory nuisance was witnessed and a noise abatement notice was duly served on the DPS. On this occasion, it was found that noise was emanating from the treated window serving the Tudor room again and the window in the kitchen area. Advice was given in this regard and works were undertaken to address this matter. Following the works, the noise situation improved and no further complaints were received.

Complaint of the 5th June 2011 by Local Resident– Complainant A

A complaint was received via the out of hours service at 02.50 hours on 5th June 2011 alleging loud music from the White Hart public house. There was a temporary event notice in place for this event which was due to finish at 03.00 hours. The officer on duty

on this occasion did not attend but on calling the complainant after 03.00 hours ascertained that the noise had indeed stopped. Following this event, contact was made with both the DPS and the area manager for Punch Taverns plc who were advised and reminded of their responsibilities. No further complaints were received at this time.

4. Complaint of the 4th March 2012 – Complainant A

Summary of Complaint & Investigation of Public Protection

March 2012

A complaint of loud music was received by Central Bedfordshire Council at 00.30 hours on the 4th March 2012 regarding the White Hart Hotel in Ampthill via the out of hours service. The complainant alleged that the music had been ongoing since 22.30 hours on the 3rd March 2012 and that it was preventing the complainant from sleeping. The officer on duty was unable to attend but telephoned the public house a couple of times but the call was not answered. The complaint was referred to the public protection team on the Monday morning.

The complainant lives in a property in Dunstable Street in Ampthill, bedroom windows are at the rear and face the cellar bar and there is direct line of site situated some 75m away.

Public Protection were aware that a Temporary Event Notice was in place for the following weekend which was for recorded music until 03.00 hours and so the complainant was contacted and asked to call the out of hours number for a call out should noise from the event be a problem. A complaint was duly received at 23.30 hours on the 10th March 2012 and I arrived at the White Hart Hotel premises around 1.10am. The music was extremely loud with loud bass being prevalent and there is no doubt that this represented a statutory nuisance in my opinion. I approached the complainant and spoke with her at the rear of her property at 0115 at which point the music was still very clearly audible with extremely loud bass levels – and this was around 75 metres away. I visited the White Hart Hotel and spoke with Salik Miah at the entrance to the premises at around 1.25am and requested that the music volume be reduced. Having waited at a monitoring location (the car park to the rear of 111 Dunstable Street) for around 5 to 10 minutes there was no noticeable difference in volume or bass levels. I approached the premises and spoke with Mr Miah again at 1.35am and again requested that the volume be reduced and specifically the bass element. He

stated that he would and re-entered the premises. I waited in the car park to the rear of 111 Dunstable Street until 0151 am and no significant change in levels were noticed. The levels witnessed were considered likely to amount to a nuisance and it was not considered necessary for internal monitoring to be conducted within the complainants property. As the noise was considered such I left site with the intention of serving a noise abatement notice under the Environmental Protection Act 1990 the following week.

I served a noise abatement notice on 16th March 2012 by hand and I met with Mr Miah and discussed the levels of noise at the weekend and why the noise had become a problem at the moment following a reasonably extended period of no complaints.

June 2012

During June 2012 complainant A called to advise that noise levels had been increasing recently and following a quieter period following the service of the notice. It was therefore arranged for the out of hours officers to visit on Friday 22nd June 2012 and monitor noise levels. At 22.45 hours, on entering the premises they noted that the doors to the cellar bar were propped open allowing noise to escape. They reminded the door staff and barman of the conditions on the premises license relating to the doors being kept closed and advised them to do so. This was reported to public protection on the next working day. As a result of this breach of premises license conditions and the persistent recurring complaints, I arranged a meeting with Mr Miah, Chris Carey (the police licensing officer at the time) and myself to discuss the recent breach of conditions and noise which was duly held on 29th June 2012.

At this meeting, I put forward a 'three strike' rule for Mr Miah for which the breach of conditions already witnessed (doors being propped open) represented the first strike. I indicated that any further transgressions in terms of conditions attached to the premises license or noise emanating from the premises amounting to a statutory nuisance would lead to the second strike and, following that the submission of an application for a review of the premises license. I advised that careful management of the volume and bass controls alongside keeping the doors and windows closed should be undertaken to ensure no further problems occur. It was also advised that I would be placing the premises on the out of hours priority list and requesting officers to proactively visit every weekend throughout the summer where possible. This proposal as discussed at the meeting was put in writing and sent to Mr Miah the following week.

I also installed noise monitoring equipment in the complainant's house in an attempt to obtain recordings of any noise break out from the White Hart Hotel.

July and August 2012

Routine monitoring by the out of hours officers indicated that the noise was kept under control in the main during this period. Discussions held with complainant A during this time corroborated this. This routine monitoring provided an opportunity to observe activities at The White Hart Hotel, Ampthill. It was noted on numerous occasions that large numbers of people congregate in the alley way alongside the premises, whether for al fresco drinking or to escape the loud music inside the premises and offering space to talk, the result of which is noise disturbance from loud talking, shouting and laughing. The music from the premises is quite loud in the alleyway directly outside the premises which results in people talking loudly to be heard - the inclusion of alcohol exacerbates this problem. Whilst the noise from the people can be heard in the car park to the rear of 111 Dunstable Street and hence the residents beyond this, it is much more noticeable along Woburn Street (the main entrance directly faces up this road). It must also be very noticeable in the residential properties above ground floor level on Church Street, which overlook this court yard/alleyway as these are very close indeed. In my opinion, and the opinion of my fellow officers, the noise from the people in the external areas of these premises causes undue disturbance to the residents of Ampthill on occasions especially in the early hours of Saturday and Sunday mornings when the premises are most busy and other background noise is minimal.

September 2012

At 00.54 hours on Saturday 8th September 2012 complainant A called in again to advise of further problems with noise. They could hear music in their home and the noise was preventing them from getting to sleep, whilst also being concerned about the effect it was having on their children whose bedroom window also faced the premises. The officers on duty that weekend did not attend on this occasion but, as I was on duty the following week I arranged to visit the following Friday. On Friday 14th September around 1100 hours I witnessed elevated noise levels as monitored in the car park to the rear of 111 Dunstable Street and adjacent to the complainants house and considered that the music would be audible in that house. I then entered the public house premises and noted that the doors adjacent to the stair case leading to the upstairs restaurant/bar were propped open allowing music noise escape. There were also a large amount of people making a lot of noise in this

area. This noise could be heard very clearly outside the main entrance to the premises and along Woburn Street. I advised the security staff on duty on this evening that that door should be closed when events were in progress and left the premises. A colleague visited the following week on Friday 21st September 2012 and on entering the premises again noted that the doors adjacent to the stair case leading to the upstairs restaurant/bar were propped open again allowing music noise escape.

Having witnessed a breach of conditions on two occasions, even after staff had been warned about the matter, I wrote to Mr Miah and informed him that I considered this to represent the 'second strike' and that any further transgressions would lead to the submission of an application to review the premises license. This letter stated that I was to request that the out of hours officers make continued visits to the White Hart, Ampthill on nights when there is regulated entertainment to check that conditions on the Premises License were not being breached for the foreseeable future. A copy of this letter was sent to the area manager at Punch Taverns plc via email.

October 2012

Public Protection then received a further complaint from complainant D who advised that they had been disturbed by noise from music and people noise (they lived in Woburn Street) on the 12th/13th October and 19th/20th October 2012. As a result of these persisting allegations further visits were arranged to check against conditions on the premises license. On speaking with the complainant they alleged two further matters which they said added to the problems experienced. They alleged that people were admitted and re-admitted after 23.30 hours on a regular basis and that at 03.00 hours on 21st November 2012 empty bottles were tipped into the outside waste receptacles causing a 'colossal noise'.

As a result of these allegations further visits were undertaken in the early hours of the 10th, 17th 24th November 2012 and on 1st December 2012. On all these occasion customers were seen to be readily admitted up to 00.30 hours. Some of these late arrivals came by taxi and some walked, mainly along Dunstable Street. This meant that additional noise was being generated from the vehicles themselves, doors slamming or talking shouting and laughing along the road which may not have otherwise happened, subjecting the residents of the town centre to additional noise. Additionally, I entered the premises at 0030 hours on 17th November 2012 and the doors adjacent to the stair case leading to the upstairs restaurant/bar were propped open with a metal hook allowing music noise to escape. Whilst we were there the doors were unhooked and the doors closed. There were many people

outside talking loudly, shouting and laughing. On standing at certain points along Woburn Street, noise from these people along with faint music noise could be quite clearly heard.

The nature of the complaints alongside the observations made throughout the investigation points to limited management of the premises with regards to noise and little regard for the neighbouring residents of Ampthill. In my opinion, the noise experienced by residents around this premises, both people noise and music, represents a public nuisance. I believe that every opportunity has been given to the DPS to prevent this public nuisance and manage the issues highlighted, but unfortunately, they have not been satisfactorily addressed. It is for this reason, allied to the persistent breach of conditions and ongoing noise breakout that we have chosen to seek a review of the premises license.

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 until the early hours of the morning when residents in neighbouring properties and surrounding area may be attempting to go to sleep or are sleeping. On Saturday and Sunday mornings this noise disturbance can go on until all the patrons have left at 02.30 hours and 01.30 hours respectively.

I have also been careful in my observations to ascertain that it is in fact the White Hart Hotel that is responsible for the aforementioned nuisances. Obviously, at times noise from people other than those at the White Hart Hotel are responsible for a level of disturbance e.g. customers of other public houses or the general public walking past etc, but this was considered

insignificant. Discussions with the complainants have identified that it was accepted that some noise 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 White Hart Hotel 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, from the music and also those utilising the external areas 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.

In addition to this there appears to be a blatant disregard or ignorance of the conditions already attached to the premises license as repeated breaches of these conditions have been witnessed over a number of weeks. The conditions were placed onto the premises license by a committee hearing in 2005. These conditions were placed on the license as it was considered that they were instrumental the promoting the four licensing objectives, in this case 'the prevention of public nuisance.

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 external areas. 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 24.00hrs on Friday and Saturday nights.
4. That suitable conditions are imposed preventing the use of the external areas beyond 23.00hrs. (For example: The use of areas external to the premises for the consumption of alcohol, other refreshment or food must cease by 23:00 hours).
5. The placing of bottles into receptacles external to the premises must not take place between 19:00 and 09:00 hours.

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

Mr Salik Miah
The White Hart
125 Dunstable Street
Ampthill
Beds
MK45 2NG

Your ref:
Our ref: CB/ PNOI/12/10194
Date: 6th July 2012

Dear Mr Miah

Environmental Protection Act 1990: Part III - Statutory Nuisances
Complaints of noise arising from The White Hart, 125 Dunstable Street,
Ampthill, Beds

Further to the meeting we held on Friday 29th June 2012 with you, the Police Licensing Officer – Chris Carey and myself, I write to confirm what was discussed and the current situation with regard to persisting noise issues at the White Hart, 125 Dunstable Street Ampthill.

As you are aware, the Temporary Event held at the White Hart on 9th March 2012 led to the service of a noise abatement notice as a result of excessive noise emanating from the cellar bar area of the premises. The noise was emanating from music being played in the Cellar Bar during an event until 0300 hours. My colleague Jane Mann and I spoke with you at around 0125 and 0135 on Sunday 11th March 2012 and on both occasions requested that you turn the volume levels down. Following these requests there was no noticeable change in the volume levels.

Since the service of this notice noise from the cellar bar, according to complainants (of which there are now three in all) has been sporadic but more recently has allegedly become louder. As a result of this apparent increase in noise level, I have installed noise monitoring equipment in one of the complainants homes and requested that the out of hours officers visit on both Friday and Saturday nights. It was a visit by two officers on 22nd June 2012 which noted, on entering your premises, that the door to the cellar bar was propped open. The doors adjacent to the stair case leading to the upstairs restaurant/bar were also propped open. This represents a breach of one of the conditions attached to the Premises License which states that doors and windows should be kept closed during regulated entertainment events.

