

CENTRAL BEDFORDSHIRE COUNCIL

Record of Licensing Sub Committee hearing convened under The Licensing Act 2003 (Hearings) Regulations 2005 on Thursday, 24 October 2013

Licensing Sub-Committee Composition

CLLrs A Shadbolt (Chairman)
C Gomm
I Shingler

Members' Interests

There were declarations of interest.

Name of Applicant

Central Bedfordshire Council – Public Protection Team

Premises Address

The Waterside Bar, 24-30 Leighton Road, Linslade, Leighton Buzzard.

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

John Eden – Environmental Health Officer
Helen Bell – Committee Services Officer
Lorna McShane – Managing Solicitor
Jo Borthwick – Service Manager, Public Protection
Maurice Clay – Service Manager, Public Protection
Councillor M Versallion
Hannah Mehan – Student Environmental Health Officer
John McGrath – Environmental Protection officer
Mr Williams – Local Resident
Mr Allan – Premises Licence Holder
Kathy Dyer – In attendance with Mr Allan
Vicky Blinco – In attendance with Mr Allan

Names of Parties submitting representations and indications of their representations

John Eden – Applicant
Brian Allan – Licence Holder
Kathy Dyer – In support of Mr Allan

Vicky Blinco – In support of Mr Allan
Mr Williams –Objecting to current situation and licence

Licensing Procedures

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

Licensing Objectives

The Four Licensing Objectives were noted and adhered to in the decision making process.

Amendment of Application (if any) requested by the Applicant

There were no amendments to the application by the applicant.

The Application

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

Application for review of a Premises Licence under the Licensing Act 2003 at the Waterside Bar, 24-30 Leighton Road, Linslade, Leighton Buzzard, Beds.

The Sub Committee received and considered the report of the Community Services Director which advised that a request for a review had been submitted for the The Waterside Bar, 24-30 Leighton Road, Linslade, Leighton Buzzard, on the basis of causing a public nuisance and failing to promote one of the four Licensing Objectives.

The applicant, supporters of the application and licence holder attended the hearing and made representations.

The Chairman outlined the procedure to be followed.

The Chairman invited the Applicant to present his case. The application for review had been submitted following a number of complaints regarding noise nuisance under the Prevention of Public Nuisance Licensing Objective.

The Sub Committee noted that the premises was located in a built up residential area. The licence was first granted on 23 November 2009, as attached at Appendix A to the report. The Applicant has witnessed noise nuisance on several occasions and as a consequence had installed noise monitoring equipment in the flat above the premises on 12 April 2013 for a period of ten days. The equipment confirmed the noise complaint by local residents and Noise Abatement Notice was served on the premises. The Applicant advised the Sub Committee that the structural design of the building was not suitable for loud amplified music.

The Chairman invited the Sub Committee to ask questions of the Applicant.

The Chairman invited the Local resident, Mr Williams to present his case. Mr Williams advised of the noise nuisance that he endured living in the flat above the premises. He spoke about how he had made several attempts over time to work together with the Licence Holder to find a compromise but unfortunately this had been unsuccessful and had created ill feeling between both parties.

The Chairman invited the Licence Holder and supporters to present their case. Mr Allan responded to Mr William's comments and advised how he ran his business and did not want to cause a public nuisance but felt that the structural design of the building exacerbated any noise that was present during live or amplified events.

All representatives were invited to sum up their case.

The Sub Committee adjourned in private with the Managing Solicitor to make their decision.

Decision

Following the application for review by the Public Protection Team of Central Bedfordshire Council, and on the basis of the findings of the facts made at the hearing, the Sub Committee has resolved that the following steps should be taken:

1. The Closing hours of the premises should be as follows:
Sunday-Thursday – Licensable activities until 23:00- premises to close at 23.30
Friday and Saturday – Licensable activities until 24:00 – Premises to close at 00:30
2. All amplified music and live music shall be excluded from the licensable activities with exception of the television.

Should the Licence Holder make structural alterations to the building and were soundproofing to be installed, the Licence Holder be invited to apply to have the conditions attached to the licence reviewed.

(Note: The meeting commenced at 10.00 a.m. and concluded at 11.34 a.m.)