

CENTRAL BEDFORDSHIRE COUNCIL

Record of Licensing Sub Committee hearing convened under The Licensing Act 2003 (Hearings) Regulations 2005 on Wednesday, 8 May 2013

Licensing Sub Committee Composition

Cllr Shadbolt – Chairman
Cllr Bowater
Cllr Mustoe

Members' Interests

There were none.

Name of Applicant

Mark Hales – Environmental Health Officer, Public Protection – Central Bedfordshire Council.

Premises Address

The Bell
4 Market Square
Toddington
Bedfordshire
LU5 6BP.

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

Mark Hales – Environmental Health Officer - Applicant
Mr R Samways – Local Resident
Mrs R Samways- Local Resident
Mr T Coyne – Designated Premises Supervisor
Mr M Sheridan – Spirit Pub Company
Miss H Bell – Committee Services Officer
Mr M Woolsey – Managing Solicitor
Cllr A Shadbolt – Chairman Licensing Sub Committee
Cllr M Mustoe
Cllr Bowater

Licensing Procedure

The Sub Committee noted the Licensing Procedure to be followed at the hearing.

Licensing Objectives

The Sub Committee noted the four Licensing Objectives.

Application to determine a review of a Premises Licence under the Licensing Act 2003 at The Bell Public House, 4 Market Square, Toddington.

The application was to review a premises licence number 5699544 held under the Licensing Act 2003 in regard to the Licensing objective of The Prevention of Public Nuisance.

Names of Parties submitting representations and indications of their representations

Mark Hales – Environmental Health Officer
Mr R Samways – Local Resident
Mrs R Samways- Local Resident
Mr T Coyne – Designated Premises Supervisor
Mr M Sheridan – Spirit Pub Company

Amendment of Application

There were no amendments to the application by the applicant.

The Application

The application was for a review of a premises licence under The Licensing Act 2003 at The Bell Public House, 4 Market Square, Toddington, Dunstable.

A hearing called for the review of a Premises Licence under the Licensing Act 2003 at The Bell Public House, 4 Market Square, Toddington, Dunstable.

The Sub Committee received and considered a report from the Head of Service, Public protection which advised that an application had been submitted for a review of the premises licence under the Licensing Act 2003 at The Bell Public House, 4 Market Square, Toddington.

The Applicant, Designated Premises supervisor, representatives and members of the public attended the meeting and made representations.

The Chairman outlined the procedure to be followed.

The Chairman invited the Service manager, Public Protection to present the report to the Sub Committee. The Sub Committee were advised that the Applicant, Mark Hales, Environmental Health Public Protection had submitted an application for a review of the Premises Licence. The application sought the following:

1. All the conditions that relate to regulated entertainment and the facilities for making music shall remain on any subsequent licence as conditions.
2. that the licensable activities which give rise to these complaints, namely live or amplified music are suspended for a period of three months.
3. That within a period of 3 months from the date of the hearing a noise control scheme is submitted and agreed by the local authority. This should consider, the suitability of the venue from live and entertainment.

Mark Hales advised of the on going incidents that had been reported and subsequently investigated by the Public Protection team. All of the matters related to noise and were due to loud music or people visiting The Bell. All incidents had occurred after 23:30 hrs. Following the reported incidents from local residents it was evident that all disturbance was credible. Mark Hales drew attention to the fact that this was the third review of the same premises with the same problems arising on each occasion.

The Chairman invited the local residents Mr and Mrs Samways to make their representations. They advised how the noise arising from The Bell was effecting their lives and commented that this was a on going problem which was effecting their quality of life.

The Chairman invited Mr M Sheridan to make his representations. Mr Sheridan explained how the Designated Supervisor was running the business and would work with local residents to stop the nuisance being created.

The Sub Committee adjourned to make their decision.

Following the adjournment all those who had left the room to take part in the decision making process returned. The Chairman advised those present of the decision that had been made.