As a result of the increased complaints and breach of conditions, I therefore propose to give you the benefit of the doubt and suggest a three strike system, with the breach witnessed on 22nd June representing the first strike. After three strikes I will have no option but request of a review of the license in an attempt to reduce any impact from noise on neighbouring residents. The recommendations in any review could include reducing the operating hours or restricting regulated entertainment in the cellar bar among others.

As in the meeting, I therefore request that you take such steps as are necessary to ensure that noise does not impact on nearby residential premises. I would advise that this can be achieved by ensuring doors are kept closed (except for ingress and egress) and adjusting volume controls whilst routinely checking levels around your premises. I know that this is possible as on Saturday 23rd June it remained quiet (according to the complainants) as was last weekend following our meeting and no recordings were made.

This week I have spoken with Edwin Mater of Punch Taverns to inform him of this recent activity as Punch Taverns are the License Holder. I also intend that the out of hours officers make visits to the White Hart, Ampthill on nights when there is regulated entertainment to check that conditions on the Premises License are not being breached for the foreseeable future.

I trust that this information is self explanatory. If, however, you have any queries or would like any assistance in this matter then please do not hesitate to contact me.

Yours sincerely

Alan Stone
Technical Officer
Telephone 0300 300 4388
Email alan.stone@centralbedfordshire.gov.uk

Cc: Edwin Mater, Business Relationship Manager, Punch Partnerships

Mr Salik Miah
The White Hart
125 Dunstable Street
Amphill
Beds
MK45 2NG

Your ref:
Our ref: CB/ PNOI/12/10194
Date: 12th October 2012

Dear Mr Miah

Environmental Protection Act 1990: Part III - Statutory Nuisances
Complaints of noise arising from The White Hart, 125 Dunstable Street,
Amphill, Beds

I write with regard to ongoing investigations into noise from the White Hart, 125 Dunstable Street, Amphill.

As you may recall on Friday 29th June 2012 the Police Licensing Officer – Chris Carey and myself met with you at the Drovers Arms in Steppingley, to discuss persisting noise issues at the White Hart, Amphill.

This was ultimately as a result of the Temporary Event held at the White Hart on 9th March 2012 led to the service of a noise abatement notice as a result of excessive noise emanating from the cellar bar area of the premises. From the service of this notice noise from the cellar bar, further investigations were undertaken following continued complaints which resulted in a visit by two officers on 22nd June 2012 which noted, on entering your premises, that the door to the cellar bar was propped open. The doors adjacent to the stair case leading to the upstairs restaurant/bar were also propped open. This represented a breach of the conditions on the Premises License.

As a result of this breach and the continued complaints, I suggested a 'three strike' system for which this breach represented the first strike, allied to the complaints and noise monitoring. After three strikes, Public Protection, as a responsible authority will seek a review of the Premises License in an attempt to achieve improvements with recommendations which could include reducing the operating hours or restricting regulated entertainment in the cellar bar among others.

Since this meeting and subsequent letter sent on 6th July 2012, the Public Protection out of hours service has visited on a number of occasions. Over the summer months it was noted that improvements were indeed made and noise emanating from the White Hart was much reduced. This was confirmed by the complainants who said that things had been much better and that they had not been unduly disturbed.

More recently we have had further complaints, indicating that the noise was becoming problematic again. On 14th September 2012 I visited the White Hart and noted that the doors adjacent to the stair case leading to the upstairs restaurant/bar were propped open. My colleague, Simon Joynes visited on the following weekend and noted again that the doors adjacent to the stair leading to the upstairs restaurant/bar propped open on 21st September 2012. This represents further breaches of the Premises License and as a result this represents the 'second strike'.

Additionally, the complaints specify that music is going on past the stated hours on the Premises License – reporting that music can be heard to 2.30am and beyond on some occasions. I would like to remind you that regulated entertainment should be finished by 2am on Saturday morning and 1am on Sunday morning according to the premises license as is currently stands. Public Protection has not substantiated this allegation, however, efforts will be made to ascertain whether this is the case and appropriate action taken should this be so.

I have sent a copy of this letter to Edwin Mater of Punch Taverns to inform him of this recent activity as Punch Taverns are the License Holders. I also intend that the out of hours officers make continued visits to the White Hart, Amptill on nights when there is regulated entertainment to check that conditions on the Premises License are not being breached for the foreseeable future.

Please be aware that if any further breaches of the Premises License conditions are witnessed or if music amounting to a statutory nuisance is witnessed by an officer of the Council then I will have no option but to request a review of the Premises License.

I trust that this information is self explanatory. If, however, you have any queries or would like any assistance in this matter then please do not hesitate to contact me.

Yours sincerely

Alan Stone
Technical Officer
Telephone 0300 300 4388
Email alan.stone@centralbedfordshire.gov.uk

Cc: Edwin Mater, Business Relationship Manager, Punch Partnerships

CENTRAL BEDFORDSHIRE COUNCIL
ENVIRONMENTAL PROTECTION ACT 1990, Section 80

Abatement Notice in respect of Noise Nuisance

To: Mr Salik Miah

of The White Hart, 125 Dunstable Street, Ampthill, Bedfordshire, MK45 2NG

TAKE NOTICE that under the provision of the Environmental Protection Act 1990 the CENTRAL BEDFORDSHIRE COUNCIL ("the Council"), being satisfied of the likely occurrence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at:

The White Hart, 125 Dunstable Street, Ampthill, Bedfordshire, MK45 2NG

within the District of the said Council arising from:

AMPLIFIED MUSIC

WHEREAS YOU are the person responsible for the said nuisance the Council **HEREBY PROHIBIT** the occurrence of the same with immediate effect from the service of this notice, and for that purpose require you to:

ABATE THE NUISANCE

THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance.

16th March 2012

(Signed)
Technical Officer

(The officer appointed for this purpose)

address for all communications: Public Protection, Priory House, Monks Walk, Chicksands, Shefford, Beds, SG17 5TQ

NB A person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning with the date on which it was served. See the Statutory Nuisance (Appeals) Regulations 1995.

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

APPEALS UNDER SECTION 80(3) OF THE ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-

- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
- (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
- (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
- (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a),(d),(e),(f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,
 that the best practical means were used to prevent, or to counteract the effects of, the nuisance;
- (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of that Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
- (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
- (h) that the Abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
 - (i) in the case where the appellant is the owner of premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,
 and that it would have been equitable for it to have been so served;
- (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also an owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,
 and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2) (i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

- (5) On the hearing of an appeal the court may -
 - (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

- (6) Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit -
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

- (7) In exercising its powers under paragraph (6) above, the court -
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

3. (1) Where -

- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
- (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
- (c) either paragraph (2) does not apply, or if it does apply but the requirements of paragraph (3) have not been met,

the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

- (2) This paragraph applies where -
 - (a) the nuisance to which the abatement notice relates -
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

- (3) Where paragraph (2) applies the abatement notice -
 - (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

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

Premises: White Hart Hotel, 125 Dunstable Street, Ampthill, Beds .

Officer: Alan Stone

Date: 7th December 2012

I am a Technical Officer in the Public Protection Team 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 current premises licence for the White Hart was granted on the 19th April 2012, following a minor variation to the layout, to Punch Taverns plc, Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire DE14 2WF. The designated premises supervisor (DPS) is a Mr Salik Miah.

The permitted activities for this premises 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 license 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 to 02.30hrs
- Saturday 10.00hrs to 01.30hrs
- Sunday 11.00hrs to 00.00hrs

The premises licence was granted following a hearing in 2005 and a number of conditions relating to public nuisance were imposed on the license in Annex 3. These conditions include:

- No noise from music should be audible within adjacent noise sensitive premises;
- All doors and windows to be kept closed during regulated entertainment events;
- No admission or re-admission to the premises is allowed after 23.30;
- A minimum of 3 SIA registered door supervisors will be on duty on Friday and Saturday nights from 21.00 hours to the terminal hour and;
- The provision of live/recorded music, performance of dance, the provision of facilities for making music or providing dancing is limited to the interior of the premises

2. Location of the Premises

The premises are located to the south of the double mini roundabouts serving Church Street, Dunstable Street, Bedford Street and Woburn Street in Ampthill. The main access to the premises is offered from Dunstable Street via an alleyway leading to the cellar bar, main bar and car park. To the immediate East, North and West of the premises are commercial properties, at ground floor level although there is some living accommodation above. Slightly further afield than this, there are many residential properties along all roads leading from the junctions and from these residential premises Public Protection has 4 main complainants:

Complainant A – Dunstable Street, approximately 75m to the south west

Complainant B – Dunstable Street, immediate vicinity

Complainant C – Dunstable Street, immediate vicinity

Complainant D – Woburn Street, approximately 50m to the north west

A plan of the site is attached to this information.

3. Complaint History of Premises from 2006 up until 2012

The White Hart Hotel has been the subject of many complaints over the recent past. Some have resulted in evidence being gathered to substantiate a problem, whilst others have been resolved with an initial contact either by the Council or the complainant and some were

unsubstantiated. A brief summary of the complaints received from 2006 to 2012 are detailed below.

Complaint of 17th July 2006 by Local Resident (Complainant A)

A complaint was received alleging loud music emanating from the cellar bar building on Friday and Saturday nights. Following an investigation into the allegation, a noise abatement notice was served on the DPS requesting that the nuisance be abated. The noise was mainly escaping via the roof structure of this part of the premises and as a result, ultimately resulted in works being undertaken to reduce noise breakout. A false ceiling was constructed and insulation placed on top. As a result of these works, the noise from music emanating from the premises was reduced, however, on occasions we still received complaints. This was found to be a result of the door to the cellar bar being propped open when events were in progress. On meeting with the DPS this matter was resolved at this time.

Complaint of 9th October 2007 by Local Resident (Complainant B)

A complaint was received by the Council alleging loud music from a disco in a room adjacent to the main bar (the Tudor Room) of the White Hart Hotel mainly on Friday and Saturday nights. It was agreed that the complainant approach the designated premises in pursuit of a resolution to the matter. This approach seemingly worked as the complainant did not wish to pursue the matter at this stage.

Complaint of the 26th February 2008 by Local Resident (Complainant B)

A further complaint was received from Complainant B alleging that the situation has deteriorated. They advised that on the weekend that had just passed noise was audible in their property on both Friday and Saturday nights and they thought that approaching the DPS again would be futile. I made contact with Mr Miah and a meeting was arranged between Mr Miah, the police licensing officer, the local beat officer and myself. This duly occurred on 5th March 2008 and I explained what actions I could take and offered advice on noise mitigation measures that could be employed to improve the situation. As a result, some works were undertaken to a window adjacent to the complainant's property to reduce the amount of noise escaping. Further investigations

found that these works, allied to a reduction in volume and bass levels, resulted in the noise issues being resolved at this time and the case was closed.

Complaint of the 3rd December 2008 by Local Resident – (Complainant C)

A complaint was received from complainant C alleging noise and disturbance from music, people on the premises and from people leaving the premises. I advised that I would visit to discuss with the DPS and the Police licensing officer whilst also requesting that the complainant keep a note of when they were disturbed by any noise from the premises. This meeting was duly arranged on 9th December 2008 and all matters were discussed. The DPS asserted that improvements would be made.

When the complainant was contacted in January they claimed that the noise from the premises had improved and that they were satisfied with the situation as it currently stood.

Complaint of the 2nd April 2009 by Local Resident– Complainant B

Complainant A complained again regarding noise from music from the main bar area on Friday and Saturday nights. Following a brief investigation, no evidence was gathered to substantiate the complaint and the complaint was duly closed.

Complaint of the 16th September 2010 by Local Resident– Complainant B

A further complaint was received about music from recorded music in the Tudor Room and following an investigation in to this allegation it was considered that noise amounting to a statutory nuisance was witnessed and a noise abatement notice was duly served on the DPS. On this occasion, it was found that noise was emanating from the treated window serving the Tudor room again and the window in the kitchen area. Advice was given in this regard and works were undertaken to address this matter. Following the works, the noise situation improved and no further complaints were received.

