

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

**This meeting  
may be filmed.\***



**Central  
Bedfordshire**

**please ask for** Leslie Manning  
**direct line** 0300 300 5132  
**date** 6 March 2018

## **NOTICE OF MEETING**

### **LICENSING SUB-COMMITTEE**

Date & Time

**Wednesday, 14 March 2018 at 10.00 a.m.**

Venue at

**Council Chamber, Priory House, Monks walk, Shefford**

Richard Carr  
**Chief Executive**

To: The Members of the LICENSING SUB-COMMITTEE:

Cllrs K M Collins, I Dalgarno and T Nicols

[Named Substitutes:

Cllrs R D Berry, D Bowater, J Chatterley, K M Collins, I Dalgarno,  
Mrs A L Dodwell, K Janes, T Nicols, P Smith, T Swain, N Warren and  
R D Wenham]

All other Members of the Council - on request

***MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS  
MEETING***

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## AGENDA

1. **Election of Chairman**

To elect a Chairman for the hearing.

2. **Apologies for Absence**

To receive apologies for absence and notification of substitute Members.

3. **Members' Interests**

To receive apologies for absence and notification of substitute Members.

4. **Procedure for the Hearing of Applications under the Licensing Act 2003**

To note the procedure for hearing applications under the Licensing Act 2003 (copy attached).

5. **The Four Licensing Objectives**

To note the four Licensing Objectives (copy attached).

6. **Reviews - Extract from Revised Guidance**

To note chapter 11 of the revised guidance (dated April 2017) issued under Section 182 of the Licensing Act 2003 which provides advice relating to applications for the review of a premises licence (copy attached).

### Report

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
7.	<b>Application for the Review of a Premises Licence under the Licensing Act 2003 at The Rufus Centre, Steppingley Road, Flitwick, Bedford, MK45 1AH</b>	* 31 - 110

To consider applications by members of the public for the review of the premises licence for The Rufus Centre, Steppingley Road, Flitwick, Bedford.

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## **Procedure for the hearing of applications The Licensing Act 2003**

**The Licensing Act 2003 (Hearings) Regulations 2005**

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

**0300 300 8000**

**Central Bedfordshire Council**

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Chicksands, Shefford, Beds  
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**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**

Date of Hearing	
-----------------	--

Applicant's Name:	
Premises Address:	

Application for:	
------------------	--

Reasons for Hearing:	
----------------------	--

Members of the Licensing Sub-Committee:	
---	--

Applicant:	
Person(s) Appearing on Behalf of the Applicant:	

Objector(s):	
Person(s) Appearing on Behalf of Objector(s):	

Other Persons Present:	
------------------------	--

*If appropriate:*

<b><u>COMMENCEMENT DATE</u></b>
This licence will come into effect from:
<input type="checkbox"/> The date of this decision
<input type="checkbox"/> The end of the period for appeal.

**FINDINGS OF FACT**  
The Sub-Committee made the following findings of fact:

**DECISION**  
The Sub-Committee have decided that the application should be:

Granted (as set out in the application)

Refused

Amended to include the following conditions:

1.

2.

- The Sub- Committee considers the additional conditions necessary for the promotion of the licensing objectives.
- All Licences are granted subject to the mandatory conditions imposed by the Licensing Act, 2003.
- In coming to its decision, the Sub-Committee has taken into account:
  - The Licensing Act Section 18, which states that it must take such steps it considers necessary for the promotion of the licensing objectives;
  - The Secretary of State’s Guidance issued under section 182 of the Licensing Act 2003; and
  - Central Bedfordshire Council’s Licensing Policy
  - The merits of the application and the representations (including supporting information) presented by all parties.

**REASONS FOR DECISION**  
The reasons for the Committee’s decision are as follows:

Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

Protection of Children from Harm

General – all four licensing objectives

<b><u>Irrelevant Representations</u></b>	
The Sub-Committee determined that the following representations were irrelevant: Not applicable.	
<u>Representation</u>	<u>Reason Representation was Considered Irrelevant</u>
1.	
2.	

<b><u>Right of Review</u></b>
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.

<b><u>Effect of Failing to Comply with Conditions (Explained to Applicant)</u></b>
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.

<b><u>Right of Appeal</u></b>
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: \_\_\_\_\_

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## **The Four Licensing Objectives**

**To promote the following 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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# 11. Reviews

## The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## **Repetitious grounds of review**

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

### **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)<sup>10</sup>;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

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<sup>10</sup> See chapter 15 in relation to the licensing of live and recorded music.

## Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

### **Review of a premises licence following closure order**

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
  - the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
  - notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

### **Review of a premises licence following persistent sales of alcohol to children**

- 11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

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**Meeting:** Licensing Sub-Committee  
**Date:** 14 March 2018  
**Subject:** Application for Review of a Premises Licence under The Licensing Act 2003 at The Rufus Centre, Steppingley Road, Flitwick, Bedford, MK45 1AH  
**Report of:** Head of Public Protection  
**Summary:** The report provides information so that the Licensing Sub Committee can determine what action to take with regard to the review application.

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**Advising Officer:** Marcel Coiffait, Director of Community Services  
**Contact Officer:** Nicola O'Donnell, Licensing Compliance Officer  
**Function of:** Licensing Committee of a licensing authority  
**Public/Exempt:** Public  
**Wards Affected:** Flitwick  
**Ward Councillors** Cllr Fiona Chapman MBE, Cllr Charles C Gomm, Cllr Andrew M Turner

**Location** Rufus Centre, Steppingley Road, Flitwick, Bedford, MK45 1AH  
**Applicants** [REDACTED] – Local Resident, [REDACTED] – Local resident  
**Applicant's agent** N/A

**Reason for consideration by Sub-Committee** The current premises licence permits live and recorded music to be played until 00.00 hrs Sunday to Thursday and until 01:00 hrs on Fridays and Saturdays. There are also some non standard timings which allow live and recorded music to be played until 01.00 hrs. Please see Appendix A for details. The applicant requests the hours for Live and Recorded music on the premises licence should end by 23.00 hrs on both weekdays and weekends

**Recommended decisions:** **The sub-committee determines the application in accordance with the Statutory Guidance issued under s182 of the Licensing Act 2003, our Licensing Policy and the information contained within this report.**

**That, having regard to the application and relevant representations, the sub-committee takes such of the steps mentioned below as it considers necessary for the promotion of the licensing objectives.**

**That the sub-committee provides the reasons for its decision**

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

- Promote health and wellbeing and protecting the vulnerable.
- Enhancing Central Bedfordshire
- Creating Stronger Communities

### **Financial:**

1. There are no direct financial implications for the Council.

### **Legal:**

2. Licensing applications are considered pursuant to specific legislation, explained within the report.
3. Any decision made by the Sub-Committee could be the subject of an appeal to the Magistrates Court by the license applicant or by an objector to the application.

### **Risk Management:**

4. All Council members are aware that any licensing matter decision which is unreasonable or unlawful could be open to challenge and could result in reputational damage and potential financial penalty.
5. The report details the options available to the Sub-Committee in determining the application/s and recommends a decision/s which could be reached. Any decision taken by the Sub-Committee could be the subject of an appeal to the Magistrates Court.

### **Staffing (including Trades Unions):**

6. Not Applicable.

### **Equalities/Human Rights:**

7. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.
8. Public Authorities must ensure that decisions are made in a way which minimises unfairness and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision.

### **Public Health**

9. All licensing applications are sent to Health as a Responsible Authority they have the opportunity to make representations in relation to the four licensing objectives.

**Community Safety**

10. The Sub-Committee is required under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and is reminded of the Council's responsibility to co-operate in the reduction of crime and disorder in Central Bedfordshire.

**Sustainability:**

11. Not applicable.

**Procurement:**

12. Not applicable.

**Location of the Premises**

13. Situated on the outskirts of the town centre next door to the Leisure Centre and residential premises in the near vicinity.

**The Current Licence**

14. The premises licence was first granted on 5 August 2005. (See Appendix A for details of the current licence)
15. The licence is held by Flitwick Town Council. The Designated Premises Supervisor is Carol Carter

**Details of the present application**

16. This is an application for review of the premises licence by [REDACTED] and [REDACTED] [REDACTED] - See Appendices B1 and B2, and supporting evidence at Appendices B3 to B6.

**Representations**

17

18. Other Responsible authorities have made 1 representation concerning the application

<b>Responsible authority</b>	<b>Comment</b>
Police	No representations
Fire	No representations
Environmental Health	See Appendices C1 to C3
Health and Safety	None
Planning	None
Child Protection	No representations
Public Health	None
Trading Standards	No representations

**Application Guidance**

19. In accordance with the provisions of the Licensing Act 2003 and the Councils scheme of delegation, all applications for review of a licence must be determined by a sub-committee.
20. When determining the application, Members should only consider issues, which relate to the relevant licensing objectives, which in this case are:  
  
The Prevention of Public Nuisance
21. The sub-committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 (Sections 2.15-2.21 refer to the relevant objective) and the Council's Statement of Licensing Policy (Sections 7.3 refer to the relevant licensing objective).
22. Members should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the review and shall only determine the application having had an opportunity to consider all relevant facts.

### **Options**

23. **To modify the conditions of the premises licence**
24. **To exclude a licensable activity from the scope of the licence**
25. **To remove the DPS**
26. **To suspend the licence for a period not exceeding three months**
27. **To revoke the licence**
28. **To make no changes to the premises licence**
29. **To modify the hours of the licensable activities**

### **Appendices:**

- Appendix A – Premises Licence for The Rufus Centre, Steppingley Road, Flitwick
- Appendix B1 - Review Application No.1
- Appendix B2 – Review Application No. 2
- Appendix B3 – Information in Support of Review
- Appendix B4 – Supplementary Information Regarding Review Application
- Appendix B5 – Complaint re Environmental Noise Assessment
- Appendix B6 – Environmental Noise Assessment
- Appendix C1 – Comments from Pollution Team
- Appendix C2 – Community Services Response to Review Applicant No.2
- Appendix C3 – Community Services Response to Review Applicant No. 1

### **Background Papers:** (open to public inspection)

- The Licensing Act 2003
- Central Bedfordshire Council Licensing Policy  
(on website)



**THE LICENSING ACT 2003  
CENTRAL BEDFORDSHIRE COUNCIL  
PREMISES LICENCE  
PART A**

<b>Premises licence number</b>	2000274
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**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
The Rufus Centre Steppingley Road	
<b>Town</b> Flitwick	<b>Post code</b> MK45 1AH
<b>Telephone number</b> 01525 631900	

<b>Where the licence is time limited the dates</b>
Not applicable

<b>Licensable activities authorised by the licence</b>
Plays, Films, Indoor sporting events Live and Recorded Music Performance of dance, Anything similar Supply of alcohol

<b>The times the licence authorises the carrying out of licensable activities</b>
<b>Plays/Films (Indoors and outdoors)</b> Monday to Thursday 09:00hrs to 00:00hrs. Friday, Saturday and Sunday 09:00hrs to 01:00hrs.
<b>Boxing and wrestling/Live music/Recorded music/Performances of dance/Anything similar/Late night refreshment (All Indoors and outdoors)</b> Sunday to Thursday 09:00hrs to 00:00hrs. Friday and Saturday 09:00hrs to 01:00hrs
<b>Supply of alcohol – On and off the premises</b> Sunday to Thursday 09:00hrs to 00:00hrs. Friday and Saturday 09:00hrs to 01:00hrs.
<b>Non standard timings</b> Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St Georges Day. Easter Friday, Saturday, Sunday and Monday. May bank holiday, Saturday, Sunday & Monday. Spring bank holiday, Saturday, Sunday & Monday. August Bank Holiday, Saturday, Sunday & Monday. Halloween. The pre-booked special and sporting events would be notified to the police and council 10 days prior to the event. All the above 10:00 until 01:00.

**The opening hours of the premises**

Sunday to Thursday 10:00hrs to 00:30hrs. Friday and Saturday 10:00hrs to 01:30hrs.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

On and off the premises.

**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Flitwick Town Council  
The Rufus Centre, Steppingley Road, Flitwick  
01525 631900

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

Not applicable.

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

Carol Ann Carter

[REDACTED]  
[REDACTED]  
[REDACTED]

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

MBD1000447  
**Issued by** Mid Bedfordshire District Council

This licence was granted on the 24<sup>th</sup> November 2005

Dated the 14<sup>th</sup> February 2014

[REDACTED]

**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.

*All relevant mandatory conditions as per current legislation (see attached sheet)*

## **Annex 2 - Conditions consistent with the Operating Schedule**

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

See below

### **b) The prevention of crime and disorder**

The licence is only operative when functions have been pre-booked by a person over the age of 18 years.

Nationally recognised proof of age cards and other photographic ID cards to be requested as verification of proof of age.

### **c) Public safety**

#### **Fire Risk Assessment Conditions**

Please note that Bedfordshire Fire & Rescue Service has calculated that the number of persons permitted to resort to the premises is: **Main Hall – 380, Partitioned Dining Area – 100** 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.

### **d) The prevention of public nuisance**

No live or recorded amplified music or speech is to be performed within outdoor areas after 23:00hrs.