Decision

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

- The following amendments shall be made to the Premises licence:
 - Except where set out below, the conditions set out on the Premises licence shall remain unchanged;
- Condition 1 shall be deleted and replaced with:
“Doors and windows to be closed during regulated entertainment save for entrance and egress. Toilet windows to be kept locked at all times.”;
- Condition 2 shall be deleted and replaced with:

“Doors to be closed to new customers 30 minutes prior to closing time. No entry or re-entry save for the purpose of compliance with smoke free legislation.”;

- Condition 3 shall be deleted and replaced with:
“A tamper proof decibel limiter to be in place, and set at a level as approved by an Environmental Health Office of the Council. All amplified entertainment to be supplied through the noise limiter. A grille shall be placed over the decibel limiter which shall be fitted with tamper proof screws and which shall comply with, or be similar to, the HSE requirements which prevent access by fingers to presses.”;
- Condition 4 shall be deleted and replaced with:
“Background music to be kept at a low level and to be played through the decibel limiter.”;
- Condition 9 shall be deleted and replaced with:
“A single SIA registered door supervisor to ensure that no new customer’s enter the premises after 30 minutes prior to closing time and ensure that customers leave in a quiet manner.”;
- Condition 14 shall be deleted and replaced with:
“The Designated Premises Supervisor shall hold quarterly meetings with residents.”;
- Condition 19 shall be deleted and replaced with:
“No drinks to be consumed in the rear garden between the time 30 minutes prior to closing and opening time on the day following all occasions.”
- A new condition 21 shall be added, and shall read:
“Live Music, Recorded Music (save for background music), Facilities for Making Music and Facilities for dancing shall be suspended for a period of three (3) months from 29 May 2013.”
- A new condition 22 shall be added, and shall read:
“Opening hours for the pub shall be:

Sunday – Thursday 12.00hrs – 23.30hrs

Friday – Saturday 12.00hrs – 00.00hrs

The Sunday prior
to a Bank Holiday, 12.00hrs – 01.00hrs
Monday, Christmas
Eve and New Year
Eve
- A new condition 23 shall be added, and shall read:
“As of 8th August 2013 Live Music, Recorded Music, Facilities for Making Music and Facilities for dancing shall be permitted from 20.00hrs until 30 minutes prior to closing time.”

- A new condition 24 shall be added, and shall read:
“Late Night Refreshments shall be permitted from 23.00hrs and shall cease at closing time.”
- A new condition 25 shall be added, and shall read:
“Supply of Alcohol shall be permitted from 12.00hrs until 30 minutes prior to closing time.”
- A new condition 26 shall be added, and shall read:
“All current air vents at The Bell shall be removed and replaced with acoustic air vents.”
- A new condition 27 shall be added, and shall read:
“The gate stay attached to the wall of 6 Market Square, Toddington shall be removed.”
- A new condition 28 shall be added, and shall read:
“All live, recorded and background music shall be played through the noise limiter.”
- A new condition 29 shall be added, and shall read:
“The Premises licence Holder shall acoustically seal the inner back door to the premises.”
- The opening times of the Premises shall be altered to reflect the amendments set out above;
- The timings for Licensable Activities shall be altered to reflect the amendments set out above.

The Sub-Committee considers the additional conditions necessary for the promotion of the licensing objectives, and in particular the prevention of public nuisance.

All of the above stated measures shall come into force upon the expiry of the period permitted to lodge an appeal, where no such appeal has been lodged.

In coming to its decision, the Sub-Committee has taken into account:

- The Licensing Act;
- The Secretary of State’s Guidance issued under section 182 of the Licensing Act 2003;
- Central Bedfordshire Council’s Licensing Policy; and
- The merits of the application and the representations (including supporting information) presented by all parties.

Applicants, Licence Holders, Designated Premises Supervisors 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.

(Note: The meeting commenced at 11.30 a.m. and concluded at 3.15 p.m.)