Complaint of the 5th June 2011 by Local Resident– Complainant A

A complaint was received via the out of hours service at 02.50 hours on 5th June 2011 alleging loud music from the White Hart public house. There was a temporary event notice in place for this event which was due to finish at 03.00 hours. The officer on duty

on this occasion did not attend but on calling the complainant after 03.00 hours ascertained that the noise had indeed stopped. Following this event, contact was made with both the DPS and the area manager for Punch Taverns plc who were advised and reminded of their responsibilities. No further complaints were received at this time.

4. Complaint of the 4th March 2012 – Complainant A

Summary of Complaint & Investigation of Public Protection

March 2012

A complaint of loud music was received by Central Bedfordshire Council at 00.30 hours on the 4th March 2012 regarding the White Hart Hotel in Ampthill via the out of hours service. The complainant alleged that the music had been ongoing since 22.30 hours on the 3rd March 2012 and that it was preventing the complainant from sleeping. The officer on duty was unable to attend but telephoned the public house a couple of times but the call was not answered. The complaint was referred to the public protection team on the Monday morning.

The complainant lives in a property in Dunstable Street in Ampthill, bedroom windows are at the rear and face the cellar bar and there is direct line of site situated some 75m away.

Public Protection were aware that a Temporary Event Notice was in place for the following weekend which was for recorded music until 03.00 hours and so the complainant was contacted and asked to call the out of hours number for a call out should noise from the event be a problem. A complaint was duly received at 23.30 hours on the 10th March 2012 and I arrived at the White Hart Hotel premises around 1.10am. The music was extremely loud with loud bass being prevalent and there is no doubt that this represented a statutory nuisance in my opinion. I approached the complainant and spoke with her at the rear of her property at 0115 at which point the music was still very clearly audible with extremely loud bass levels – and this was around 75 metres away. I visited the White Hart Hotel and spoke with Salik Miah at the entrance to the premises at around 1.25am and requested that the music volume be reduced. Having waited at a monitoring location (the car park to the rear of 111 Dunstable Street) for around 5 to 10 minutes there was no noticeable difference in volume or bass levels. I approached the premises and spoke with Mr Miah again at 1.35am and again requested that the volume be reduced and specifically the bass element. He

stated that he would and re-entered the premises. I waited in the car park to the rear of 111 Dunstable Street until 0151 am and no significant change in levels were noticed. The levels witnessed were considered likely to amount to a nuisance and it was not considered necessary for internal monitoring to be conducted within the complainants property. As the noise was considered such I left site with the intention of serving a noise abatement notice under the Environmental Protection Act 1990 the following week.

I served a noise abatement notice on 16th March 2012 by hand and I met with Mr Miah and discussed the levels of noise at the weekend and why the noise had become a problem at the moment following a reasonably extended period of no complaints.

June 2012

During June 2012 complainant A called to advise that noise levels had been increasing recently and following a quieter period following the service of the notice. It was therefore arranged for the out of hours officers to visit on Friday 22nd June 2012 and monitor noise levels. At 22.45 hours, on entering the premises they noted that the doors to the cellar bar were propped open allowing noise to escape. They reminded the door staff and barman of the conditions on the premises license relating to the doors being kept closed and advised them to do so. This was reported to public protection on the next working day. As a result of this breach of premises license conditions and the persistent recurring complaints, I arranged a meeting with Mr Miah, Chris Carey (the police licensing officer at the time) and myself to discuss the recent breach of conditions and noise which was duly held on 29th June 2012.

At this meeting, I put forward a 'three strike' rule for Mr Miah for which the breach of conditions already witnessed (doors being propped open) represented the first strike. I indicated that any further transgressions in terms of conditions attached to the premises license or noise emanating from the premises amounting to a statutory nuisance would lead to the second strike and, following that the submission of an application for a review of the premises license. I advised that careful management of the volume and bass controls alongside keeping the doors and windows closed should be undertaken to ensure no further problems occur. It was also advised that I would be placing the premises on the out of hours priority list and requesting officers to proactively visit every weekend throughout the summer where possible. This proposal as discussed at the meeting was put in writing and sent to Mr Miah the following week.

I also installed noise monitoring equipment in the complainant's house in an attempt to obtain recordings of any noise break out from the White Hart Hotel.

July and August 2012

Routine monitoring by the out of hours officers indicated that the noise was kept under control in the main during this period. Discussions held with complainant A during this time corroborated this. This routine monitoring provided an opportunity to observe activities at The White Hart Hotel, Ampthill. It was noted on numerous occasions that large numbers of people congregate in the alley way alongside the premises, whether for al fresco drinking or to escape the loud music inside the premises and offering space to talk, the result of which is noise disturbance from loud talking, shouting and laughing. The music from the premises is quite loud in the alleyway directly outside the premises which results in people talking loudly to be heard - the inclusion of alcohol exacerbates this problem. Whilst the noise from the people can be heard in the car park to the rear of 111 Dunstable Street and hence the residents beyond this, it is much more noticeable along Woburn Street (the main entrance directly faces up this road). It must also be very noticeable in the residential properties above ground floor level on Church Street, which overlook this court yard/alleyway as these are very close indeed. In my opinion, and the opinion of my fellow officers, the noise from the people in the external areas of these premises causes undue disturbance to the residents of Ampthill on occasions especially in the early hours of Saturday and Sunday mornings when the premises are most busy and other background noise is minimal.

September 2012

At 00.54 hours on Saturday 8th September 2012 complainant A called in again to advise of further problems with noise. They could hear music in their home and the noise was preventing them from getting to sleep, whilst also being concerned about the effect it was having on their children whose bedroom window also faced the premises. The officers on duty that weekend did not attend on this occasion but, as I was on duty the following week I arranged to visit the following Friday. On Friday 14th September around 1100 hours I witnessed elevated noise levels as monitored in the car park to the rear of 111 Dunstable Street and adjacent to the complainants house and considered that the music would be audible in that house. I then entered the public house premises and noted that the doors adjacent to the stair case leading to the upstairs restaurant/bar were propped open allowing music noise escape. There were also a large amount of people making a lot of noise in this

area. This noise could be heard very clearly outside the main entrance to the premises and along Woburn Street. I advised the security staff on duty on this evening that that door should be closed when events were in progress and left the premises. A colleague visited the following week on Friday 21st September 2012 and on entering the premises again noted that the doors adjacent to the stair case leading to the upstairs restaurant/bar were propped open again allowing music noise escape.

Having witnessed a breach of conditions on two occasions, even after staff had been warned about the matter, I wrote to Mr Miah and informed him that I considered this to represent the 'second strike' and that any further transgressions would lead to the submission of an application to review the premises license. This letter stated that I was to request that the out of hours officers make continued visits to the White Hart, Ampt Hill on nights when there is regulated entertainment to check that conditions on the Premises License were not being breached for the foreseeable future. A copy of this letter was sent to the area manager at Punch Taverns plc via email.

October 2012

Public Protection then received a further complaint from complainant D who advised that they had been disturbed by noise from music and people noise (they lived in Woburn Street) on the 12th/13th October and 19th/20th October 2012. As a result of these persisting allegations further visits were arranged to check against conditions on the premises license. On speaking with the complainant they alleged two further matters which they said added to the problems experienced. They alleged that people were admitted and re-admitted after 23.30 hours on a regular basis and that at 03.00 hours on 21st November 2012 empty bottles were tipped into the outside waste receptacles causing a 'colossal noise'.

As a result of these allegations further visits were undertaken in the early hours of the 10th, 17th, 24th November 2012 and on 1st December 2012. On all these occasions customers were seen to be readily admitted up to 00.30 hours. Some of these late arrivals came by taxi and some walked, mainly along Dunstable Street. This meant that additional noise was being generated from the vehicles themselves, doors slamming or talking shouting and laughing along the road which may not have otherwise happened, subjecting the residents of the town centre to additional noise. Additionally, I entered the premises at 0030 hours on 17th November 2012 and the doors adjacent to the stair case leading to the upstairs restaurant/bar were propped open with a metal hook allowing music noise to escape. Whilst we were there the doors were unhooked and the doors closed. There were many people

outside talking loudly, shouting and laughing. On standing at certain points along Woburn Street, noise from these people along with faint music noise could be quite clearly heard.

The nature of the complaints alongside the observations made throughout the investigation points to limited management of the premises with regards to noise and little regard for the neighbouring residents of Ampthill. In my opinion, the noise experienced by residents around this premises, both people noise and music, represents a public nuisance. I believe that every opportunity has been given to the DPS to prevent this public nuisance and manage the issues highlighted, but unfortunately, they have not been satisfactorily addressed. It is for this reason, allied to the persistent breach of conditions and ongoing noise breakout that we have chosen to seek a review of the premises license.

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 until the early hours of the morning when residents in neighbouring properties and surrounding area may be attempting to go to sleep or are sleeping. On Saturday and Sunday mornings this noise disturbance can go on until all the patrons have left at 02.30 hours and 01.30 hours respectively.

I have also been careful in my observations to ascertain that it is in fact the White Hart Hotel that is responsible for the aforementioned nuisances. Obviously, at times noise from people other than those at the White Hart Hotel are responsible for a level of disturbance e.g. customers of other public houses or the general public walking past etc, but this was considered

insignificant. Discussions with the complainants have identified that it was accepted that some noise 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 White Hart Hotel 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, from the music and also those utilising the external areas 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.

In addition to this there appears to be a blatant disregard or ignorance of the conditions already attached to the premises license as repeated breaches of these conditions have been witnessed over a number of weeks. The conditions were placed onto the premises license by a committee hearing in 2005. These conditions were placed on the license as it was considered that they were instrumental the promoting the four licensing objectives, in this case 'the prevention of public nuisance.

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 external areas. 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 24.00hrs on Friday and Saturday nights.
4. That suitable conditions are imposed preventing the use of the external areas beyond 23.00hrs. (For example: The use of areas external to the premises for the consumption of alcohol, other refreshment or food must cease by 23:00 hours).
5. The placing of bottles into receptacles external to the premises must not take place between 19:00 and 09:00 hours.

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

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CENTRAL BEDFORDSHIRE COUNCIL
ENVIRONMENTAL PROTECTION ACT 1990, Section 80

Abatement Notice in respect of Noise Nuisance

To: Mr Salik Miah

of The White Hart, 125 Dunstable Street, Ampthill, Bedfordshire, MK45 2NG

TAKE NOTICE that under the provision of the Environmental Protection Act 1990 the CENTRAL BEDFORDSHIRE COUNCIL ("the Council"), being satisfied of the likely occurrence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at:

The White Hart, 125 Dunstable Street, Ampthill, Bedfordshire, MK45 2NG

within the District of the said Council arising from:

AMPLIFIED MUSIC

WHEREAS YOU are the person responsible for the said nuisance the Council **HEREBY PROHIBIT** the occurrence of the same with immediate effect from the service of this notice, and for that purpose require you to:

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The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance.

16th March 2012

(Signed)
Technical Officer
(The officer appointed for this purpose)

address for all communications: Public Protection, Priory House, Monks Walk, Chicksands, Shefford, Beds, SG17 5TQ

NB A person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning with the date on which it was served. See the Statutory Nuisance (Appeals) Regulations 1995.

APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-

- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
- (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
- (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
- (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a),(d),(e),(f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,that the best practical means were used to prevent, or to counteract the effects of, the nuisance;
- (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of that Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
- (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
- (h) that the Abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
 - (i) in the case where the appellant is the owner of premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,and that it would have been equitable for it to have been so served;
- (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also an owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2) (i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of an appeal the court may -

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit -

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above, the court -

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

3. (1) Where -

- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
- (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
- (c) either paragraph (2) does not apply, or if it is does apply but the requirements of paragraph (3) have not been met,

the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where -

- (a) the nuisance to which the abatement notice relates -
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice -

- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
- (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

Mr Salik Miah
The White Hart
125 Dunstable Street
Ampthill
Beds
MK45 2NG

Your ref:
Our ref: CB/ PNOI/12/10194
Date: 6th July 2012

Dear Mr Miah

Environmental Protection Act 1990: Part III - Statutory Nuisances
Complaints of noise arising from The White Hart, 125 Dunstable Street,
Ampthill, Beds

Further to the meeting we held on Friday 29th June 2012 with you, the Police Licensing Officer – Chris Carey and myself, I write to confirm what was discussed and the current situation with regard to persisting noise issues at the White Hart, 125 Dunstable Street Ampthill.