The outdoor area shall only be used for live or recorded amplified music or speech events or sessions on not more than 20 days per calendar year and there shall be a maximum of two events or sessions per calendar month.

The applicant shall notify in advance the Local Authority and the occupants of the residential premises opposite the entrance to the Rufus Centre on Steppingley Road and on Froghall Road of evening events involving the performance of live or recorded amplified music. Notification will include details of the event to be held and contact details of the duty manager to be contacted in the event of complaints being received. The applicant shall also publicise in advance details of live evening concerts at a suitable location.

During evening events involving the performance of live or recorded amplified music, management shall conduct subjective aural monitoring of noise levels in the vicinity

of the nearest residential premises to ensure that levels are not excessive and that condition 1 is complied with.

Any plant, equipment or machinery involved in the performance of licensed events shall be suitably located and attenuated as necessary to minimise disturbance to residential premises in the vicinity.

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

Children must be supervised by an adult.

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

None.

**Annex 4 – Plans**

See attached.



**THE LICENSING ACT 2003**  
**CENTRAL BEDFORDSHIRE COUNCIL**  
**PREMISES LICENCE SUMMARY**  
**PART B**

<b>Premises licence number</b>	2000274
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**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
The Rufus Centre Steppingley Road	
<b>Town</b> Flitwick	<b>Post code</b> MK45 1AH
<b>Telephone number</b> 01525 631900	

<b>Where the licence is time limited the dates</b>
Not applicable

<b>Licensable activities authorised by the licence</b>
Plays, Films, Indoor sporting events Live and Recorded Music Performance of dance Anything similar Supply of alcohol

<b>The times the licence authorises the carrying out of licensable activities</b>
<b>Plays/Films (Indoors and outdoors)</b> Monday to Thursday 09:00hrs to 00:00hrs. Friday, Saturday and Sunday 09:00hrs to 01:00hrs.
<b>Boxing and wrestling/Live music/Recorded music/Performances of dance/Anything similar/Late night refreshment (All Indoors and outdoors)</b> Sunday to Thursday 09:00hrs to 00:00hrs. Friday and Saturday 09:00hrs to 01:00hrs
<b>Supply of alcohol – On and off the premises</b> Sunday to Thursday 09:00hrs to 00:00hrs. Friday and Saturday 09:00hrs to 01:00hrs. <b>Non standard timings</b> Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St Georges Day. Easter Friday, Saturday, Sunday and Monday. May bank holiday, Saturday, Sunday & Monday. Spring bank holiday, Saturday, Sunday & Monday. August Bank Holiday, Saturday, Sunday & Monday. Halloween. The pre-booked special and sporting events would be notified to the police and council 10 days prior to the event. All the above 10:00 until 01:00.

**The opening hours of the premises**

Sunday to Thursday 10:00hrs to 00:30hrs. Friday and Saturday 10:00hrs to 01:30hrs.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

On and off the premises.

**Name, (registered) address of holder of premises licence**

Flitwick Town Council  
The Rufus Centre  
Steppingley Road  
Flitwick  
MK45 1AH

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

N/A

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

Carol Ann Carter

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

Children must be supervised by an adult.



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

Please tick ✓ yes

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

**Surname**

[Redacted]

**First names**

[Redacted]

**I am 18 years old or over**

Please tick ✓ yes

**Current postal address if different from premises address**

[Redacted] SHACKLETON GARDENS  
FLITWICK  
BEDS  
MK45 1GR

**Post town**

FLITWICK

**Post Code**

MK45 1GR

**Daytime contact telephone number**

[Redacted]

**E-mail address (optional)**

[Redacted]

**(B) DETAILS OF OTHER APPLICANT**

<b>Name and address</b>
<b>Telephone number (if any)</b>
<b>E-mail address (optional)</b>

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

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

**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

Please state the ground(s) for review (please read guidance note 2)

The premises licence for the Rufus Centre was issued in 2005, protecting, at that time, the nearest residential dwelling, across the road, opposite the Rufus Centre, off Steppingley Road.

The development of 400 new homes, occupied in 2015 are directly to the north and east adjacent sides of the Rufus Centre. The new homes are directly affected by noise pollution and licensed activities, including anti social behaviour from guests. At recent events, where anti social behaviour was present, the police have been seen to attend disturbances at these premises.

Please provide as much information as possible to support the application (please read guidance note 3)

With the publication of a recent noise report by MAS Environmental, dated 13/12/17 - Noise Impact from Events.

It clearly suggests that the Current Premises licence precedes the residential development on both Shackleton gardens and Ryder way.

The intention when drafting the premise licence was to protect residential dwellings and this current licence is now quite clearly 'out of date' and should now take into account the nearest dwellings which is only 15 metres away from the Rufus Centre.

It is not unreasonable to request a review of the licence with an amendment to restrict licensed activities of both live and recorded music until 23:00hrs on both weekday and weekends.

Night time periods, which are considered after 23:00hrs, are having an impact on both sleep and relaxation and hinders the enjoyment of homes and use of garden.

Have you made an application for review relating to the premises before

Please tick ✓ yes

If yes please state the date of that application

Day	Month	Year

**If you have made representations before relating to the 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Date

23/1/18

Capacity

Resident of Shackleton gardens

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

 Shackleton gardens  
FLTWICK  
BEDS

Post town

FLTWICK

Post Code

MK45 1GR

Telephone number (if any)



— Please email

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)



**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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Appendix B2

**CENTRAL BEDFORDSHIRE COUNCIL**

**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 [REDACTED] .....  
(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	
THE RUFUS CENTRE STEPPINGLEY ROAD FLITWICK BEDFORDSHIRE	
Post town	Post code (if known)
FLITWICK	MK45 1AH

Name of premises licence holder or club holding club premises certificate (if known)
MRS CAROL CARTER

Number of premises licence or club premises certificate (if known)
NO. 2000274 ISSUED DATE 24/11/2005

**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 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 ✓ yes

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

Surname

First names

[Redacted]

[Redacted]

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

[Redacted] WELLINGTON CLOSE  
FROGHALL FIELDS  
FLITWICK  
BEDS.

Post town

FLITWICK

Post Code

MK45 1GS.

Daytime contact telephone number

[Redacted]

E-mail address (optional)

[Redacted]

**(B) DETAILS OF OTHER APPLICANT**

N/A.

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

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

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

**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

The current premises licence for the Rufus Centre was issued in 2005. At this point in time the Rufus Centre was surrounded by arable land. Subsequently, permission was given to build 400 new homes on this land and Central Bedfordshire approved these plans despite the fact that no Environmental Noise Assessment was carried out on the Rufus Centre prior to the plans being accepted. This resulted in houses being built on the perimeter fence of the premises, the effect of this is that the local authority criteria has not been met, neither has the 'National Policy Statement for England' which states that:

"The statement sets out the long-term vision of the government's noise policy, which is to  
"Promote good health and a good quality of life through the effective management of noise within the context of policy on sustainable development"

The NPSIE promotes the effective management and control of noise, within the context of Government policy on sustainable development and thereby aims to :

- avoid significant adverse impacts on health & quality of life
- mitigate & minimise adverse impacts on health & quality of life;
- wherever possible, contribute to the improvements of health and quality of life.

We the residents of Frogghall fields have suffered noise pollution from excessive loud music, MC and drums. Failure on the part of the Rufus Centre to control the behaviour of their customers on the premises, immediate vicinity & as they seek to enter & leave resulting in anti-social behaviour, and on some occasions the Police being called.

Please provide as much information as possible to support the application (please read guidance note 3)

Many residents have written complaints to the Rufus Centre regarding the noise levels and antisocial behaviour, I have written a formal complaint and filled in a diary of events.

I believe all this information can be obtained from the council including, diaries, noise recordings, and videos to support this application.

The original 'Environmental Noise Assessment', proposed by Bavis Homes and passed by the planning department was.

'Environmental Noise Assessment 15417-1' dated 17<sup>th</sup> Nov 2014. by NOISE.CO.UK.

Subsequently, a new 'Noise Report' has been commissioned by MAS Environmental dated 13/12/17. - Noise Impact From Events, which clearly indicates that the current licence is out of date, and needs to be amended due to the adverse effect the noise & antisocial behaviour is having on residents impacting their health & quality of life, loss of enjoyment of their new homes and use of gardens.

Have you made an application for review relating to the premises before **N/A.**

Please tick ✓ yes

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

**If you have made representations before relating to the 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature [REDACTED]

Date 26-01-18

Capacity Resident of Wellington Close

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
<div style="background-color: black; width: 50px; height: 20px; display: inline-block;"></div> Wellington Close Froggall Fields Flitwick Beds.	
Post town FLITWICK	Post Code MK45 1GS.
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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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**Leslie Manning**

---

**From:** [REDACTED]  
**Sent:** 02 February 2018 11:36  
**To:** Licensing Enquiries  
**Subject:** RE: The Rufus Centre - Licence Review  
**Attachments:** Stage 2 final part 2 master.pdf; Report-No-15417-1-Bovis-Homes-Central-Land-off-Steppingley-Road-and-Fro....pdf; planning department complaint - what do you think?

Good morning,

I attach a letter from Central Bedfordshire council, this letter contains evidence that Central Bedfordshire **uphold** my complaint that the council approved a planning application for houses to be built adjacent to the Rufus Centre despite NO noise assessment being carried out on the Rufus Centre, because of this houses were built far too close to what is essentially a nightclub. The detrimental effect of this being people who have paid a lot of money for their dream homes are now stuck in a situation where lack of sleep and distress is having an adverse impact on health and the quality of life, loss of enjoyment of their new home, and also the potential loss of value of homes.

They have admitted a 'failure to follow process' and apologised for 'anxiety and inconvenience caused', they state that their remedy is to put the persons affected back in the position they would have been if the mistake had not taken place.

However, this is an impossible situation. If the noise assessment had taken place on the Rufus Centre, with the noise recordings taken, then it is very evident from the noise readings taken (see below) and referencing the 'Railway Assessment Noise Report' (ref CB/13/00728), that the land in front of the Rufus Centre would have been deemed 'not suitable for residential properties', due to the high levels of noise, under 85dB on the graph for the railway, and readings of 92.8 in the Rufus Centre Hall and readings taken by [REDACTED] outside her house of 85-95dB.

The result that we the residents want, considering the fact that the planning permission cannot now be withdrawn, is for the noise to be reduced in line the Local Authority guidelines e.g.. 35 dB day, 30dB night, for ALL residents.

I wish this evidence to be put forward to support the evidence already given for a review of the Rufus Centre Licence. If you require this in the form of a letter, as well as an email, then please advise.

Kind Regards

[REDACTED]

out at another similar site close by. However, if non-residential properties are to be located close to the railway, potential effects of vibration should be considered for these types of buildings since they can often require lower vibration levels that are required for residential properties.

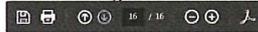
7. **CONCLUSIONS**

A noise assessment has been carried out for Valley Farm, Flitwick. The assessment has used the Calculation of Railway Noise procedure to determine the noise levels that will result across the site due to the adjacent railway line. The predicted noise levels have been used to determine the suitability of the site for residential accommodation and the requirements for mitigation.

The primary driver of necessary acoustic mitigation is the requirement for nighttime maximum noise levels. To meet acceptable internal noise levels, it will be necessary to provide high-specification façade treatments; however, there will still be a strip of approximately 35 m width along the boundary closest to the railway which may not be suitable for residential properties. Other uses for this land, such as non-residential can be considered.