As you are aware, the Temporary Event held at the White Hart on 9th March 2012 led to the service of a noise abatement notice as a result of excessive noise emanating from the cellar bar area of the premises. The noise was emanating from music being played in the Cellar Bar during an event until 0300 hours. My colleague Jane Mann and I spoke with you at around 0125 and 0135 on Sunday 11th March 2012 and on both occasions requested that you turn the volume levels down. Following these requests there was no noticeable change in the volume levels.

Since the service of this notice noise from the cellar bar, according to complainants (of which there are now three in all) has been sporadic but more recently has allegedly become louder. As a result of this apparent increase in noise level, I have installed noise monitoring equipment in one of the complainants homes and requested that the out of hours officers visit on both Friday and Saturday nights. It was a visit by two officers on 22nd June 2012 which noted, on entering your premises, that the door to the cellar bar was propped open. The doors adjacent to the stair case leading to the upstairs restaurant/bar were also propped open. This represents a breach of one of the conditions attached to the Premises License which states that doors and windows should be kept closed during regulated entertainment events.

As a result of the increased complaints and breach of conditions, I therefore propose to give you the benefit of the doubt and suggest a three strike system, with the breach witnessed on 22nd June representing the first strike. After three strikes I will have no option but request of a review of the license in an attempt to reduce any impact from noise on neighbouring residents. The recommendations in any review could include reducing the operating hours or restricting regulated entertainment in the cellar bar among others.

As in the meeting, I therefore request that you take such steps as are necessary to ensure that noise does not impact on nearby residential premises. I would advise that this can be achieved by ensuring doors are kept closed (except for ingress and egress) and adjusting volume controls whilst routinely checking levels around your premises. I know that this is possible as on Saturday 23rd June it remained quiet (according to the complainants) as was last weekend following our meeting and no recordings were made.

This week I have spoken with Edwin Mater of Punch Taverns to inform him of this recent activity as Punch Taverns are the License Holder. I also intend that the out of hours officers make visits to the White Hart, Ampthill on nights when there is regulated entertainment to check that conditions on the Premises License are not being breached for the foreseeable future.

I trust that this information is self explanatory. If, however, you have any queries or would like any assistance in this matter then please do not hesitate to contact me.

Yours sincerely

Alan Stone
Technical Officer
Telephone 0300 300 4388
Email alan.stone@centralbedfordshire.gov.uk

Cc: Edwin Mater, Business Relationship Manager, Punch Partnerships

Mr Salik Miah
The White Hart
125 Dunstable Street
Amphill
Beds
MK45 2NG

Your ref:
Our ref: CB/ PNOI/12/10194
Date: 12th October 2012

Dear Mr Miah

Environmental Protection Act 1990: Part III - Statutory Nuisances
Complaints of noise arising from The White Hart, 125 Dunstable Street,
Amphill, Beds

I write with regard to ongoing investigations into noise from the White Hart, 125 Dunstable Street, Amphill.

As you may recall on Friday 29th June 2012 the Police Licensing Officer – Chris Carey and myself met with you at the Drovers Arms in Steppingley, to discuss persisting noise issues at the White Hart, Amphill.

This was ultimately as a result of the Temporary Event held at the White Hart on 9th March 2012 led to the service of a noise abatement notice as a result of excessive noise emanating from the cellar bar area of the premises. From the service of this notice noise from the cellar bar, further investigations were undertaken following continued complaints which resulted in a visit by two officers on 22nd June 2012 which noted, on entering your premises, that the door to the cellar bar was propped open. The doors adjacent to the stair case leading to the upstairs restaurant/bar were also propped open. This represented a breach of the conditions on the Premises License.

As a result of this breach and the continued complaints, I suggested a 'three strike' system for which this breach represented the first strike, allied to the complaints and noise monitoring. After three strikes, Public Protection, as a responsible authority will seek a review of the Premises License in an attempt to achieve improvements with recommendations which could include reducing the operating hours or restricting regulated entertainment in the cellar bar among others.

Since this meeting and subsequent letter sent on 6th July 2012, the Public Protection out of hours service has visited on a number of occasions. Over the summer months it was noted that improvements were indeed made and noise emanating from the White Hart was much reduced. This was confirmed by the complainants who said that things had been much better and that they had not been unduly disturbed.

More recently we have had further complaints, indicating that the noise was becoming problematic again. On 14th September 2012 I visited the White Hart and noted that the doors adjacent to the stair case leading to the upstairs restaurant/bar were propped open. My colleague, Simon Joynes visited on the following weekend and noted again that the doors adjacent to the stair leading to the upstairs restaurant/bar propped open on 21st September 2012. This represents further breaches of the Premises License and as a result this represents the 'second strike'.

Additionally, the complaints specify that music is going on past the stated hours on the Premises License – reporting that music can be heard to 2.30am and beyond on some occasions. I would like to remind you that regulated entertainment should be finished by 2am on Saturday morning and 1am on Sunday morning according to the premises license as is currently stands. Public Protection has not substantiated this allegation, however, efforts will be made to ascertain whether this is the case and appropriate action taken should this be so.

I have sent a copy of this letter to Edwin Mater of Punch Taverns to inform him of this recent activity as Punch Taverns are the License Holders. I also intend that the out of hours officers make continued visits to the White Hart, Ampthill on nights when there is regulated entertainment to check that conditions on the Premises License are not being breached for the foreseeable future.

Please be aware that if any further breaches of the Premises License conditions are witnessed or if music amounting to a statutory nuisance is witnessed by an officer of the Council then I will have no option but to request a review of the Premises License.

I trust that this information is self explanatory. If, however, you have any queries or would like any assistance in this matter then please do not hesitate to contact me.

Yours sincerely

Alan Stone
Technical Officer
Telephone 0300 300 4388
Email alan.stone@centralbedfordshire.gov.uk

Cc: Edwin Mater, Business Relationship Manager, Punch Partnerships

APPENDIX B1



COPY



THE LICENSING ACT 2003

**CENTRAL BEDFORDSHIRE COUNCIL
PREMISES LICENCE
PART A**

Premises licence number	2000318
--------------------------------	---------

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description			
White Hart 125 Dunstable Street			
Town	Ampthill	Post code	MK45 2NG
Telephone number	08700270133		

Where the licence is time limited the dates
n/a

Licensable activities authorised by the licence
Indoor sporting events Live Music Recorded Music Performance of dance Provision of facilities for making music Provision of facilities for dancing Entertainment of a similar description to that falling within (j) or (k) Late night refreshment Supply of alcohol

The times the licence authorises the carrying out of licensable activities

Indoor sporting events/Live and recorded music/Performance of dance/Late night refreshment (indoors). Facilities for making music, dancing (indoors) & similar (indoors and outdoors). Supply of alcohol (on and off the premises)

Mon -Thur 10.00hrs to 00.00hrs

Fri 10.00hrs to 02.00hrs

Sat 10.00hrs to 01.00hrs

Sun 11.00hrs to 23.30hrs

Non standard timings A further additional hour every Christmas Eve & Boxing Day. To reflect existing New Years Eve/Day hours.

The opening hours of the premises

Mon – Thurs 10.00hrs to 00.30hrs

Fri 10.00hrs to 02.30hrs

Sat 10.00hrs to 01.30hrs

Sun 11.00hrs to 00.00hrs

Non standard timings As above

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

Punch Taverns Plc
Jubilee House
Second Avenue
Burton Upon Trent
Staffordshire
DE14 2WF

01283 501600

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

03752645

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

Salik Miah
7 Seymour Road
Luton
LU1 3NL

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

051329

Issued by: Luton Borough Council

This licence is effective from 13th December 2012

Dated the 13th December 2012



Susan Childerhouse
Head of Public Protection

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.

Mandatory condition: door supervision

- 1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

NEW MANDATORY CONDITIONS

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

- i) the outcome of a race, competition or other event or process, or
- ii) the likelihood of anything occurring or not occurring;

e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2.

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

3.

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

4.

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

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

5.

The responsible person shall ensure that-

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

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

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

Annex 2 - Conditions consistent with the Operating Schedule

- 1) Unaccompanied children are not permitted on the premises.
- 2) No Children are permitted in the stable bar during trading hours.
- 3) No children are permitted on the premises (excluding hotel guests) after 20:30.
- 4) A Challenge 25 policy to be implemented.
- 5) The Challenge 25 posters & signage to be displayed at the points of sale, entry & exit and around the premises.
- 6) Within 3 months from the variation of this licence all staff involved, or likely to be involved in the sale/supply of alcohol to have attended/achieved the TSI Fair trading Award – 'Do You Pass' qualification (or equivalent), after this time any staff that have not completed the aforementioned qualification (or equivalent) will not be permitted to sell alcohol at the premises (until completed).

- 7) All new staff involved in or likely to be involved in the sale/supply of alcohol, within 3 months of starting must complete the TSI Fair trading Award – 'Do You Pass' qualification (or equivalent). Any staff employed longer than 3 months that have not completed this qualification (or equivalent) are not permitted to sell alcohol at the premises.
- 8) Subsequent 6 monthly refresher training to be carried out for all staff (internal training). This must be documented with all training records to be signed by staff and the deliverer of the training.
- 9) A documented refusals book or electronic log must be maintained. The log should be of all refusals. The book or log must be checked and signed weekly by the DPS or premises licence holder. The check should include making sure staff are using the system and identifying any issues or training needs through lack of entries.
- 10) The premises to implement a regular programme (at least quarterly i.e. 1 visit within every 3 month period) of independent internal test purchases of entry and alcohol (using operatives over 18). The tests are to identify staffs compliance with the Think 25 policy and maintain a high profile for age restricted sales within the premises. (This contract can be arranged with trading Standards or other providers such as 'Serve Legal').

Please note that Bedfordshire Fire & Rescue Service has calculated an advisory capacity of 80 in the bar, 100 in 1st floor function room and 150 in the stables bar, based upon available fire exits, for this premises. If you wish to discuss this aspect please contact the Fire Safety Office, Southfields Road, Kempston, Bedford MK42 7NR.

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

- 1) The maximum capacity for the whole of the premises is set out at 200.
- 2) The licence holder is responsible for ensuring maximum capacity is not exceeded.
- 3) The link corridor between the front bar and function room is to be kept clear of any obstruction (including people) when regulated entertainment takes place in the function room.
- 4) No noise from music and performers should be audible within adjacent noise sensitive premises.
- 5) All doors and windows to be kept closed during regulated entertainment events.
- 6) No admission or re-admission to the premises is allowed after 23:30.
- 7) A minimum of 3 SIA registered door supervisors will be on duty on Friday and Saturday nights from 21:00 hours to the terminal hour.
- 8) CCTV to the current specification of Bedfordshire police will be installed on the premises (by 24/11/2005) and all tapes retained for a minimum period of 28 days.
- 9) The provision of live/recorded music, performance of dance, the provision of facilities for making music or providing dancing is limited to the interior of the premises.

Annex 4 – Plans

See Attached.