8. **REFERENCES**

1. Land at Steppingley Road, Flitwick, Noise Assessment, NW Scientific Services, Reference 00717 June 2011
2. Calculation of Railway Noise 1995
3. Building Bulletin 93 Acoustic Design of Schools



**Decibel meter readings**

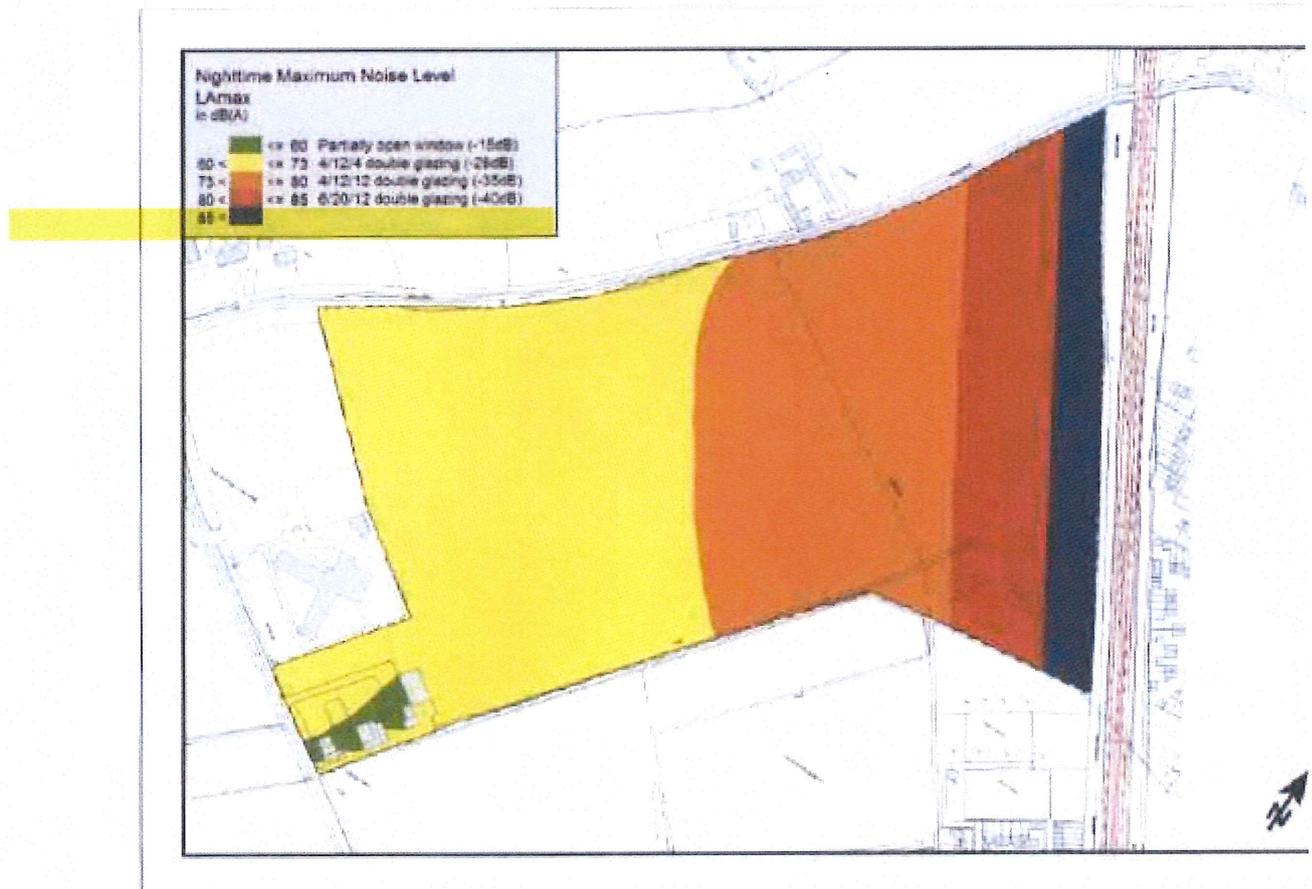
Please monitor the noise levels and record the reading hourly. Keep in folder and create a new sheet for every function.

Function..... Wedding ..... Date 21/2/17 .....

Types of noise omitting..... DJ / Singer .....

TIME	WHEREABOUT READING	READING	INITIAL
8.00 pm	Bin's	50.1.	CR
8.00 pm	Hall	86.5.	CR
9.00 pm	Bin's	52.1	CR
9.00 pm	Hall	89.9	CR
10.00 pm	Bin's	58.1	CR
10.00 pm	Hall	92.7	CR
11.00 pm	Bin's	58.2	CR
11.00 pm	Hall	92.9	CR
12.00 pm	Bin's	52.1	CR
12.00 pm	Hall	89.9	CR
12.45 am	Hall	MUSIC OFF	CR
1.00 am	Home	Time	CR

Figure 6: façade types for nighttime maximum noise mitigation



The results presented in Figure 6 show that some form of façade mitigation is required the entire site. To meet the requirements close to the railway, high performance double glazing is required in the red shaded area. In addition, there is a blue shaded strip that extends approximately 35 m from the site boundary with the railway where even the high performance glazing is not expected to provide sufficient mitigation to achieve acceptable internal  $L_{Amax}$  levels.

It should be noted that these predictions are based on the assumption of an empty site is currently no building layout on which to provide a detailed assessment that includes effects of the screening that will be provided by the buildings that will comprise the development. These buildings are likely to provide significant levels of acoustic screen reduce noise levels for areas located furthest from the railway. As such, the requirements the more efficient façade treatments may reduce once a detailed site layout has been developed. However, the results provided within this report can be considered to be a case assessment in terms of the areas that require noise mitigation.

The blue shaded area located closest to the railway is potentially unsuitable for residential accommodation due to the high maximum noise levels experienced by this area. It may be possible to provide acceptable internal noise levels for residential properties within this area however, very high specification glazing and ventilation will be required and the requirements for this are beyond the scope of this report.

However, the masterplan accommodates non-residential use proposals in this area that are less sensitive to noise. If non-residential buildings are to be placed within this region, it should be ensured that they are not of noise sensitive use. It should also be noted that the presence of any non-residential buildings within this region will potentially provide screening to the

Wellington Close  
Froghall Fields  
Flitwick  
MK45 1GS

Your ref:  
Our ref: CR 002  
Date: 17 January 2018

By email to: [REDACTED]

Dear [REDACTED]

### **Complaint about impact of noise from Rufus Centre on nearby houses**

When we wrote to you on 30 June I explained that I had identified an anomaly in the planning process that I needed to investigate further before reaching my finding. The research has taken much longer than anticipated, for which I apologise.

This letter contains the outstanding findings on the first part of your complaint and should be read alongside my letter of 30 June. The second part of your complaint (about the action of the Council on the noise nuisance) I concluded was not upheld.

### **Complaint 1 – that the council approved a planning application for houses adjacent to the Rufus Centre without requiring a noise assessment (pertaining to the Centre) in advance**

As you know, on receipt of both the Outline and Reserve Matters planning applications, the Planning Service consulted the Public Protection team. Neither team identified the source as a concern and so the Council did not recommend adding a condition to the approval regarding noise from the Rufus Centre, even though the matter was raised by the Town Council in response to the Planning Application. As a consequence, the developer was not asked to address noise from this source.

We consulted MAS Environmental and asked them to report on the noise impact from events held at the Rufus Centre. They were asked to measure the noise levels inside and outside the building, to assess the building fabric and recommend an approach to address the weaknesses in the existing sound insulation.

Their advice is very clearly that the Rufus Centre, as it was operating at the time of the planning application for the houses, should have been considered by the assessor. Although they are critical also of the oversight by the noise assessor employed by the developer, we accept responsibility that on 3 occasions, we missed the opportunity to assess the impact of the existing operation and, if necessary, to ask the developer to incorporate mitigations in their scheme.

Ms Wileman explained in her letter sent on 4 January:

‘It is almost certain that if a noise assessor had been asked to consider the venue before the planning decision was made, that they would have attended the next convenient event, taken measurements and commented on that. Doing so would have been entirely acceptable.

It is quite possible that they would have concluded that the noise from a low-key event would not present any concerns and no mitigations would have been required. However, we do now know that the proximity of the centre (operating as it is) presents a real intrusion to some homes.’

So, although it is not certain that works would have been required as a result of an assessment undertaken when it should have been (and very unlikely that it would have included works to the Centre), there is no doubt that the omission has caused a concern to close neighbours and that remedial action is required.

You suggest that the omission was deliberate. I have found no evidence at all to suggest such a motivation. The process involved separate teams of Council officers and there are checking processes in place to ensure some response is generated. However, the error was in the judgements about the requirement made in the responses and, on this occasion, I am satisfied that the judgements were subject to human error.

We now understand the nature of the omission and as a consequence, **I uphold your complaint** that the council approved a planning application for houses adjacent to the Rufus Centre without requiring a noise assessment (pertaining to the Centre) in advance. I apologise on behalf of the Council for this failure to follow the proper process and for the anxiety and inconvenience this has caused you.

### **What we propose to do to provide a remedy**

The complaint process is designed to establish where there may be fault in the process followed by the Council. Where fault is identified, if it causes personal injustice, we seek to remedy that injustice. That means putting the persons affected back in the position they would have been if the mistake had not taken place. The options available to the Council to resolve the problem are laid out in the MAS report and, at this stage, concern alterations to the fabric of the Rufus Centre to

reduce noise break out. We expect to bear the cost of the works as explained in separate correspondence from Ms Wileman. The report describes how the works should be carried out and we intend to implement the work (with very minor adjustment such as bringing forward the noise management plan) as recommended.

## **Conclusion**

Thank you for your patience while we completed the research into the first part of your complaint. If you would like to discuss the content of this letter, please contact me on the details below.

If you are unhappy with the outcome of this part of the investigation and wish to pursue an independent review of this investigation (Stage 3), please let Customer Relations know. They can be contacted on 0300 300 4995 or [customer.relations@centralbedfordshire.gov.uk](mailto:customer.relations@centralbedfordshire.gov.uk). We would not normally reinvestigate a complaint that we have upheld and where we have offered a remedy.

You are entitled to seek the advice of the Local Government Ombudsman at any time. The contact details are:

### **Write to**

Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

### **Telephone**

Intake Team: 0300 061 0614

### **Online Complaint**

[www.lgo.org.uk/making-a-complaint](http://www.lgo.org.uk/making-a-complaint)

The Ombudsman will normally ask you to state what alternative remedy you are seeking. They will normally expect the Council to have completed all the stages of their procedure before they investigate a matter themselves.

Yours sincerely



Susan Childerhouse  
Assistant Director Public Protection and Transport

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**From:** Licensing Enquiries [mailto:Licensing.Section@centralbedfordshire.gov.uk]  
**Sent:** 29 January 2018 15:59  
**To:** [REDACTED]  
**Subject:** RE: The Rufus Centre - Licence Review

Good afternoon [REDACTED]

Following your application to review the premises licence for The Rufus Centre Flitwick, the legislation dictates that there must be a 28 day consultation period. The consultation period will end on 23<sup>rd</sup> February. From 23<sup>rd</sup> February, we have twenty working days in which to organise a hearing with the Licensing Committee.

You will be notified of the hearing date in due course.

Kind regards

Nicola O'Donnell  
Licensing Compliance Officer  
Licensing (Public Protection)

Central Bedfordshire Council Watling House High Street North Dunstable Bedfordshire LU6 1LF  
Telephone: 0300 300 8307  
Email: [nicola.odonnell@centralbedfordshire.gov.uk](mailto:nicola.odonnell@centralbedfordshire.gov.uk)

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Information security classification\* of this email: **UNCLASSIFIED**

\*Information security definitions:

OFFICIAL – Loss could cause some damage to the Authority

OFFICIAL – SENSITIVE – Loss could cause severe damage to the Authority

UNCLASSIFIED – Loss would cause little or no damage to the Authority

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**From:** [REDACTED]  
**Sent:** 26 January 2018 10:53  
**To:** Licensing Enquiries  
**Subject:** The Rufus Centre - Licence Review

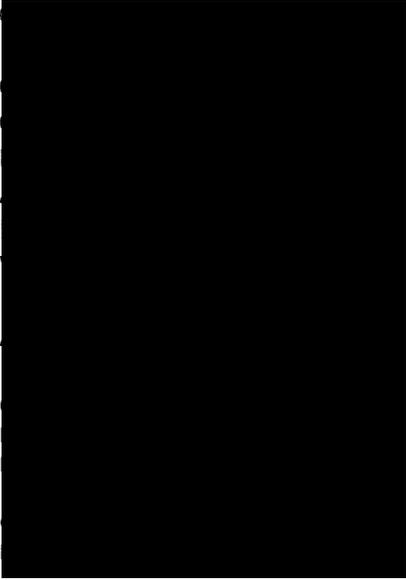
Good morning

Please accept this request for a review of the current Rufus Centre Licence, held by Mrs Carol Carter. The current Licence is from when the Rufus Centre was surrounded by arable fields, now with it being surrounded by houses, many with young families, it is having a detrimental effect on the health and quality of life, including loss of enjoyment of both homes and gardens of the residents of Froghall Fields. Despite this mounting evidence, both in written complaints, noise recordings and video evidence, the Rufus Centre has taken little to no action to amend these issues. It is for these reasons that the current licence needs to be addressed.

Please could you acknowledge that you have received this request.

Kind Regards

[REDACTED]



**Leslie Manning**

---

**From:** [REDACTED]  
**Sent:** 12 June 2017 14:52  
**To:** [REDACTED]  
**Subject:** planning department complaint - what do you think?

I [REDACTED] of [REDACTED] Wellington Close, Froghall Fields, Flitwick, Beds wish to make a formal complaint against Central Bedfordshire Planning Department, for passing the 'Environmental Noise Assessment' which was carried out by 'noise.co.uk' for their client 'Bovis Homes'.

I believe that Central Bedfordshire planning department passed the Environmental Noise Assessment (report No. 15417-1 dated 17th Nov 2014) which was proposed by Bovis Homes, despite the fact that **NO** noise recordings were taken from the Rufus Centre. In doing this I believe they have been negligent.

The result of this negligence being that many homes which are located in close proximity to the building are suffering from noise pollution in excess of the 'Local Authority' recommendations which are:

External Noise criteria - 55dB

Internal Noise Criteria - Daytime 35dB, Nighttime 30dB, Nighttime (LAm<sub>ax</sub>) 45dB.

In fact recordings have been taken by [REDACTED] whose house that can be seen marked next to the Rufus centre below, on a regular basis at weekends of:

External Noise - 85-95dB

Internal Noise – Daytime 70dB, Nighttime 75dB.