THE LICENSING ACT 2003

**CENTRAL BEDFORDSHIRE COUNCIL
PREMISES LICENCE SUMMARY
Part B**

Premises licence number	2000318
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Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
White Hart 125 Dunstable Street	
Town	Post code
Ampthill	MK45 2NG
Telephone number	08700270133

Where the licence is time limited the dates
n/a

Licensable Activities authorised by the licence
Indoor sporting events Live Music Recorded Music Performance of dance Provision of facilities for making music Provision of facilities for dancing Entertainment of a similar description to that falling within (j) or (k) Late night refreshment Supply of alcohol

The times the licence authorises the carrying out of licensable activities
Indoor sporting events/Live and recorded music/Performance of dance/Late night refreshment (indoors). Facilities for making music, dancing (indoors) & similar (indoors and outdoors). Supply of alcohol (on and off the premises)

Mon -Thur 10.00hrs to 00.00hrs

Fri 10.00hrs to 02.00hrs

Sat 10.00hrs to 01.00hrs

Sun 11.00hrs to 23.30hrs

Non standard timings A further additional hour every Christmas Eve & Boxing Day. To reflect existing New Years Eve/Day hours.

The opening hours of the premises

Mon – Thurs 10.00hrs to 00.30hrs

Fri 10.00hrs to 02.30hrs

Sat 10.00hrs to 01.30hrs

Sun 11.00hrs to 00.00hrs

Non standard timings As above

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

Punch Taverns Plc

Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF

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

03752645

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

Salik Miah

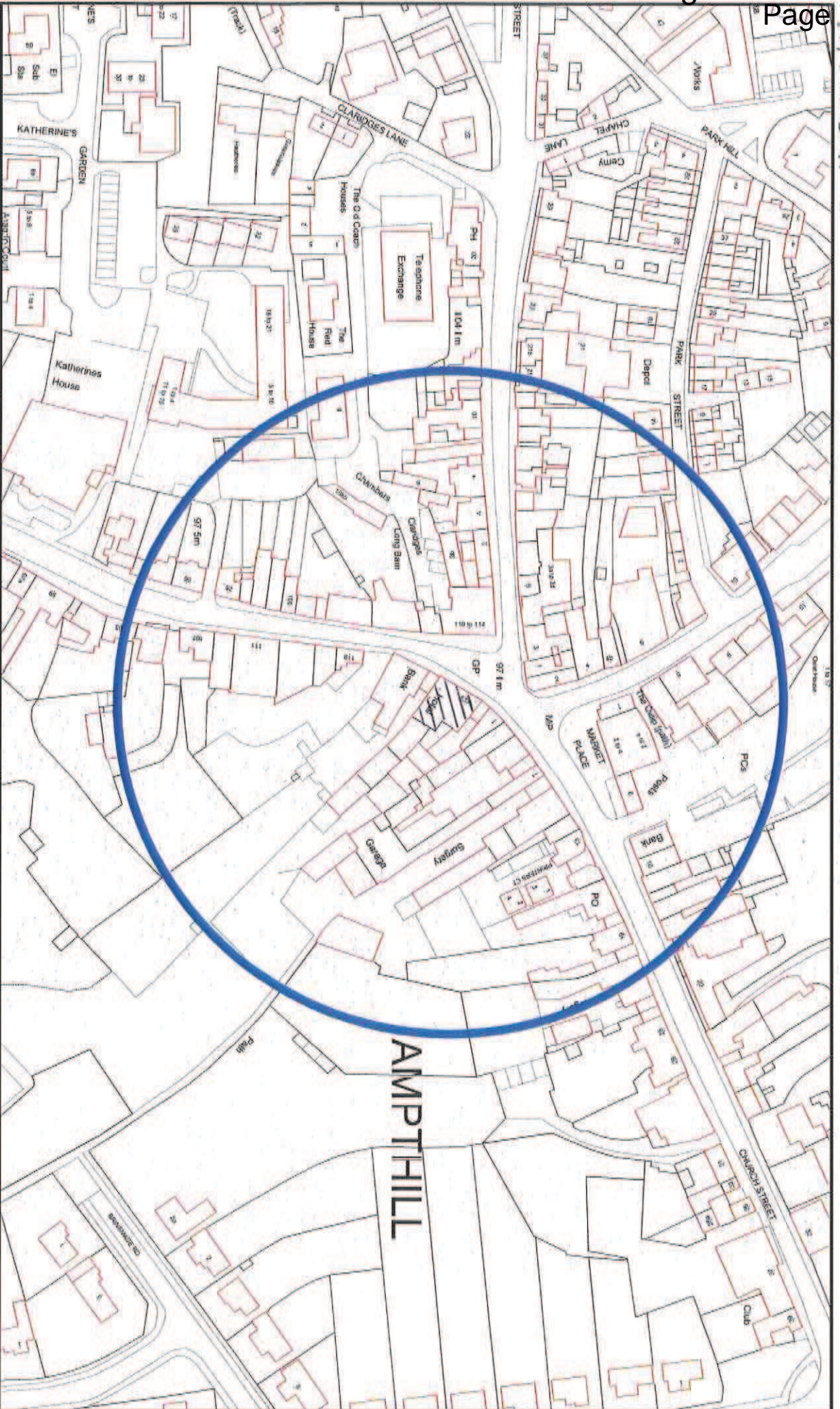
State whether access to the premises by children is restricted or prohibited

Unaccompanied children are not permitted on the premises.

No Children are permitted in the stable bar during trading hours.

No children are permitted on the premises (excluding hotel guests) after 20:30

APPENDIX 1 C



Date: 14 November 2012

Scale 1:1500

The White Hart, Ampt Hill

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 Central Bedfordshire Council
 Cities Revealed aerial photography copyright
 The GeoInformation Group, 2010



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**BEDFORDSHIRE POLICE**

FROM: PC 431 JOHNSON

Licensing Officer

Central Bedfordshire

Ext: 3180

Date: Mon. 31/12/2012

TO: Licensing Committee

Central Bedfordshire Council

Subject: Review Hearing The White Hart, 125 Dunstable Street, Ampthill, Bedfordshire MK45 2NG.

Sir,

In the last 6 months there have been 5 incidents logged on the Police Operational Information System for events appertaining to public nuisance attributable to the premises.

URN 58 – 04/08/2012: Timed at 0308 hrs this incident relates to a group of youths who had just left the location having a fight amongst themselves and then playing loud music from a stationary vehicle nearby. Police attended and moved the group on. The informant states that this is the latest in a series of incidents involving noise and disturbance caused by people leaving the premises.

URN 118 – 23/08/2012: This incident was a retrospective report of an increase in drunkenness, noise and disturbance caused by a 'wet tee shirt competition' at the premises on the evening of 10/08/2012. This culminated in a GBH later the same evening (URN 29 – 11082012 refers.) The informant was also concerned about the perceived increase in the seriousness and number of incidents at the location.

URN 55 – 01/09/2012: Timed at 0251 hrs this incident relates to a report of fighting in a nearby car park between persons who had just left the location. The informant had been asked to ring the police by door staff from the premises who were also present and attempting to keep the peace. Police attended, the incident was described as a drink fuelled argument and the protagonists were moved on.

URN 89 – 25/12/2012: Timed at 0827 hrs this incident relates to noise and disturbance caused by people leaving the premises at 0230 hrs that morning whilst walking towards Maulden.

URN 32 – 30/12/2012; Timed at 0200 hrs this incident relates to noise, disturbance and litter caused by people leaving the premises. They picked up a bundle of newspapers and scattered them all over the street.

Neville JOHNSON PC 431

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From: Alexander Pelling [mailto:alexander.pelling@xxiv.co.uk]
Sent: 17 December 2012 12:53
To: Licensing Enquiries; Alan Stone
Subject: Application for review of licence, The White Hart, Ampthill

Dear Madam/Sir

By a notice dated 11 December 2012 given under the Licensing Act 2003 you have given notice of an application for the review of the license held by the White Hart Hotel, Ampthill. Your notice states that the application for a review concerns activities relating to breaches of conditions and items relating to the prevention of public nuisance. The notice states that there is a deadline for the making of representations on this of 7 January 2013. I wish to make representations in respect of this application. They are set out in the letter below. I would be grateful if you would please ensure that they are read and taken into consideration by the people responsible for dealing with the application.

I am copying my representations to Mr Stone so that he can make use of them in relation to the same application.

Yours faithfully

Alexander Pelling

6 Woburn Street

Ampthill

Dear Sirs

I write in relation to the review of the license of the White Hart, Ampthill. I ask that you withdraw it from the licensee or, failing that, dramatically curtail its lateness.

I live at 6, Woburn Street, about 4 buildings away from the White Hart. I and my wife have noticed that, particularly since the early summer of 2012 there has been a very considerable escalation in the problem of noise emanating from the pub. By "noise" I mean loud music, often going on very late into the night. It is quite astonishing that licensed premises, subject to council control, should be persistently run in such a way, but that is the position.

In my experience publicans running pubs in residential areas are generally extremely concerned to ensure that they do not cause problems for local residents. They do this because (a) they are reasonable people who understand that their businesses should not cause problems for others and (b) they know that if they cause problems for local residents their licenses may be revoked.

This is not remotely the case with the man in charge of the White Hart, who I believe is called "Sal." It would be extremely easy for him to keep the music down so that it

does not cause problems for people living nearby. However, he does not care about the consequences for others and appears to think that the licensing authorities cannot or will not touch him. So far, he has been right.

For example, the worst times have generally been (although not always – see below) Fridays and Saturdays. The noise frequently increases as the night goes on and has on several occasions been so loud that it is clearly audible inside my house with all the windows closed at 2:30. a.m. I have lost count of the occasions in 2012 when it has been necessary to go down to the pub and complain about the noise, which when it is late at night comes from the Cellar Bar. This exercise is generally ineffective. The position taken by the bouncers is that the place has a late licence. All I can say to that is that (a) nobody asked me before granting it and (b) I would be astonished if “late licence” meant “licence to make as much noise and public nuisance as you like.” This, however, is how the licence has been treated in practice.

On other occasions the publican has been turning the place effectively into a rock venue. In the summer on at least two occasions he had a substantial live band in the front room of the pub playing rock music at deafening volume. The windows at the front of the building were wide open, as it was a warm evening, and from about 8:30 pm (my children’s bed time) the music was blasting straight up Woburn Street. You could hear it from very far away. Again, it was clearly audible in our house even with the windows closed. (We should not, incidentally, have to close all our windows just because the publican of the White Hart feels like turning his front room into a rock venue. It seems that if he wants his windows open, he thinks that anyone else who doesn’t want to hear the noise should close theirs. Our windows are not double-glazed because the centre of Ampthill is a Conservation Area and the Council has effectively made it illegal to change the windows. This being the case, one might think that the Council would also ensure that noise levels from licensed premises were kept down, but so far that has not been the case).

On these occasions too I went down to the pub and complained, having to shout very loudly in order to make myself heard by the barman. One of the times I spoke to “Sal” personally. I asked him to turn the racket down. He immediately replied that it wasn’t a racket but music. He was not in the least apologetic. He plainly thought I was just spoiling the fun. He did close the windows but the noise was so loud that it continued to carry into my house. I have since heard that he has to keep the windows at the front of the building closed at all times. If so he was on both of these occasions in gross violation of the terms of his licence. I suggest that he is totally unsuited to be operating a pub in a residential area.

On the subject of licensing controls, when fifteen-year old Megan Peat was murdered in Ampthill in June of this year it came as no surprise to anybody that she and the man who killed her had been drinking at the White Hart at around midnight. The White Hart is known locally as the place where teenagers go to drink. It is surprising that something illegal could be such notorious public knowledge and so far nothing done about it.

We have been in contact with the Council's environmental people regarding the problem of noise from the White Hart, and have been dealing with a Mr Stone. Mr Stone is a nice man who is on the whole sympathetic but does not seem inclined to take swift and robust action to sort out the problem. In fact he seems to be a little scared to just go into the place and demand immediate improvements under the threat of closure. The problem has been going on, on and off, for months but nothing definitive has so far as I am aware been done about it. We are considering taking legal action. It would however be absurd for local residents to have to resort to litigation in the civil courts when the council has a whole department of people equipped with substantial statutory powers designed to deal with this sort of problem. All I can say is that if something isn't done we may have to issue proceedings against Punch Taverns and of course against Sal personally. It would reflect very badly on the Council if we and other local people had to resort to this but the Council's inactivity to date suggests that this may turn out to be the only effective option.