Please review my findings below:

- 1) The report states: 'noise.co.uk has been instructed by Bovis Homes Central to undertake an environmental noise assessment at Land off Steppingley Road and Froghall Road to access the impact of **environmental**, road traffic and rail noise on a proposed residential development.' **(This should have included ALL environmental noise including the Rufus Centre).**
- 2) In 4.4.1 the report states that 'Planning policies and decisions should aim to: 'ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties. (This has not been accomplished in regards to the Rufus Centre.)
- 3) The recordings in the report were taken over a typical 'weekday' period between the 28th and 30th October 2014, not at weekends. (The Rufus Centre is a conferencing suit, typically holding wedding receptions and parties at weekends).
- 4) The report states: 5.4 Measurement Locations - The fixed monitoring equipment was positioned to measure representative sound pressure levels over a typical weekday period at the worst affected facades of the site. (although the Rufus Centre is clearly indicated on every map and diagram on this report, it has been ignored). See graphics below:



Figure 1 - Site location aerial view showing the location of the proposed development



5.4.2. All microphone positions were free field and 1.5m from the ground. The monitoring location can be seen in Figure 2.

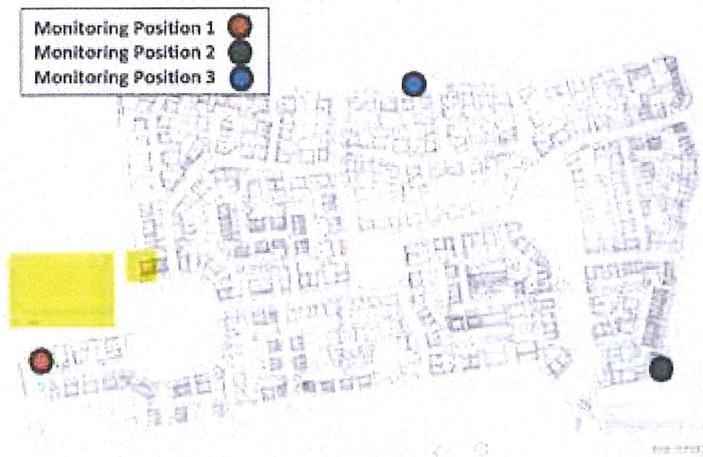


Figure 2 - Noise monitoring location on site

5) In 6.2 External Noise Criteria - The report states that 'The Local Authority require that external amenity space/private gardens meet the 55dB LAeq,16hr WHO criteria. The Following SoundPLAN map has been produced to show the areas on the development, where the noise is predicted to be under 55dB. [REDACTED] house is shown as (This is not the case).



Figure 7 - Grid noise map @ 1.5m indicating areas under 55dB

- 6.2.2. The SoundPLAN model in Figure 7 shows that the Local Authority criteria is expected to be met for the garden areas.
- 6.2.3. Full data tables have been provided in the Appendix.

The Conclusion of the report is as follows:

- 8.1.2 The Local Authority criteria was considered and was determined to be met for all the garden areas on the site. (Clearly not where the Rufus Centre is involved).
- 8.1.3 Suitable mitigation in the form of a glazing configuration has been specified to allow even the worst affected properties to achieve the internal criteria required by Local Authority. (Clearly not where the Rufus Centre is involved).
- 8.1.4 We strongly recommend that this report be passed to the Local Authority for approval before any works are carried out. (This report was approved by the Planning Department despite it being obvious that the Rufus Centre had not been taken into consideration).

May I also draw your attention to the noise report regarding the 'Railway Line'CB/13/00728' page 16 entitled 'Noise Assessment'. It states "This assessment contained within this report determines the potential impact of the railway on the proposed development. The railway has the potential to generate noise levels that could provide disturbance to the future occupants of the development".

National Policy Statement for England.

## 2.2 National Policy Statement for England

The Noise Policy Statement for England (NPSE) seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. The statement applies to all forms of noise, including environmental noise, neighbour noise and neighbourhood noise.

The statement sets out the long-term vision of the government's noise policy, which is to "promote good health and a good quality of life through the effective management of noise within the context of policy on sustainable development".

The NPSE promotes the effective management and control of noise, within the context of Government policy on sustainable development and thereby aims to:

- avoid significant adverse impacts on health and quality of life;
- mitigate and minimise adverse impacts on health and quality of life; and
- where possible, contribute to the improvements of health and quality of life.

The NPSE adopts established concepts from toxicology that are currently being applied to noise impacts. The concepts detail noise levels, at which the effects of an exposure may be classified into a specific category. The classification categories as detailed within NPSE are as follows:

- Observed Effect Level (NOEL) - the level below which no effect can be detected. Below this level no detectable effect on health and quality of life due to noise can be established;

NOISE ASSESSMENT  
47065407/R01  
February 2013

2

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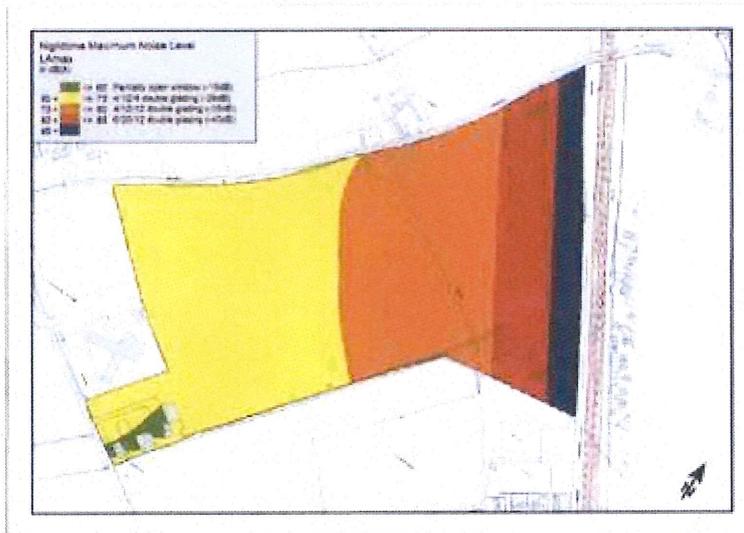


Old Road Securities – Valley Farm, Flitwick – Noise Assessment

- Lowest Observable Adverse Effect Level (LOAEL) - the level above which adverse effects on health and quality of life can be detected; and
- Significant Observed Adverse Effect Level (SOAEL) - the level above which significant adverse effects on health and quality of life occur.

Assessment Criteria see figure 4: page 15 - This states that the nighttime maximum noise 'blue area' **under 85 decibel** is 'potentially unsuitable for residential accommodation due to the high maximum noise levels expected by this area'. Yet [REDACTED] outside noise levels have reached levels of 85-95dB?.

Figure 6: façade types for nighttime maximum noise mitigation



The results presented in Figure 6 show that some form of façade mitigation is required across the entire site. To meet the requirements close to the railway, high performance double-glazing is required in the red shaded area. In addition, there is a blue shaded strip that extends approximately 35 m from the site boundary with the railway where even the high performance glazing is not expected to provide sufficient mitigation to achieve acceptable internal  $L_{Amax}$  levels.

It should be noted that these predictions are based on the assumption of an empty site. There is currently no building layout on which to provide a detailed assessment that includes the effects of the screening that will be provided by the buildings that will comprise the development. Those buildings are likely to provide significant levels of acoustic screening and reduce noise levels for areas located furthest from the railway. As such, the requirements for the more efficient façade treatments may reduce once a detailed site layout has been developed. However, the results provided within this report can be considered to be a worst-case assessment in terms of the areas that require noise mitigation.

The blue shaded area located closest to the railway is potentially unsuitable for residential accommodation due to the high maximum noise levels experienced by this area. It may be possible to provide acceptable internal noise levels for residential properties within this area; however, very high specification glazing and ventilation will be required and the requirements for this are beyond the scope of this report.

However, the masterplan accommodates non-residential use proposals in this area that are less sensitive to noise. If non-residential buildings are to be placed within this region, it should be ensured that the presence of any non-residential buildings is screened to the



The result of an incorrect ‘Environmental Noise Assessment’ and subsequent poor planning means that people who have paid a lot of money for their dream homes are now stuck in a situation where lack of sleep and distress is having an adverse impact on health and the quality of life, loss of enjoyment of their new home, and also the potential loss of value of homes.

The result that I want, considering the fact that the planning permission cannot now be withdrawn, is for the noise to be reduced in line the Local Authority guidelines e.g.. 35 dB day, 30dB night, for ALL residents.

Please acknowledge the receipt of this complaint. I look forward to receiving your comments.

**noise.co.uk**

T+44(0)2476 545 397

F+44(0)2476 545 010

The Haybarn

Newnham Grounds

Kings Newnham Lane

Bretford

Warwickshire

CV23 0JU

# Environmental Noise Assessment

Prepared: 17 November 2014

**Report No** – 15417-1  
**Client** – Bovis Homes Central  
**Site** – Land off Steppingley Road and  
Froghall Road  
Flitwick

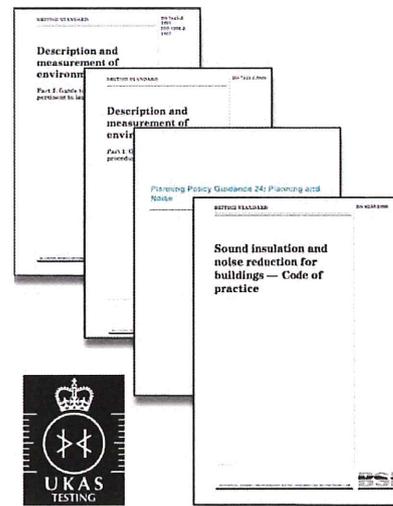
## 1. Executive Summary

An environmental noise assessment has been carried out over a typical weekday period between the 28<sup>th</sup> and 30<sup>th</sup> of October 2014 on a proposed development on the land at Land off Steppingley Road and Froghall Road, Flitwick, in order to assess the impact of environmental noise on a new development.

### Measurement, assessment and evaluation

The survey was conducted to BS7445-1:2003 "Description and measurement of environmental noise – Part 1: *Description of quantities and procedures*" and BS7445-2:1991 "Guide to the acquisition of data pertinent to land use" which are covered under our UKAS Accreditation.

The interpretation of the data and the specification of suitable mitigation or treatment is outside the scope of our UKAS accreditation but is covered in our 17025 Quality Management System and reporting procedure.



Steppingley Road Boundary	Glazing Configuration Required	Glazing Performance
Living Rooms	4(6)8	30dB R <sub>TRA</sub>
Bedrooms	6/100/4	37dB R <sub>TRA</sub>
Railway Boundary	Glazing Configuration Required	Glazing Performance
Living Rooms	4/(6-16)/4	28dB R <sub>RAIL</sub>
Bedrooms	6/(6-16)/4	31dB R <sub>RAIL</sub>
Froghall Road Boundary	Glazing Configuration Required	Glazing Performance
Living Rooms	4(6)8	30dB R <sub>TRA</sub>
Bedrooms	4(6)10	33dB R <sub>TRA</sub>

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### 3. Scope

3.1.1. noise.co.uk Ltd has been instructed by Bovis Homes Central to undertake an environmental noise assessment at Land off Steppingley Road and Froghall Road, Flitwick, to assess the impact of environmental, road traffic and rail noise on a proposed residential development.

3.1.2. The Local Authority have submitted the following planning condition for this site:

23 No development in any area of the development approved as per condition 4 of this permission shall commence until a scheme of attenuation measures for noise and vibration from the adjacent railway line as identified in the Noise Assessment Report of URS Infrastructure & Environment UK Limited .Reference 47065407 R01 Revision 3 dated 11th February 2013 has been submitted to and approved in writing by the Local Planning Authority so far as may be necessary to ensure that internal noise levels within dwellings from the adjacent railway line shall not exceed 35 dB LAeq, 07:00 – 23:00 in any habitable room or 30 dB LAeq 23:00 - 07:00 and 45 dB LAfmax 23.00 - 07:00 inside any bedroom, and that external noise levels in outdoor amenity areas of dwellings from the railway line shall not exceed 55 dB LAeq, 07:00 – 23:00. The submitted scheme shall include a verification plan to demonstrate the effectiveness of the scheme. The works which form part of the scheme approved by the Local Authority for each dwelling shall be completed before the dwelling is occupied. The effectiveness of the scheme shall be demonstrated to the Local Planning Authority in accordance with the approved verification plan. --

Reason: To protect the amenity of the future occupiers of the residential properties from noise and vibration associated with the railway in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version).

3.1.3. This report covers all aspects of the survey, including:

- An objective sound pressure level survey of the existing site;
- Prediction of the internal sound pressure levels in bedrooms and living areas and comparison of these levels with the appropriate criteria in BS8233 "*Sound insulation and noise reduction in buildings – code of practice*";
- The design of any mitigation to meet the proposed internal levels for living rooms and bedrooms as specified in BS8233;
- Consideration of the Local Authority garden criteria;
- SoundPLAN noise modelling software will be used throughout this report.

### 4. Introduction

4.1.1. The site is located in a residential area of Steppingley.

4.1.2. An aerial view of the proposed site is shown in Figure 1.



Figure 1 - Site location aerial view showing the location of the proposed development

**4.2. Proposed development**

4.2.1. Bovis Homes Central are proposing a residential development at Land off Steppingley Road and Froghall Road, Flitwick.

**4.3. Noise climate**

4.3.1. The general noise climate is described subjectively by the survey engineer in the table below.

**Subjective Description of Noise Climate**

Position	Engineer's Description
1	The noise climate at this position is dominated by road traffic noise from Steppingley Road.
2	The noise climate at this position is dominated by rail events from the railway line.
3	The noise climate at this position is dominated by road traffic noise from Froghall Road.

Table 1 – Survey engineer noise climate description

4.3.2. Other less specific noise sources will also have contributed to the measured sound pressure levels.

#### 4.4. National planning policy framework

4.4.1. Until recently Planning Policy Guidance 24: Noise, (PPG24) was used to survey, assess and categorise noise exposure levels for residential development and advise on how to minimise the impact of noise. In March 2012 the National Planning Policy Framework was published superseding PPG24. The NPPF document covers all aspects of planning including transport and sustainability, not just noise. Unfortunately there has been a movement away from the comprehensive guidance provided in PPG24 and the guidance specifically regarding noise limits is inadequate. Noise is first mentioned in a section about conserving and enhancing the natural environment, it states:

*"109. The planning system should contribute to and enhance the natural and local environment by:*

*Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or **noise** pollution or land instability"*

*"123. Planning policies and decisions should aim to:*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from **noise** from new development, including through the use of conditions;*
- *recognise that development will often create some **noise** and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by **noise** and are prized for their recreational and amenity value for this reason."*

Noise is later mentioned in the National Planning Policy Framework in regard to the sustainable use of minerals and says an environmental criteria should be set out to ensure: *"permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from **noise**, dust, visual intrusion"* etc. Noise limits are mentioned in this section, the policy says:

*"ensure that any unavoidable **noise**, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to **noise** sensitive properties"*

No quantitative values are provided to assist the assessment procedure.

4.4.2. The Noise Policy Statement for England, published by DEFRA in 2010, is referenced in the National Planning Policy Framework and states the policy

vision is to: "Promote good health and a good quality of life through the effective management of **noise** within the context of Government policy on sustainable development". The NPSE introduces "No observed effect level" (NOEL), "Lowest observed effect level" (LOAEL) and "Significant observed adverse level" (SOAEL). A grouping method similar to this is already an established concept in toxicology health. The NPSE goes onto explain why they have not introduced specific values for each of the categories.

*"It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available."*

4.4.3. The lack of any specific values in the new policy gives no indication of the reduction index required by building element to provide good living conditions. Therefore it is desirable to refer back to the most appropriate British Standard which is BS8233:1999 which provides the internal design criteria for Bedrooms and Living Rooms in Table 5 on p19 of the standard.

4.4.4. For this survey specific conditions relating to internal noise levels have been issued by the Local Authority. These are outlined in Table 2:

Living Rooms	Bedrooms	L <sub>AMAX</sub> Criteria
35dB	30dB	45dB

Table 2– Design criteria for internal sound pressure levels.

## 5. Survey

### 5.1. Measurement instrumentation

5.1.1. The measurement instrumentation used during the survey was as follows:

		Manufacturer and Type	Serial Number
<b>Position 1</b>	Sound Level Meter	Norsonic 140	1405557
	Calibrator	Norsonic 1251	33825
<b>Position 2</b>	Sound Level Meter	Norsonic 140	1405560
	Calibrator	Norsonic 1251	33824
<b>Position 3</b>	Sound Level Meter	Norsonic 140	1405559
	Calibrator	Norsonic 1251	33823

Table 3 – Equipment used during the survey.

5.1.2. The acoustic equipment was calibrated to comply with Section 4.2 of BS7445-1:2003<sup>1</sup> before and after the surveys. The calibration was as follows:

Sound Level Meter	Before	After
Norsonic 140 (1405557)	114.0dB	114.0dB
Norsonic 140 (1405560)	114.0dB	114.0dB
Norsonic 140 (1405559)	114.0dB	114.0dB

Table 4– Calibration details

There was no adverse deviation.

## 5.2. Measurement and timescale

5.2.1. Unattended noise monitoring took place over a typical weekday period between the 28<sup>th</sup> and 30<sup>th</sup> of October 2014. The following quantities were measured:

$L_{Aeq,1min}$   
 $L_{Aeq,5min}$   
 $L_{AMAX,5min}$   
 $L_{AMAX,1min}$

5.2.2. Sound pressure measurements were subsequently averaged into hourly, daily and night-time periods.

5.2.3. The acoustic measurements and their interpretation shall be in accordance with BS 7445: Parts 1, and 2<sup>2</sup>. All sound pressure levels are in dB (re 20 $\mu$ Pa).

## 5.3. Meteorology

5.3.1. During the survey the weather information was noted. This is displayed below in Table 5.

Meteorology	Survey Start	Survey End
Roads(Wet/Dry)	Dry	Dry
Temperature ( $^{\circ}$ C)	16	16
Wind Speed ( $ms^{-1}$ ) / Direction	5/SW	4/S

Table 5– Meteorological data noted during the survey.

<sup>1</sup> B7445-1:2003 “Description and measurement of environmental noise – Part 1: Guide to quantities and procedures”

<sup>2</sup> BS7445-2:2003 “Description and measurement of environmental noise – Part 2: Guide to the acquisition of data pertinent to land use”

**5.4. Measurement Locations**

5.4.1. The fixed monitoring equipment was positioned to measure representative sound pressure levels over a typical weekday period at the worst affected facades of the site.

5.4.2. All microphone positions were free field and 1.5m from the ground. The monitoring location can be seen in Figure 2.



Figure 2 - Noise monitoring location on site

**6. Results**

**6.1. Fixed position results summary**

6.1.1. SoundPLAN noise modelling software has been used to build a noise maps of the proposed site using measured current sound pressure levels.

6.1.2. Firstly a baseline model of the site has been created. This indicates the levels throughout the site in its current state, i.e. no buildings. This is shown below:

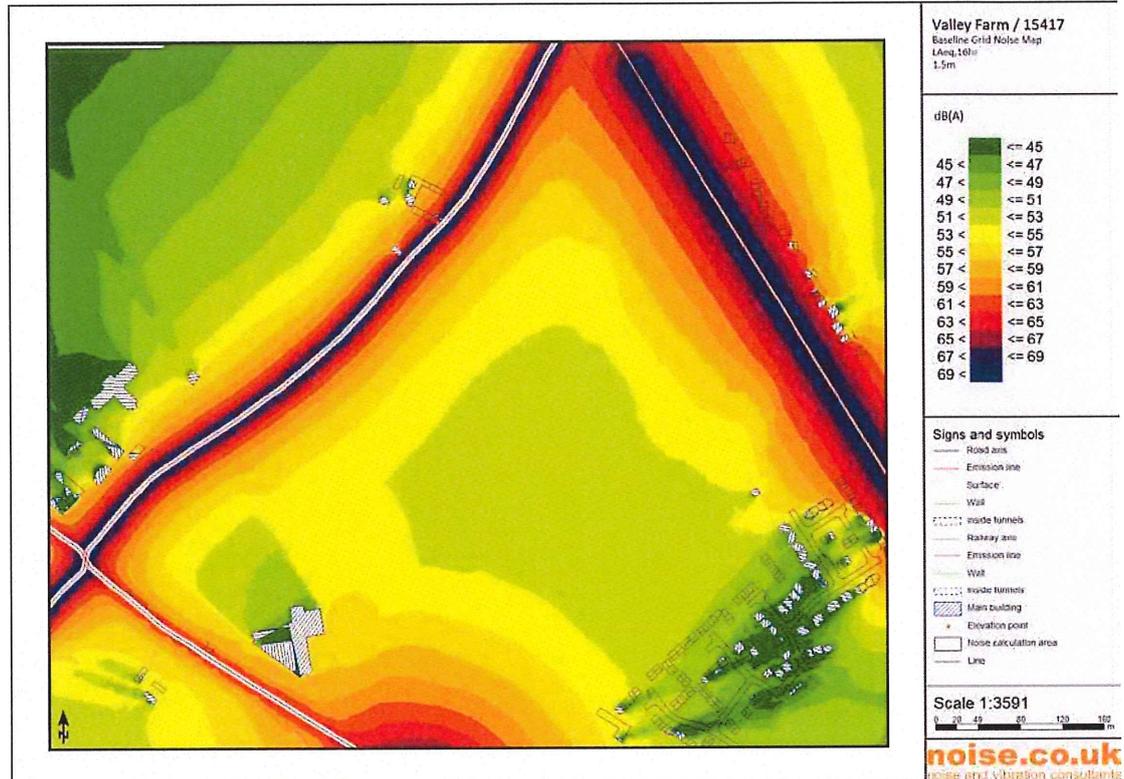


Figure 3 – Baseline noise model

- 6.1.3. By incorporating the proposed layout plan into the model the sound pressure levels at the facades of the residential properties can be predicted. The predicted sound pressure levels will then be used to determine the glazing specification required to meet the desired internal levels.
- 6.1.4. SoundPLAN models have been built for day time (LAeq,16hr) levels and night time (LAeq,8hr) levels. These are displayed below (larger PDF SoundPLAN maps have been provided in the Appendix).

**NB:** The day time noise map has a grid height of 1.5m and the night time noise map has a grid height of 4m. This represents the typical residential situation in houses where living rooms are on the ground floor and bedrooms are on the first floor.