I have always been baffled by the fact that the White Hart is not just a pub/club but also trades as a hotel. I say this because it is impossible to understand how anyone could get any sleep there at weekends. I don't know, but the licensee may say that if the problem of noise were so bad, it would not be able to trade as a hotel. To expand upon the problem of noise at the White Hart, I append below a number of reviews culled from TripAdvisor.co.uk. They suggest that the problem of noise is just as bad for people who stay there. I have underlined the relevant passages:

"Not recommended"

Reviewed 3 September 2012

2 people found this review helpful

The website is very professional and makes this hotel look like a lovely old place to stay. In reality it's a disco bar on Fridays and Saturdays with thumping music til 2am! My partner and I are festival goers, so are used to falling asleep to pounding music... But we definitely wouldn't recommend you stay here if you want a good nights sleep!!

The website doesn't mention the disco bar and neither do the staff when you phone!

This old character hotel could be lovely but its in serious need of some investment! The room itself had beams and plenty of room but there was polyfilla holes in the ceiling, no shower (although a hand shower attachment, which when turned on, was so powerful you couldn't control it, hense soaking the floor)! no decent mirrors and no hair dryer. Thankfully I took my own hairdryer but the electric sockets were soo far from the little mirrors there was no point in having any!

On the plus side, breakfast was ok and the staff were nice and friendly.

Such a shame but deffo wouldn't recommend to our friends!

Room Tip: Do not use this hotel on a Friday or Saturday if you want a good nights sleep!

"Dreadful Hotel"

Reviewed 30 June 2012

1 person found this review helpful

Awful place, 8 of us stayed there after a friends wedding in the town. They had a disco until 2am every Friday and Saturday but failed to tell us when we booked. The place was grubby and stank of disinfectant everywhere. Shower doors didn't close, no plugs for sinks and baths, no hair dryers or phones in rooms. No one around in the evening to answer phone after the bar closed and clearly couldn't hear the phone when the disco was on and no one there in the morning until 10.30 apart for the thai chef who makes the breakfast. Breakfast was good but you served yourself with tea from a pile of tea bags in a dish and juice from a carton and milk from a carton. When we insisted the owner came to talk to us as we were all very unhappy, he told us to 'chill' and laughed at the fact we had not slept. He made no attempt to do anything remotely special for the Bride and Groom who he knew were staying there. Doors were locked which we think is probably illegal and against fire regulations, no lights were on going up stairs and no switches available. The owner was rude and obnoxious so please, please, please avoid this place like the plague.

Room Tip: Don't book at this hotel if you want a good room

"Do not stay here!"

Reviewed 27 June 2012

1 person found this review helpful

I booked this "hotel" for myself and several colleagues for seven days due to a business exhibition nearby, despite all the warnings on Trip Advisor! I implore anyone - just don't book it!

The rooms were appalling, the sound from the road, traffic, bar and emptying of bins at 5:18 in the morning does not make for a good nights sleep! The free wifi did not work - something about the router being too far away from the connection ... the service was pretty poor although I felt sorry for the bar staff - the manager was never there or just gave you some rubbish about things being sorted!

The food was ok but if you stay there more than one night - don't expect much to be on the menu for the remaining nights - they don't appear to think having the food in stock (even if it is on the menu)!

I could go on oh one other thing - if you have a large vehicle or trailer beware of the entrance to the car-park - it is very narrow!

It is a real shame because the location is excellent and the building could be beautiful but much investment is needed as well as a good manager who cares about the place, the staff and the guests!

Stayed June 2012, travelled on business

"Worse than faulty towers"

Reviewed 20 May 2012

4 people found this review helpful

This is the worst hotel I have ever stayed in, my dad booked a room for me and my girlfriend when we travelled a long way for a birthday party. Which he paid 60 pounds for.

When we walked to back to the room in the evening, the front door was locked which we had a key to get in but there was something on the other side and a bouncer told us off for opening the MAIN entrance which the key that we were given.

The room itself did not have most of the features that their website advertised which was a TV, Wifi, telephone and room service. There was a night club underneath the hotel so we didn't get to sleep till about half four in the morning, which we were not told about on the phone and not mentioned on the web site.

The room was dirty, the carpet was sticky, the WIFI we were told was not working, we had other people cloths in the draws, the hot water did not work in the shower, the coffee making tray and other people hair and broken bit of biscuit were lying within the tray.

There was nobody available that we can talk to or speak to.

When we checked out in the morning the guy tried to charge us again for the room even though my dad had already paid for it.

Room Tip: Avoid this hotel like the plague

"Absolutely terrible!"

Reviewed 13 May 2012

2 people found this review helpful

When we booked this hotel, we were not told that there was a disco on until 3 am! We had been to a wedding nearby, and on return at 12am, we asked the bouncer what time the disco/club would finish. He assured us it would be 1.30am. What a lie. The pounding music went on until 3 am and when we did eventually get to sleep, we

were woken by noises outside at 7 am. We went to breakfast where the bare tables were set with just a knife and fork in a paper napkin and other guests present exclaiming about how awful everything was. One guest had experienced the disco two nights running and had a long journey ahead of him (as did all of us... very dangerous with no sleep). The hotel could be lovely, but needs loads of tlc and management. The only thing good about my breakfast was the beans, which they could not spoil. I couldn't eat the rest. The only thing good about the room was the clean sheets. There was no plug in the basin and the room was shabby. I could go on, but won't bore you. It is such a shame because it really is a historic hotel, but they need to decide which they want to be; a club or a hotel. If a hotel, they really could make a go of it with complete refurbishment and staff training (when we did see any staff). Sorry to be so negative, but it was terrible.

Room Tip: Don't go.

"dire!"

Reviewed 14 September 2010

4 people found this review helpful

Stayed on a friday night after a long drive and a day of meetings I was very tired, however the opportunity to sleep didn't happen after about 3am due to the noise from both the bar and the bar behind the hotel (part of the same building). Breakfast was ok, served without any pleasantries though. I would not stay at this place again and would encourage everyone who gets put there by their company not to book unless its through the week - I am assured by the locals that it is considerably quieter throughout the week. I find this hard to believe though.

Sadly its all bad news. Grim.

Stayed August 2010, travelled on business

"Not a good place to stay"

Reviewed 30 September 2009

3 people found this review helpful

I stayed with my colleagues on a business trip. This was by far the worst BB we have stayed in and never again will we stay again. The rooms where not to standard, I found a can off Red Bull in the bathroom shelf someone previously had left behind. The bathroom was not in good order and been porrly maintained. My colleagues where convinced that the bed sheets where nor fresh as I found hairs in my bed and my colleague found a stains on his sheets. The rooms had a mustly smell to it and overall we were very dissapointed with the rooms. The Owner is a a Bangladeshi guy

called 'Sal' who we got talking to in the bar and he started saying that this hotel is haunted and if I remember he said a girl hanged her self in room number 5 about a 200 years ago and the ghost has been reported by many visitors. this made us feel very uncomfortable.

We had late lunch when we arrived and I ordered a beef and onion pie with chips, I tell you we could see the kitchen from our table and I saw the cook unwrap a the pie from a wrapper, I was well diapointed considering he was charging £8 for the meal.

In the evening the bar area was very rowdy as the owner also own a bar called the "Cellar bar" which had youngster drinking till the early hours of the morning. My colleague later informed me that the "Cellar bar" is known to be packed at weekends and many room occupants complain but the owner has never addressed this matter.

Anyway I hope you do not have the same problems we had at the "White Hart Hotel".

Stayed February 2009, travelled on business

In concluding, I ask that the strongest possible action be taken against the White Hart with a view to ensuring that it ceases to cause trouble locally. The time for issuing "warnings" is well past. I cannot understand why it was given such a late licence in the first place. The centre of Ampthill is a residential area and not at all suitable for the sort of establishment that the publican wishes to run. I suggest that both he and Ampthill would be better off if he went off to run a late-night club in a commercial area dedicated to that sort of business.

Yours

Alexander Pelling

6 Woburn Street

Ampthill.

Alexander Pelling

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Dear Mr McBain,

The licensing committee are due to review the late night license granted to the White Hart Hotel, Amptill re breaches of conditions and items relating to the prevention of public nuisance.

I am lodging a request for revocation of the license. Since the license was granted, the residents of central Amptill have been subjected to recurrent antisocial behaviour late at night coinciding with closing time, at weekends - noise, urination, vomit, discarded bottles, litter in the streets and broken windows, to name a few. As a result, we have had to form resident associations to object to the town council, and had a meeting a few years ago with the landlord and police license officer to voice our grievances - to no avail as loud music and shouting in the streets continues. A further meeting was held recently, chaired by a town councillor, to discuss these ongoing issues, ending with the same rhetoric, that the situation would be monitored. We are still being awoken at 2-2.30am at weekends. The consequences of having granted the license have been catastrophic and disruptive and making our lives a misery, a situation that perhaps should have been anticipated and acted upon earlier.

The police have stated that there is no significant crime in the locality. And yet, statistics gleaned from their crime maps (www.police.uk) show the following, within 1 mile of Amptill, over the last year:

- a) all crime = 422
- b) antisocial behaviour (asb) = 164
- c) asb in centre of Amptill = 48
- d) asb in Dunstable st = 44
- e) violence = 37, within centre = 12

Hardly insignificant for a small town, and I feel strongly that the late night license is responsible for the majority of these events. The licensing policy states that there should be a balance re commerce, and preserving local heritage and protecting local residents - the balance is heavily tilted for the licensee!

It has taken centuries to create Amptill's heritage and reputation as an historic market town. It has taken one license to cause havoc to both the town and its reputation. As residents, previous tranquillity has been annihilated, our lives disrupted by noise, loud music and antisocial behaviour related to the White Hart. We feel hugely aggrieved. Two public meetings and intervention by the monitoring authorities have failed to change the way the White Hart is managed, and hence the same disruption persists. More recently there has been evidence of underage drinking, a case of gbh -enough!

Please do the right thing, common sense prevailing, and do it now - revoke the license. They have had many opportunities to tackle our grievances over the previous years, but have chosen not to comply with directives made by authorities.

Yours sincerely
Dr William de groot

Dave McBain

From: Annette Bell [annette.bell@realstargroup.com]
Sent: 04 January 2013 12:06
To: Dave McBain
Subject: The White Hart, Ampthill premises licence review

I understand that the Premises Licence for the White Hart in Ampthill is being reviewed on 7th January 2013. Please could you consider the comments below when considering the late licence?

My family and I live at 36 Church Street, Ampthill and are often woken in the early hours of the morning by the noise of drunken people shouting/arguing or talking loudly and on occasion smashing bottles. Due to the times that this happens and the late licence that the White Hart holds, we assume that these people are going home from the White Hart. The noise is worst in the summer when our windows are open, but continues throughout the year.

Additionally when I walk through the town centre after a meal out or a visit to a pub (around 10 – 11pm) there are always groups of young people (mostly male) outside the White Hart, some of whom have been verbally abusive. Unfortunately there is no easy way to avoid them and it can be very intimidating. The groups are larger in the summer, but there is usually a group there whatever the weather.

Best regards,

Annette Bell
Brandreth House, 36 Church Street, Ampthill, Bedford, MK45 2EW
Tel: 01525 405547

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6 Woburn Street
Amphill
Bedfordshire
MK45 2HP
6 January 2013

Dear Sirs

I am writing in relation to the review of the licence of the White Hart, Amphill, to make a couple of additional points to my husband, Alexander Pelling's email on the same subject on 2 December 2012. I agree with all the points made in that email. I would add that I have been to the White Hart on Friday and Saturday evenings to complain about noise past 2am, and often until gone 2.30am, which is a breach of the licence. On those occasions, and many others during 2012:

- the music has been extremely loud, such that I can hear it from our house, 6 Woburn Street, and it prevents me from sleeping on Friday and Saturday evenings/early mornings;
- there have not been three bouncers on the door/the entrance from the street, as required by the terms of the licence;
- the doors have been open, causing the noise to travel around the centre of Amphill.
- empty beer bottles are emptied into glass collection lorries past 3am, the noise of which is also extremely loud and also makes sleeping impossible.