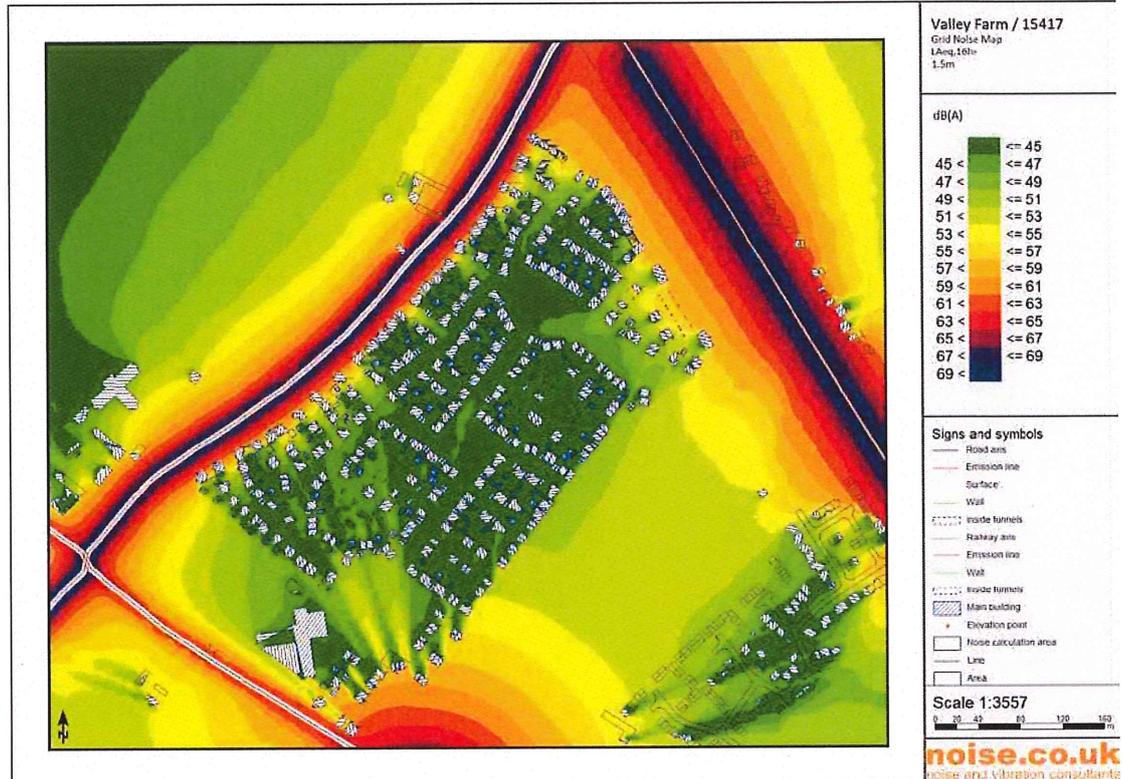


Figure 4 - Grid noise map @ 1.5m

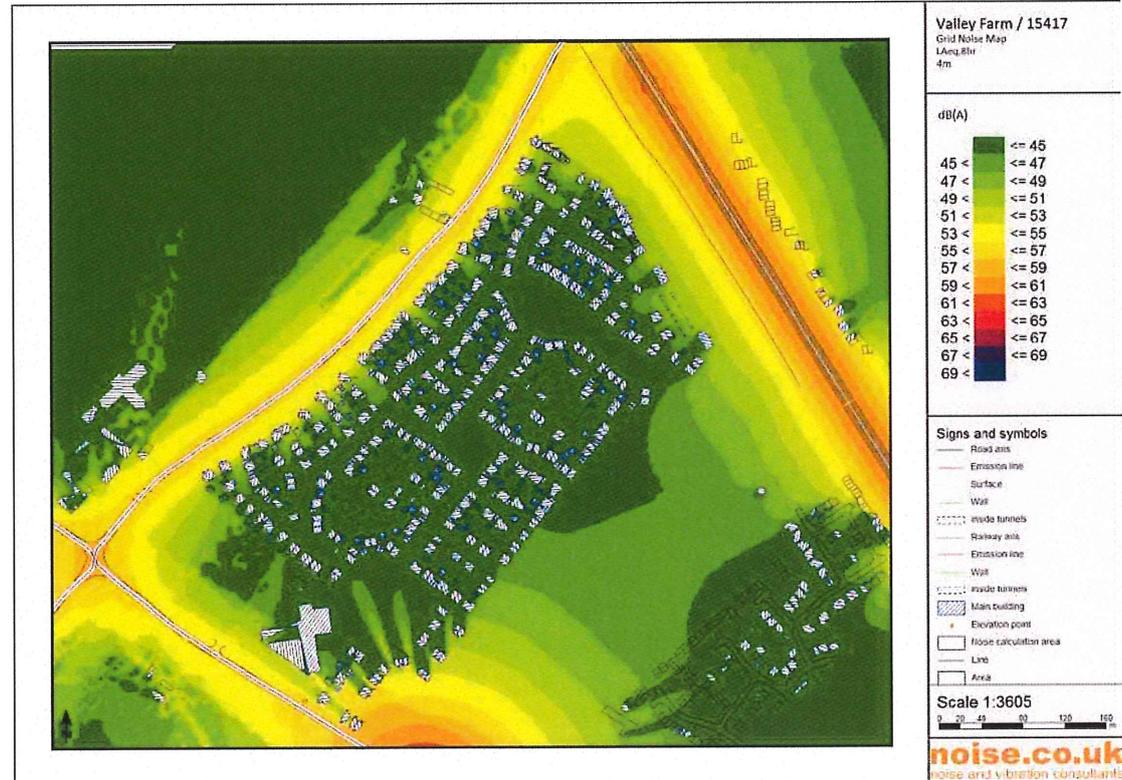


Figure 5 - Grid noise map @ 4m

6.1.5. Where Daytime is defined as the period 0700-2300. Night-time is defined as period 2300-0700.

6.1.6. The table below details the sound pressure levels at each position marked on the above SoundPLAN noise maps.

1	1 63.3 53.9 2 65.2 55.2 3 65.9 55.7	2	1 62.1 53.3 2 64.0 54.6 3 64.8 55.2	3	1 63.2 53.8 2 65.2 55.2 3 66.1 55.8	4	1 62.2 53.3 2 64.3 54.7 3 65.3 55.3
5	1 61.4 52.8 2 63.7 54.2 3 64.7 54.9	7	1 62.4 53.3 2 64.5 54.7 3 65.5 55.4	8	1 63.6 54.0 2 65.6 55.1 3 66.3 55.6	9	1 63.6 53.9 2 65.5 55.2 3 66.2 55.7
10	1 64.0 54.1 2 65.9 55.4 3 66.5 55.8	11	1 63.6 54.0 2 65.5 55.3 3 66.2 55.8	12	1 63.6 54.0 2 65.5 55.3 3 66.3 55.8	13	1 63.8 54.1 2 65.7 55.4 3 66.4 55.9
14	1 63.8 54.2 2 65.8 55.4 3 66.4 55.9	15	1 62.8 53.6 2 64.7 54.9 3 65.6 55.5	16	1 63.4 54.1 2 65.3 55.4 3 66.1 55.9	17	1 61.8 53.1 2 63.8 54.4 3 64.8 55.1
18	1 62.5 53.5 2 64.5 54.9 3 65.4 55.5	19	1 64.4 54.3 2 66.4 55.7 3 67.0 56.1	20	1 63.4 53.8 2 65.5 55.3 3 66.4 55.9	21	1 63.6 53.9 2 65.8 55.4 3 66.6 56.0
22	1 63.8 54.0 2 66.0 55.5 3 66.6 56.0	23	1 64.2 54.1 2 66.3 55.5 3 66.8 55.9	24	1 64.0 54.1 2 65.9 55.4 3 66.4 55.8	25	1 64.0 54.1 2 65.8 55.3 3 66.4 55.8
26	1 63.9 54.0 2 65.8 55.3 3 66.3 55.7	27	1 64.1 54.0 2 66.0 55.4 3 66.5 55.8	28	1 61.5 53.1 2 63.7 54.7 3 64.6 55.4	29	1 59.5 52.3 2 61.0 53.4 3 61.9 54.1
30	1 59.5 52.3 2 60.5 53.1 3 61.2 53.7	31	1 59.1 51.8 2 59.9 52.6 3 60.5 53.1	32	1 59.5 52.1 2 60.3 52.8 3 60.8 53.3	33	1 60.0 52.4 2 60.7 53.1 3 61.1 53.6
34	1 60.0 52.3 2 60.6 52.5 3 61.1 53.0	35	1 60.1 52.0 2 60.5 52.5 3 61.0 52.9	36	1 59.8 51.8 2 60.1 52.1 3 60.6 52.6	37	1 59.9 51.9 2 60.3 52.2 3 60.7 52.7

Figure 6 - Sound pressure levels at receiver positions

**NB:** Please note where there are multiple numbers per point this indicates the level at each floor of the residential receiver.

6.1.7. Full data tables have been provided in the appendix.

## 6.2. External Noise Criteria:

6.2.1. The Local Authority require that external amenity space / private gardens meet the 55dB LAeq,16hr WHO criteria. The following SoundPLAN map has been produced to show the areas on the developed site, where the noise is predicted to be under 55dB.

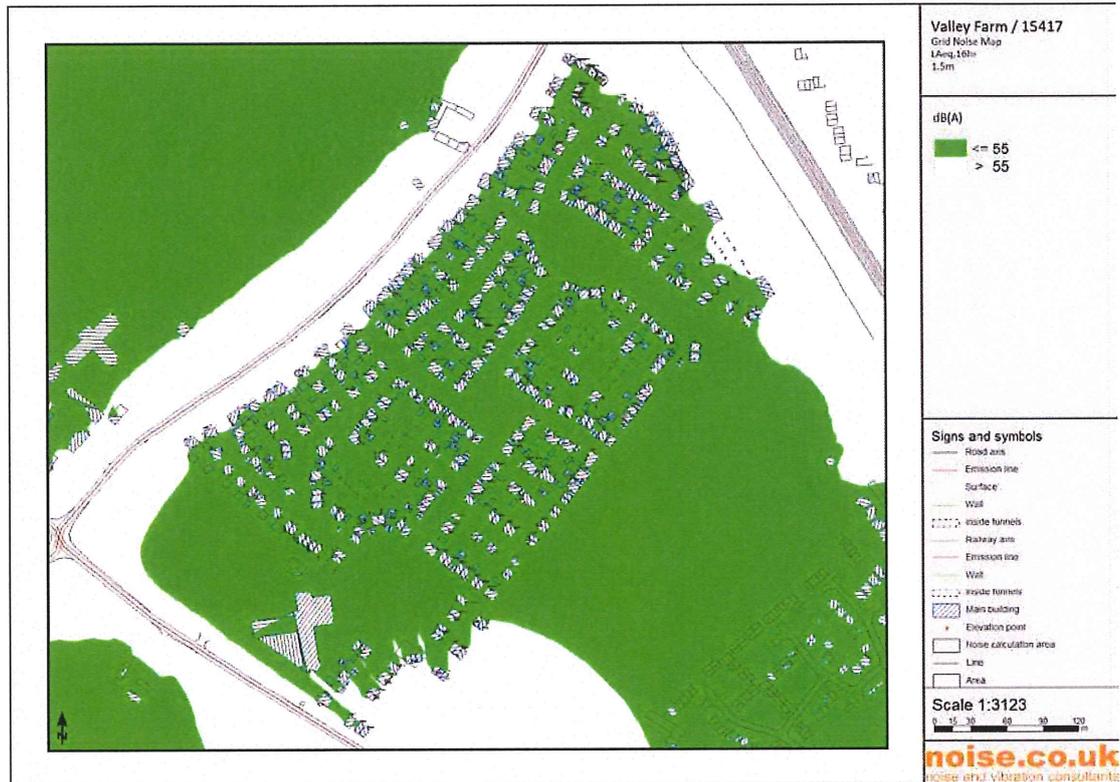


Figure 7 - Grid noise map @ 1.5m indicating areas under 55dB

- 6.2.2. The SoundPLAN model in Figure 7 shows that the Local Authority criteria is expected to be met for the garden areas.
- 6.2.3. Full data tables have been provided in the Appendix.

## 7. Mitigation

### 7.1. Internal noise levels

#### 7.1.1. Internal noise levels – Residential Dwellings

7.1.2. The prevailing ambient noise at the residential dwellings is depicted in the SoundPLAN models above.

7.1.3. The glazing performance selection for these affected façades will be based on either the road traffic or rail traffic corrected sound reduction index,  $R_{TRA}^3$  and  $R_{Rail}^4$  where appropriate, to take into account the frequency characteristics of the noise.

7.1.4. Based on the measurement data the simple calculation method from BS8233:1999 is used to select the glazing. Standard forms of construction are

<sup>3</sup> Glass and Noise: Technical Bulletin, Pilkington Glazing, May 1997  
Report No 15417-1  
17/11/14

assumed such that the glazing is likely to be the lowest performing facade element.

7.1.5. The following table summaries the glazing configuration required to meet the Local Authority criteria.

**NOTE: These are suggested glazing configurations. Any other glazing configuration can be used provided it achieves the minimum glazing performance level in the right hand column.**

Steppingley Road Boundary	Criteria	Glazing Configuration Required	Glazing Performance
Daytime	35dB	4(6)8	30dB R <sub>TRA</sub>
Night time	30dB	4(6)8	30dB R <sub>TRA</sub>
Night time (L <sub>Amax</sub> )	45dB	6/100/4	37dB R <sub>TRA</sub>
Railway Boundary	Criteria	Glazing Configuration Required	Glazing Performance
Daytime	35dB	4/(6-16)/4	28dB R <sub>RAIL</sub>
Night time	30dB	4/(6-16)/4	28dB R <sub>RAIL</sub>
Night time (L <sub>Amax</sub> )	45dB	6/(6-16)/4	31dB R <sub>RAIL</sub>
Frogghall Road Boundary	Criteria	Glazing Configuration Required	Glazing Performance
Daytime	35dB	4(6)8	30dB R <sub>TRA</sub>
Night time	30dB	6/(6-16)/4	28dB R <sub>TRA</sub>
Night time (L <sub>Amax</sub> )	45dB	4(6)10	33dB R <sub>TRA</sub>

Table 6 - Glazing requirements

7.1.6. Glazing performance definitions:

$$R_{TRA} = R_w + C_{tr}$$

$$R_{RAIL} = R_w + C$$

7.1.7. A glazing mark-up plan has been provided in the appendix indicating where the higher glazing performance is necessary.

7.1.8. A full glazing calculation can be found in the appendix.

## 7.2. Ventilation

7.2.1. It should be noted that in order to achieve these internal levels the windows must remain closed on the building facade. The Client must decide on a suitable ventilation strategy to comply with Building Regulation requirements.

7.2.2. A passive ventilation can be provided by an appropriate acoustic slot vent which must be matched to the relative window acoustic performance.

7.2.3. We would recommend the services of Greenwood Air Vac (or equal and approved) for expert advice on ventilation strategies. For more information please contact:

**Mike Beck**, Greenwood AirVac

**M: 07801039584**

## 8. Conclusions

- 8.1.1. An environmental noise assessment has been conducted on a proposed site at Land off Steppingley Road and Froghall Road, Flitwick, in order to assess the impact of environmental noise on a proposed residential development.
- 8.1.2. The Local Authority criteria was considered and was determined to be met for all the garden areas on the development site.
- 8.1.3. Suitable mitigation in the form of a glazing configuration has been specified to allow even the worst affected properties to achieve the internal criteria required by the Local Authority.
- 8.1.4. We strongly recommend that this report be passed to the Local Authority for approval before any works are carried out.