The centre of Amphill is a residential area, and the noise emanating from the White Hart is not reasonable or fair, nor are the hours of licence it has been granted on Fridays and Saturdays, for residents in central Amphill.

My sleep is seriously affected by noise from the White Hart. The noise also disturbs my husband and my two children, and any relatives or friends who may be staying with us at weekends. It is so loud that I can hear the words of the songs played, and the heavy thud of the beat from inside my house, when the windows are closed.

I have spoken with Alan Stone at the Council about this on several occasions, and notified the police when environmental health is not on duty (although the police will not deal with noise problems), however it is time that strong action is taken against the White Hart as there have been too many incidents and too many chances given to the landlord already.

I request that the late licence for the White Hart is revoked, and that it is not allowed to operate after normal licensing hours of 11pm.

Yours faithfully

Jenny Pelling

Dave McBain

I would like to register some comments about the above licence review application, the deadline for which is, I understand, the 7th Jan 2013. Please pass my email on to the relevant party and confirm it's receipt.

I live just along Dunstable Street from The White Hart, with my family including 3 children under the age of 12.

We have repeatedly been subjected to the noise and adverse consequences of the late licence at the above establishment. Not only does this relate to music played extremely loudly and audible at a late hour throughout the vicinity of central Ampthill, but also to the noise and general disturbance caused by those leaving the pub.

Doorbells are rung in the early hours of the morning, and my daughter who sleeps in a room on the top floor of our house at the front complains regularly of being kept awake by the 'scary drunk people shouting' (most recently at 1.30/2am for several nights in the run up to Christmas 2012). The hour makes it almost certain that these individuals have come from the White Hart, and it is easy to tie in with the noise and the comments the following day on social networking sites related to this pub.

We have also had various things stolen/destroyed over the 12 years we have lived here - plants outside our front door, wreaths at Christmas - and regularly have litter/vomit/remains of takeaways strewn outside our house and inside our railings at the front - as well as many, many pint glasses and beer bottles. Some of this can be accepted as part and parcel of living in the centre of a town, with the entertainment venues that implies, however, the lateness of the behaviour and the fact that the White Harts late licence encourages excessive drunkenness lead me to believe that the White Hart contributes way more to the antisocial element than all the other establishments put together.

In addition, it is clear to all who review social networking sites/listen to youngsters that go there/communicate in any way with young people in the town, that underage drinking and drug dealing are rife in the White Hart. It is quite ridiculous that it is so well known and yet, (it is rumoured) tolerated by the police and the licencing authorities.

Please revoke or limit this licence - do not miss this opportunity to prevent future public nuisance caused by this establishment, and in turn allow Ampthill to promote a safe and enjoyable environment for all.

Yours sincerely

Liz Owen
(m)07802 848 978
(h)01525 841813

97 Dunstable Street,
Ampthill
Beds
MK45 2NG



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Dame's House,
105 Dunstable St,
Amphill,
BEDFORDSHIRE

MK45 2NG

licensing.section@centralbedfordshire.gov.uk

alan.stone@centralbedfordshire.gov.uk;

4 January 2012

Dear Sirs,

Licence Review of the White Hart Hotel and Cellar Bar, Dunstable Street, Amphill
("the White Hart")

We understand that an application has been made to review the licence of the White Hart both in relation to its opening hours and the length of time music may be played.

We wish to strongly support this review and require that the White Hart's licensed hours be reduced to appropriate and reasonable operating hours, namely until 11pm (or, on occasions, midnight). As far as we are aware all of the other pubs in the centre of Amphill only have a licence until this time.

The White Hart is located in the centre of a small market town which comprises a substantial amount of residential property and is a Conservation Area. Indeed, our house is located on the same street and our back garden is in close proximity to the Cellar Bar (which forms part of the White Hart). The White Hart is a beautiful historical building and certainly one of Amphill's iconic sites.

However, for several years, the proprietors and manager of the White Hart have sought to operate it in such a way as to alienate many of the residents of Amphill. Its strategy has been to run a loud, rowdy and antisocial nightclub (predominantly on Friday and Saturday evenings) and to sell as much alcohol as possible to young people (many of whom are underage) thereby creating a threatening and intimidating environment in the centre of the town. The White Hart was recently found guilty of supplying alcohol to underage teenagers by Trading Standards.

Furthermore, it has pursued its aims in breach of its present licensing restrictions as follows:

1. **It regularly operates beyond its licensed hours serving alcohol and playing incredibly loud music until 2.30 -3am.**
2. **It consistently operates with its doors and windows open (when its licence requires that they should be shut in order to prevent noise pollution).** The reason

being that the Cellar Bar (where the night club is located) is an inappropriate building to hold a nightclub. As far as we are aware it has no proper sound proofing or air conditioning.

3. **It consistently allows people to enter the premises after the time permitted by the licence**, with the sole purpose of generating more profit and without any consideration for its customers or local residents.
4. **It serves alcohol to underage teenagers.**
5. **It serves alcohol to people who are already intoxicated.**
6. **It appears to permit its customers to consume and purchase illegal drugs.** We have heard numerous reports and eye witness accounts that drugs are readily available. Also, such events have been referred to in the news reports of criminal proceedings held at Luton Crown Court. For example, the tragic case of the murder of the local school girl, Megan Peat, (who was only 15 years old) and who had been drinking alcohol at the White Hart on the night she was murdered.
7. **Failure to control public disorder and violence by its customers within and nearby its premises.** We are aware that several violent crimes have been committed. Indeed, we refer specifically to a fight by 2 soldiers who were drinking at the White Hart and the fight became so violent that they smashed into the garden of a nearby property causing considerable damage and great distress to the elderly and disabled occupants of the property. The soldiers were convicted of serious crimes and the White Hart was again referred to in the legal proceedings.
8. **Failure to operate hygienic and clean practices in accordance with environmental health regulations.**

As a result of the way the White Hart has operated over the years we have been forced to make numerous complaints to the Environmental Health department and the Police in relation to the following:

- A **Noise pollution from loud music.** On Friday and Saturday evenings we (and our 4 young children) have been kept awake until 2.30 – 3am in the morning by excessive music noise from the Cellar Bar. Even with our windows shut and secondary glazing the noise is loud enough for us to hear the lyrics of the songs or the thump, thump, thump of the bass. On several occasions, environmental health officers have installed recording equipment in our bedroom to record this noise and on many occasions they have also listened to it in our garden. Sometimes the noise is so loud that you feel as though the whole garden is vibrating. The noise often increases the later it gets and frequently we have telephoned the help line after 1am to be told that the Environmental Health Officers are now off duty. Yet another reason why the licence must be restricted so that it can be properly monitored by the relevant authorities at all times.
- B **Anti-social behaviour.** This is caused by people leaving the White Hart in the early hours of the morning. There are often groups of young people shouting and screaming along the road. Obviously, this causes a disturbance but, in addition, it can be very unsettling and intimidating when there is large group who are fuelled by alcohol and are aggressive. We have had to call the Police several times. We also find broken bottles and glasses thrown through our railings and left on our drive. On more than one occasion, we have had to clear up sick outside our front door. People also regularly urinate on our gravel drive.

C **Rude, inconsiderate and intimidating behaviour.** When I have confronted the manager and staff of the White Hart about the above issues they have been very unhelpful and intimidating. Normally, the manager is unavailable, but on the few times we have been able to speak to him, he has offered no apology and has stated that they have a licence. I was also surprised to be informed by Environmental Health Officers that, on occasions, they will not enter the White Hart late at night because it is too intimidating and threatening. What a ludicrous state of affairs!

The consequence of the above is that we have been and continue to be subject to a considerable nuisance directly caused by the way the White Hart has been allowed to operate. On many occasions we are unable to have quiet enjoyment of our property which is our legal right.

We appreciate the help we have received from the Environmental Health Department and, in particular, Mr Alan Stone. However, we strongly feel that the White Hart has been given ample opportunity to rectify the way it operates and it has refused to do so. We are aware that Mr Stone has had countless meetings with the manager of the White Hart and several Enforcement Notices have been filed. They have just been ignored and nothing has changed. This **cannot** continue and that is why the review of the licence must go ahead.

Finally, the way the White Hart has been allowed to operate over the past few years has had a detrimental and adverse affect on the centre of Ampthill. It is becoming a no go area for many people and is gaining an unfavourable reputation. The really sad thing is that the White Hart could and should be at the centre of the Ampthill community. Other businesses in Ampthill, such as the restaurant, Fratellis, and The Albion pub (which used to have a very unsavoury reputation, but is now incredibly popular with all age groups and has won regional awards) are thriving and make Ampthill a great place to live. The reason for their success is because they provide a great service and actively seek to help and please the residents of Ampthill as they recognise that those people are their paying public.

Accordingly, I hope Punch Taverns take note of this because they own an amazing property in a prime location which could be such a fantastic hotel and pub.

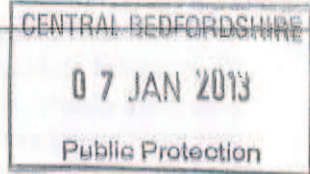
We enjoy going out and we have 4 young children and we want them to be able to go out and have a good time in Ampthill when they are older. At the moment under no circumstances would we go to the White Hart. However, we would love to be able to do so and we sincerely hope that things will change.

We trust that due consideration will be given to the above points and we look forward to hearing from you. If we can be of any further assistance, then please do not hesitate to contact us.

Yours faithfully,

Fiona and Andrew Challacombe

Appendix 'B'
Dave McBain



From: Margaret Hudson [Margie@inttech.co.uk]
Sent: 04 January 2013 19:00
To: Licensing Enquiries
Cc: Alan Stone; Hudson, Tim (tim.hudson@hudsonsquared.co.uk)
Subject: White Hart Licence review
Importance: High

Dear Sir/Madam

I understand that the license for the White Hart is under review and would like to provide evidence of the anti-social behaviour and noise emanating from this establishment which would support the revocation or curtailment of the license.

I live with my family at 97A Dunstable St just a short distance from the White Hart. We have been driven to distraction by the noise and anti-social behaviour as a result of the activities of this establishment and have written previously to the council expressing my concerns (see the copy of my email to Mr Dave McBain below). I have also spoken with Mr Alan Stone about my complaints before now.

I do not want to write a long and wordy account of every incident but can summarise my complaints as follows:

- **Loud music**

On many occasions over the last year very loud music has been easily audible from inside our bedroom until 2.30-3.00am in the morning – typically on Friday and Saturday nights. It is frequently loud enough to be a constant base line ‘thud, thud, thud’. This has meant us not being able to sleep with our bedroom windows open and unsettles our children who complain of thumping sounds which they can’t identify. It is simply outrageous that this establishment should be licensed to do this until the 2.30am. It is too loud and too late.

- **Rowdy people outside our front door in the small hours of the morning**

When pubs close it is very common for high spirited youngsters to progress home in a loud and lively manner, knocking door knockers and ringing bells and generally shouting and being loud. At 11.00pm and 11.30pm this is sometimes a bit irritating but really just part of living in the centre of town – which we expect and understand. However when it happens at 3.00am, when hard working people are trying to get well-earned sleep, it is more than irritating – it is downright anti-social. My family and I have been woken by shouting, crowds of youths congregating on the pavement on or near to our front door, and by our doorbell being rung on many, many occasions in the small hours of the morning - at the time the Cellar bar closes. Again our children find this very unsettling and it keeps them awake at night.

- **Drunks urinating in our side passage**

We are the victims of many a drunken late night reveller who, caught short, decides to relieve himself in the passage between our house and that of our neighbour at 99 Dunstable St. When people including my children ask why this space often smells so bad at the weekend I have to explain how our side passage is being treated like a public urinal. (We cannot lock this as it is a shared access place and in any case would mean that we could not then use our own back door). I know that other neighbours suffer in a similar way with gardens being used as late night urinals. We have also had drunken youths fighting in the this same passage causing our neighbour’s glass door pane to be broken).