**Dr Bill Whitfield** BA, MSc, PhD, MIOA  
Managing Director

## 9. Appendix

### 9.1. Summary Information

Required ISO Test Report Information (cross referenced where required)			
		Measurements carried out to:	Analysed to:
<b>A</b>	Standards	BS 7445-1: 2003 BS 7445-2: 1991	BS 8233:1999
<b>B</b>	Organisation performed the measurements	noise.co.uk Ltd, The Haybarn, Newnham Grounds, Kings Newnham Lane, Bretford, Coventry, CV23 0JU.	
<b>C</b>	Name of Client	Bovis Homes Central	
<b>D</b>	Full site address	Land off Steppingley Road and Froghall Road, Flitwick.	
<b>E</b>	Date of surveys	28 <sup>th</sup> and 30 <sup>th</sup> October 2014	
<b>F</b>	Description & identification of proposed development	It is proposed to develop the site for residential.	
<b>G</b>	Brief Description of details of Procedure & equipment	See section 5 of this report	

### 9.2. Technical appendix

9.2.1. Measurements were made using the following equipment:

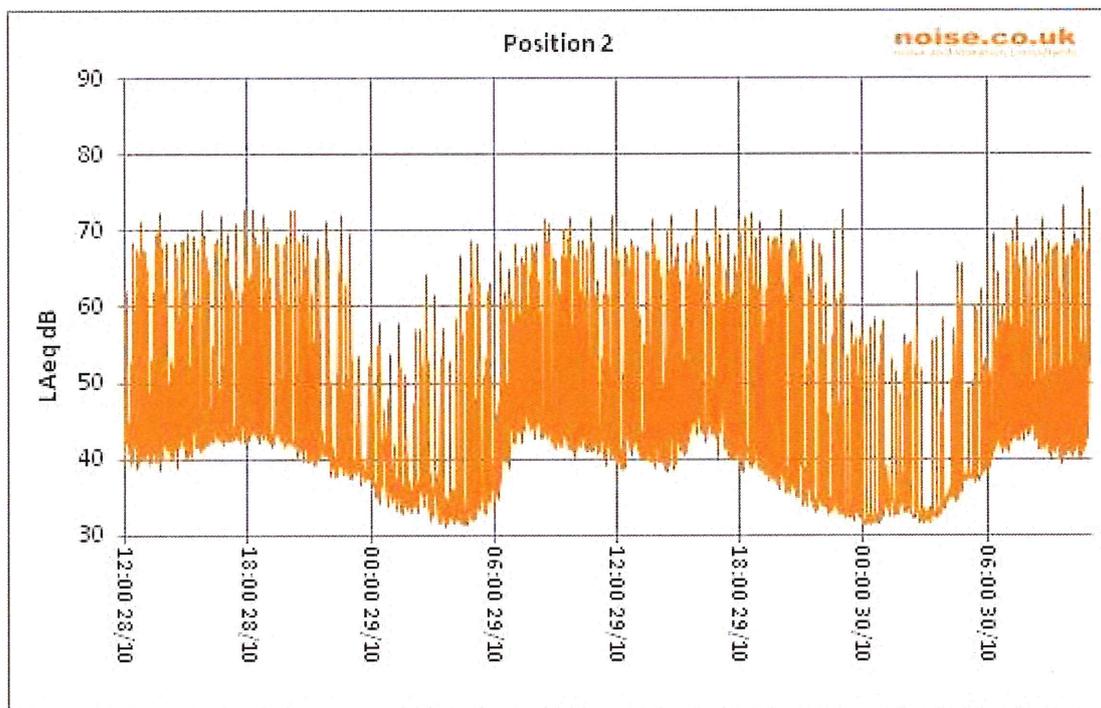
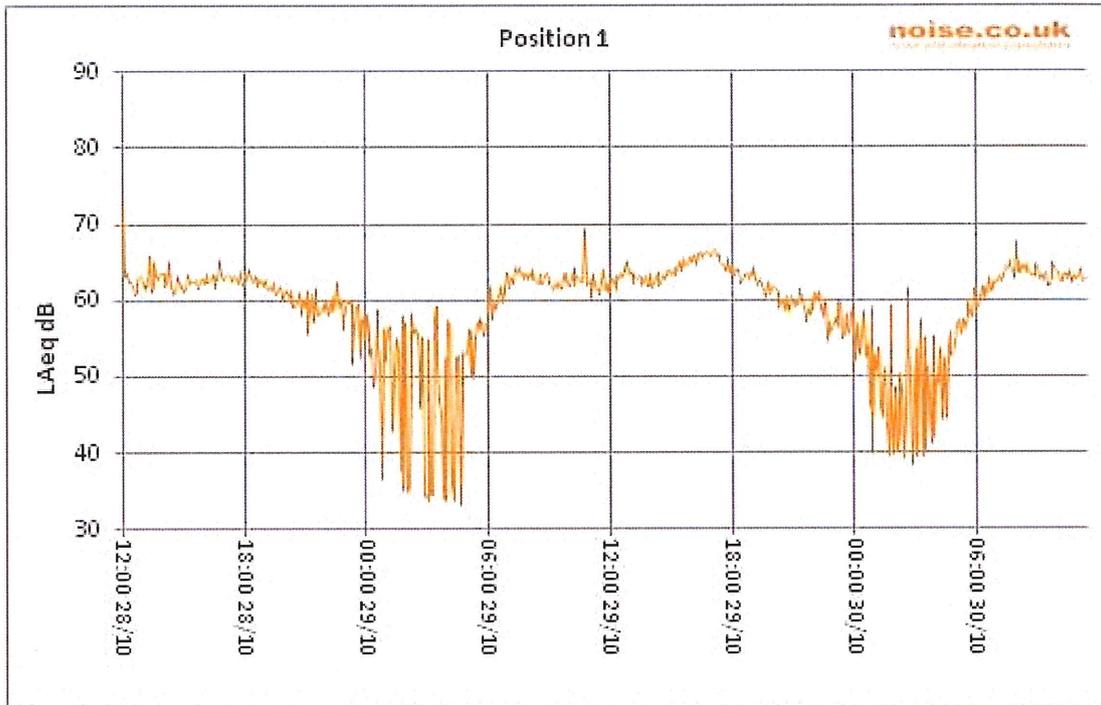
		Manufacturer and Type	Serial Number
<b>Position 1</b>	Sound Level Meter	Norsonic 140	1405557
	Calibrator	Norsonic 1251	33825
<b>Position 2</b>	Sound Level Meter	Norsonic 140	1405560
	Calibrator	Norsonic 1251	33824
<b>Position 3</b>	Sound Level Meter	Norsonic 140	1405559
	Calibrator	Norsonic 1251	33823

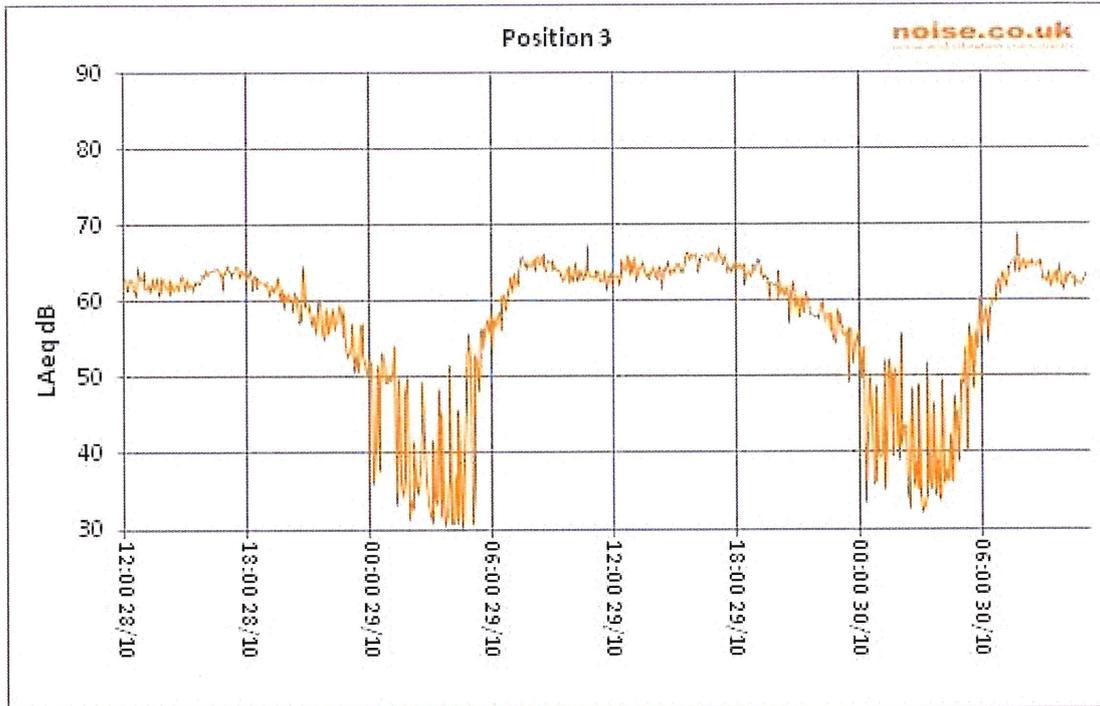
9.2.2. The equipment has traceable calibration.

9.2.3. The sound level meter was calibrated immediately prior to and immediately after the measurements were carried out.

Sound Level Meter	Before	After
Norsonic 140 (1405557)	114.0dB	114.0dB
Norsonic 140 (1405560)	114.0dB	114.0dB
Norsonic 140 (1405559)	114.0dB	114.0dB

9.3. Average Levels-Figures:



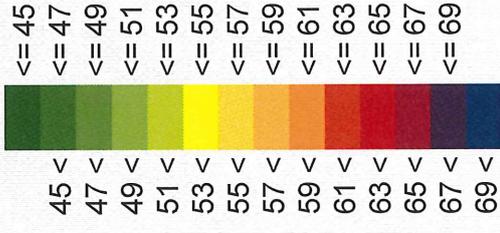


9.4. SoundPLAN Models

Valley Farm / 15417

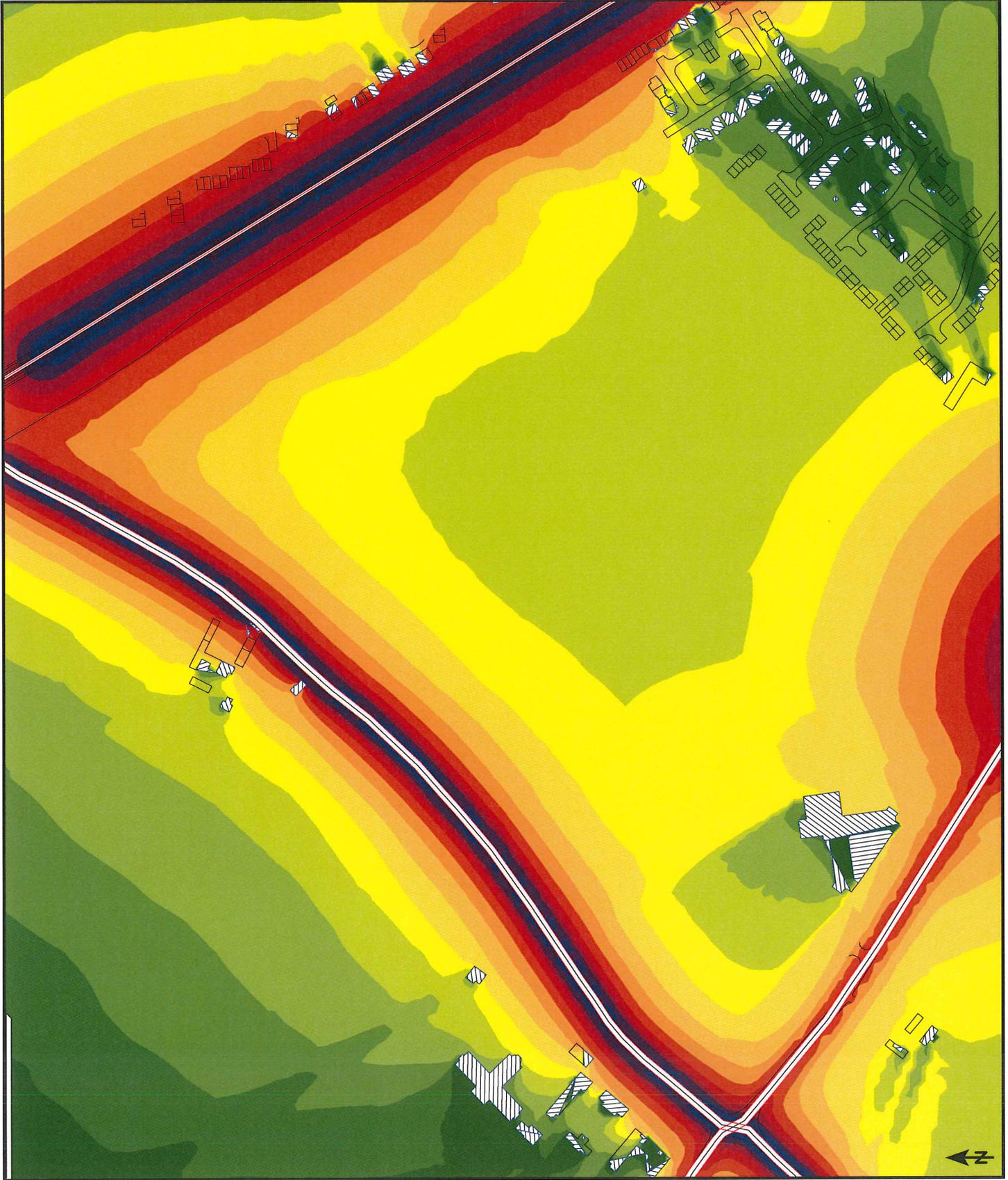
Baseline Grid Noise Map  
LAeq,16hr  
1.5m

dB(A)