- **Intimidation**

On a number of occasions when we ourselves have been returning home late we have been challenged by drunken youths coming from the White Hart long after all the other pubs have closed. Some of these have been good natured and some haven’t. I do not feel it is right that I and members of my family should feel unsafe standing at our own doorstep whilst finding keys

to let ourselves in.

- **Prevalence of drugs at the White Hart**

My husband and I were approached at about 1.30am on a May night last year by two young men who were clearly under the influence of something who were boasting to us about the drugs they had been taking at the White Hart that night. They told us that they regularly go there because they could 'get anything they wanted there'. This is not an isolated report. I have friends whose young adult sons/daughters frequent the White Hart and say that it is well known as a place where drug dealing happens. I know that all pubs suffer from this to some degree and that there are plenty of responsible landlords who work hard to keep their pubs free of this. However I have heard many reports of this nature about the White Hart but have never heard the same about any other pub in Ampthill which leads me to believe that this pub has not taken the same responsible approach as the others. I personally have spoken to the landlords of other pubs and know they are very proactive in spotting and dealing with any issues of this sort.

- **Elderly residents being disturbed**

Behind our property is Honour Court, a sheltered housing development for the elderly. This development is right in the line of fire with sound travelling up from the Cellar Bar over the gardens at the rear of Dunstable St. I am friendly with a number of residents there and often speak to them. They have told me on a number of occasions how fed up they have been about the noise – even the ones who are partially deaf have been kept awake by it! I have told them how to make their complaints heard but, as is typical of people of their generation, they do not feel it is their place to complain and don't want to make a fuss so I doubt they have contacted you directly. (I am very happy to put you in touch with these people if you need them to speak them directly).

- **All of the above points are gross infringements of our amenity and that of our neighbours.**

Conclusion

Question: If my own children were old enough to go into a pub would I want them frequenting the White Hart? Answer: No I would not. This is a very great shame as, if run differently with more reasonable licensed hours, it could be a great place to go and be a real benefit to our community. It is such a lovely building, and in such a prime position, it has bags of potential and I would love to be able to take my family there for Sunday lunch, to be able to recommend it to friends and family, and know that, when the time came, my own kids could go there without us fearing the worst. Overall I feel that the way the White Hart has been run in recent years, and the late license it holds, is the main cause of the hostile and rowdy atmosphere that pervades in the centre of Ampthill at weekends. The young people of our town need and deserve somewhere to go and socialise but it needs to be done in safety and with respect for the other families/residents of the area.

For this reason I repeat my view that the late license should be revoked and brought into line with the other pubs in the town i.e. closing at 11.00pm or 11.30pm or thereabouts. I trust my account will be taken into consideration and would ask that I be informed of the outcome of the review.

Yours sincerely

Margaret Hudson
97A Dunstable St
Ampthill
MK45 2NG

Copy of email to Mr Dave McBain dated 19/6/2012

Dear Mr McBain

I would like to complain in the strongest terms about the White Hart pub in Ampthill. I live at 97A Dunstable St, Ampthill, MK45 2NG – just a short distance from this premises. My complaint is on the following grounds:

07/01/2013

- Noise pollution – outrageously loud music being played until 2.00am in the morning making it impossible to sleep and totally disrupting the use of our garden. I have spoken with John Eden about this so he is aware of my concerns and his colleague Alan Stone has served an abatement notice which was clearly flouted this weekend.
- Disruptive, drunken and unruly people out on the street outside the pub and on our door step and those of our neighbours. They are often intimidating and make it uncomfortable to walk on the street beyond 10-11.00pm. We also suffer men walking from the White Hart heading down Dunstable St in the direction of Flitwick and using the passage between our house and that of our neighbours at 99 as a public urinal. We have also had two violent men have a fight in this location which was very scary indeed.
- Drug taking and dealing. I know that the landlord recently posted an article on the internet disputing drug taking allegations after the tragic murder that took place in Ampthill last week. However I have first-hand evidence that drug taking is definitely prevalent there. My husband and I were returning home from a night out in Bedford recently and, at approximately 1.00am, as we were putting the key in our front door, we were approached by two men. They asked why we were so smartly dressed and at first I felt quite threatened. However in the end we engaged in quite a long conversation with them in which they told us that they were both under the influence of some 'great' drugs which they had obtained in the White Hart pub. We asked if this was something they often did and they replied that yes they did and that in fact you could obtain 'pretty much any drugs you wanted down there'.

Central Ampthill is becoming a hostile and scary place at the weekends in particular as a result of the late licence held by the White Hart and I would like to know what can be done to end this?

I would be most grateful to hear from you with suggested actions. Many of my neighbours are despairing of the effects of the White Hart in Ampthill and I know will support me in this objection.

Yours sincerely

Margaret Hudson
01525 403272

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The Old Post Office
29 Church Street
Amphill
Bedfordshire
MK45 2PL

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



5 January 2013

Dear Sirs,

Review of Premises License – The White Hart Hotel, Amphill

We, the undersigned, wish to object to the current licensing conditions for the above public house.

Whilst we have no objection to it being a public house as such, the current late-night license and the type of clientele it attracts cause problems in the centre of Amphill, which is where we live.

Numbers of young people, many of whom appear to be under-age, congregate noisily outside late at night and can be extremely intimidating to walk past, particularly for older citizens. In addition, there is noise at closing time as customers leave the pub, and damage to property – for example broken windows - is quite frequently visible next morning: we ourselves have had two windows broken, although admittedly these were some time ago. We have also seen – and smelt – the results of people urinating in the alleyway leading to our garage. Glasses have also been removed from the pub and left in doorways and other places: these constitute a considerable hazard to passers-by, in particular the many children who walk in the vicinity with or without their parents.

For these reasons we ask that the premises license for the White Hart Hotel, Amphill, be varied to require it to close before midnight, and that the existing under-age drinking laws be rigorously enforced on the premises.

Yours sincerely

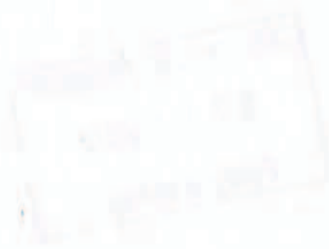
A handwritten signature in black ink, appearing to read "W Silcock".

W Silcock (Mr)

A handwritten signature in black ink, appearing to read "S E Silcock".

S E Silcock (Mrs)

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15 Woburn Street

Amphill

Bedfordshire

MK45 2HP

6 January 2013

To whom it may concern

Licence Review of the White Hart Hotel and Cellar Bar, Dunstable Street, Amphill

We understand that an application has been made to review the licence of the White Hart both in relation to its opening hours and the length of time music may be played.

We wish to strongly support this review and hope that the White Hart's licensed hours be reduced to appropriate and reasonable operating hours, namely until 11pm in line with other pubs in the town.

The White Hart is located in the centre of Amphill which comprises a substantial amount of residential property. In the early 90's it was a reasonable pub and attracted a range of different age groups. Since then and particularly over the last few years it seems to be run as a major city centre pub and nightclub, with little regard for its location or heavy residential population. I know the police have worked closely with the local taxi firms to ensure that people leaving the pub are cleared from the area as quickly as possible but the last few years have made it difficult for local people to enjoy living in the centre of Amphill.

Our house is located on Woburn Street, about 50-70 metres from the entrance of the White Hart and Cellar Bar. There has always been noise and disruption from the premises and we have accepted a level of this as part of living close to the town centre, however, we have complained on several occasions about the unacceptable levels of noise and behaviour e.g. heavy base thumping from the music, alcohol fuelled shouting, vomiting, fighting and urinating in our doorway when the pub turns out its customers. The situation has not improved and clearly worsened when the White Hart obtained a late licence. Our young family

were being woken up at midnight, this now happens an hour and half later. The level of noise that takes place when the pub/bar is turning out at 1.30-40am is unbelievable and can continue until 3.00am at times. I have rung the police on several occasions over the years when an assault or aggressive behaviour is going on outside our house, which is extremely intimidating.

I am forwarding on to you a recording I took one morning at 1.40am on the 11 August 2012. I was woken up by the noise and was so cross I recorded it with my mobile phone. I believe there may have been a fight but as the noise sounded like that on any other Friday and Saturday turn out of the pub I didn't think it was particularly unusual at the time so didn't contact the police.

Anecdotally, it has a reputation amongst young people for being a place to get served alcohol when you are underage and for fighting. The levels of alcohol fuelled noise when customers are leaving the premises indicates that the bar staff are serving alcohol to people who are already inebriated.

I believe it is also in breach of its present licensing restrictions as follows:

1. It operates with its doors and windows open, especially in the summer.
2. It serves alcohol to underage teenagers.
3. It serves alcohol to people who are already inebriated.
4. Failure to control public disorder and violence by its customers within and nearby its premises.
5. Failure to operate hygienic and clean practices in accordance with environmental health regulations. The last time I went in there was for a meal in the now closed Thai restaurant. You had to pay at the public bar and the smell of the toilets was overpowering.

Punch Taverns should consider its reputation and may benefit from doing something more positive with the building. We hope that you take notice of these points and please let us know if we can be of any further assistance.

Yours faithfully,

Julie and Richard Wood



Dear Sir

Could you please take our comments below as a supporting representation in relation to the Licensing objective of "The Prevention of Public nuisance".

As a resident of Ampthill, I would like to object to the hours that the White Hart is open to serve alcohol in Ampthill and the behaviour that is seen from the people that use it, one assumes, suffering from the effects of the drink

Being born in Ampthill in the early 50's and having seen many changes during the years spent living here, I accept that times change.

After moving away for 8 yrs, we moved back to the town a few months ago, as we decided we wanted to eventually retire here, with our family all around. Since we moved away, Waitrose has opened and the town has had a wonderful revival, to become a place we thought we were proud of. We love to walk to the local restaurants and shops, with our family and have found even the pubs all very family orientated and very pleasant.

However, after not very long, we soon realised that the behaviour witnessed on a few occasions, from patrons of the White Hart, is far from what you expect in a small town like Ampthill, Bedford or Luton maybe!

When returning home late, on at least three occasions, we have personally seen anti social behaviour from those coming out of the bar, as late as 2.30 -3am. This is surely unacceptable, especially as it has a large number of residents within yards of the centre. We have seen people shouting and pushing each other/ falling into the road and people urinating and vomiting in doorways and on the pavement, which then has to be seen by families walking in the town the following day. Not pleasant explaining to a four year old, why you are crossing the road to avoid a pool of vomit or broken glass.

There is broken bottles and rubbish strew down the Kings Arms Yard frequently on a Sunday. Chewing Gum covers virtually all the areas around the area. Frequently broken windows appear overnight. I have personally moved (and reported) a broken drainpipe that had been pulled down from the whole height of the building, at Sharman Law in Dunstable Street on a Sunday morning in October. It was lucky it had not rolled out across the road causing an accident.

It is not as though this anti social behaviour is restricted to late hours, we, like many have been alarmed by drunks who have come out of there and been shouting and causing a nuisance on Saturday/Sunday afternoon, whilst we are shopping / sitting in tea rooms, in the town. Hardly something to draw people onto the town.

Our daughter (who owns a local shop) had reason to briefly visit there about 8-9 pm on a Saturday, a couple of weeks ago and told us even at that time, there were many that had already had far too much to drink and worse, there was a fire alarm going off and all that was done was people trying to pull it off the wall to silence it!! This could have been a fire and there are residents lives at risk here too, we still remember the damage the last fire did at the White Hart. Should this place even be open, if that is how the safety of others is disregarded?

This is just the view of two very disappointed people, who have lived back in Ampthill for just 7 months and it is very disappointing that local residents have to put up with this behaviour until 2-3 am every night, certainly considering back in the 90' Bubbles nightclub was closed, for virtually the same reasons, except it was nowhere near as bad, and that was not every night.

For the reasons above, we ask that the licensing hours and safety measures, at the White Hart are looked at very carefully.

Ruth & John Redman
Apt 20 The Limes
Amphill