Signs and symbols

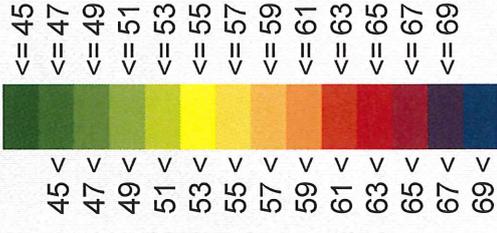
- Road axis
- Emission line
- Surface
- Wall
- inside tunnels
- Railway axis
- Emission line
- Wall
- inside tunnels
- Main building
- Elevation point \*
- Noise calculation area
- Line



Scale 1:3591



dB(A)

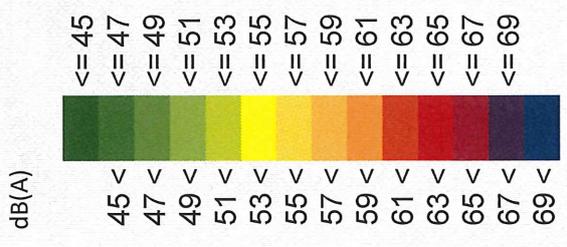


Signs and symbols

- Road axis
- Emission line
- Surface
- Wall
- - - inside tunnels
- Railway axis
- Emission line
- Wall
- - - inside tunnels
- ▨ Main building
- \* Elevation point
- Noise calculation area
- Line
- Area

Scale 1:3605

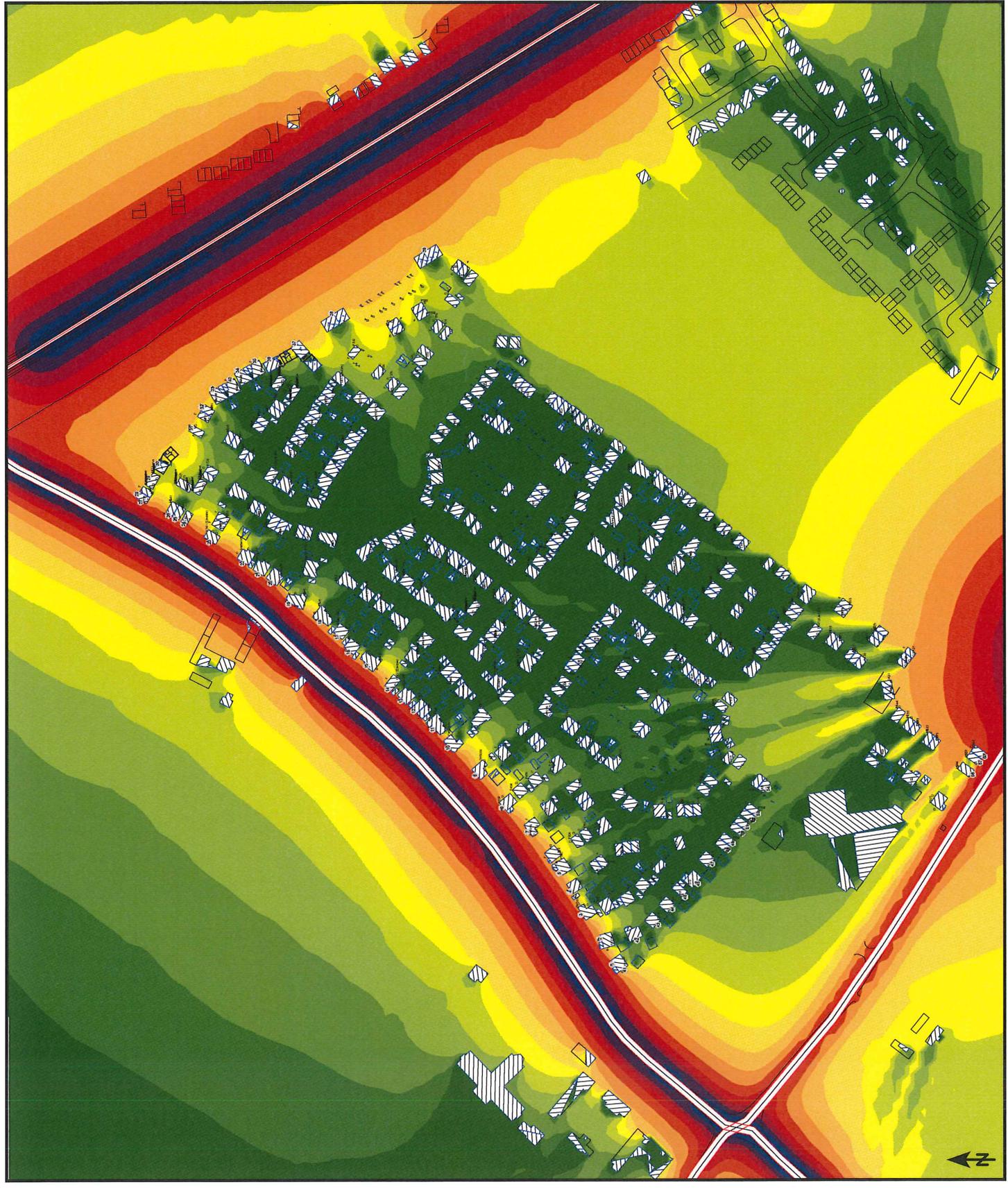




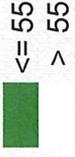
Signs and symbols

- Road axis
- Emission line
- Surface
- Wall
- - - inside tunnels
- Railway axis
- Emission line
- Wall
- - - inside tunnels
- ▨ Main building
- \* Elevation point
- Noise calculation area
- Line
- Area

Scale 1:3557



dB(A)



Signs and symbols

- Road axis
- Emission line
- Surface
- Wall
- - - inside tunnels
- Railway axis
- Emission line
- Wall
- - - inside tunnels
- ▨ Main building
- \* Elevation point
- Noise calculation area
- Line
- Area

Scale 1:3123



9.5. Glazing Calculation

Steppingley Road - Daytime

Receiver	Usage	FI	Lday dB(A)	Criteria	Required Reduction	Required Glazing	Glazing Performance	Predicted Internal Level
Stepp Rd 1	GR	GF	59.3	35	24.3	4/(6-16)/4	25	34.3
Stepp Rd 2	GR	GF	50.3	35	15.3	4/(6-16)/4	25	25.3
Stepp Rd 3	GR	GF	50	35	15	4/(6-16)/4	25	25
Stepp Rd 4	GR	GF	46.9	35	11.9	4/(6-16)/4	25	21.9
Stepp Rd 5	GR	GF	46.3	35	11.3	4/(6-16)/4	25	21.3
Stepp Rd 5	GR	GF	42.8	35	7.8	4/(6-16)/4	25	17.8
Stepp Rd 6	GR	GF	43.8	35	8.8	4/(6-16)/4	25	18.8
Stepp Rd 7	GR	GF	47.5	35	12.5	4/(6-16)/4	25	22.5
Stepp Rd 8	GR	GF	48.8	35	13.8	4/(6-16)/4	25	23.8
Stepp Rd 9	GR	GF	49.4	35	14.4	4/(6-16)/4	25	24.4
Stepp Rd 10	GR	GF	49.7	35	14.7	4/(6-16)/4	25	24.7
Stepp Rd 12	GR	GF	50.3	35	15.3	4/(6-16)/4	25	25.3
Stepp Rd 13	GR	GF	50.3	35	15.3	4/(6-16)/4	25	25.3
Stepp Rd 14	GR	GF	49.3	35	14.3	4/(6-16)/4	25	24.3
Stepp Rd 16	GR	GF	64	35	29	4(6)8	30	34
Stepp Rd 17	GR	GF	64.8	35	29.8	4(6)8	30	34.8
Stepp Rd 18	GR	GF	64.4	35	29.4	4(6)8	30	34.4

Steppingley Road - Night time

Receiver	Usage	FI	Lnight dB(A)	Criteria	Required Reduction	Required Glazing	Glazing Performance	Predicted Internal Level
Stepp Rd 1	GR	F 1	53.1	30	23.1	4/(6-16)/4	25	28.1
Stepp Rd 2	GR	F 1	47.4	30	17.4	4/(6-16)/4	25	22.4
Stepp Rd 3	GR	F 1	47.1	30	17.1	4/(6-16)/4	25	22.1
Stepp Rd 4	GR	F 1	38.8	30	8.8	4/(6-16)/4	25	13.8
Stepp Rd 5	GR	F 1	38.6	30	8.6	4/(6-16)/4	25	13.6
Stepp Rd 5	GR	F 1	35.9	30	5.9	4/(6-16)/4	25	10.9
Stepp Rd 6	GR	F 1	37.3	30	7.3	4/(6-16)/4	25	12.3
Stepp Rd 7	GR	F 1	43.8	30	13.8	4/(6-16)/4	25	18.8
Stepp Rd 8	GR	F 1	45.4	30	15.4	4/(6-16)/4	25	20.4
Stepp Rd 9	GR	F 1	45.9	30	15.9	4/(6-16)/4	25	20.9
Stepp Rd 10	GR	F 1	46	30	16	4/(6-16)/4	25	21
Stepp Rd 12	GR	F 1	43.1	30	13.1	4/(6-16)/4	25	18.1
Stepp Rd 13	GR	F 1	43.3	30	13.3	4/(6-16)/4	25	18.3
Stepp Rd 14	GR	F 1	42.1	30	12.1	4/(6-16)/4	25	17.1
Stepp Rd 16	GR	F 1	58.4	30	28.4	4(6)8	30	28.4
Stepp Rd 17	GR	F 1	59.1	30	29.1	4(6)8	30	29.1
Stepp Rd 18	GR	F 1	59.2	30	29.2	4(6)8	30	29.2
Stepp Rd 1	GR	F 2	53.8	30	23.8	4/(6-16)/4	25	28.8

Stepp Rd 2	GR	F 2	48.4	30	18.4	4/(6-16)/4	25	23.4
Stepp Rd 3	GR	F 2	48	30	18	4/(6-16)/4	25	23
Stepp Rd 4	GR	F 2	40.6	30	10.6	4/(6-16)/4	25	15.6
Stepp Rd 5	GR	F 2	40.6	30	10.6	4/(6-16)/4	25	15.6
Stepp Rd 5	GR	F 2	38.3	30	8.3	4/(6-16)/4	25	13.3
Stepp Rd 6	GR	F 2	39.5	30	9.5	4/(6-16)/4	25	14.5
Stepp Rd 7	GR	F 2	45.1	30	15.1	4/(6-16)/4	25	20.1
Stepp Rd 8	GR	F 2	46.4	30	16.4	4/(6-16)/4	25	21.4
Stepp Rd 9	GR	F 2	46.8	30	16.8	4/(6-16)/4	25	21.8
Stepp Rd 10	GR	F 2	43.4	30	13.4	4/(6-16)/4	25	18.4
Stepp Rd 12	GR	F 2	44.1	30	14.1	4/(6-16)/4	25	19.1
Stepp Rd 13	GR	F 2	44.4	30	14.4	4/(6-16)/4	25	19.4
Stepp Rd 14	GR	F 2	43.3	30	13.3	4/(6-16)/4	25	18.3
Stepp Rd 16	GR	F 2	59	30	29	4(6)8	30	29
Stepp Rd 17	GR	F 2	59.7	30	29.7	4(6)8	30	29.7
Stepp Rd 18	GR	F 2	59.9	30	29.9	4(6)8	30	29.9

Railway - Day time

Receiver	Usage	FI	Lday dB(A)	Criteria	Required Reduction	Required Glazing	Glazing Performance	Predicted Internal Level
Railway 1	GR	GF	61.5	35	26.5	4/(6-16)/4	28	33.5
Railway 2	GR	GF	59.5	35	24.5	4/(6-16)/4	28	31.5
Railway 3	GR	GF	59.5	35	24.5	4/(6-16)/4	28	31.5
Railway 4	GR	GF	59.1	35	24.1	4/(6-16)/4	28	31.1
Railway 5	GR	GF	59.5	35	24.5	4/(6-16)/4	28	31.5
Railway 6	GR	GF	60	35	25	4/(6-16)/4	28	32
Railway 8	GR	GF	60	35	25	4/(6-16)/4	28	32
Railway 9	GR	GF	60.1	35	25.1	4/(6-16)/4	28	32.1
Railway 10	GR	GF	59.8	35	24.8	4/(6-16)/4	28	31.8
Railway 11	GR	GF	59.9	35	24.9	4/(6-16)/4	28	31.9
Railway 12	GR	GF	60.2	35	25.2	4/(6-16)/4	28	32.2
Railway 13	GR	GF	60.1	35	25.1	4/(6-16)/4	28	32.1
Railway 7	GR	GF	59.8	35	24.8	4/(6-16)/4	28	31.8

Railway - Night time

Receiver	Usage	FI	Lnight dB(A)	Criteria	Required Reduction	Required Glazing	Glazing Performance	Predicted Internal Level
Railway 1	GR	F 1	54.7	30	24.7	4/(6-16)/4	28	26.7
Railway 2	GR	F 1	53.4	30	23.4	4/(6-16)/4	28	25.4
Railway 3	GR	F 1	53.1	30	23.1	4/(6-16)/4	28	25.1
Railway 4	GR	F 1	52.6	30	22.6	4/(6-16)/4	28	24.6
Railway 5	GR	F 1	52.8	30	22.8	4/(6-16)/4	28	24.8
Railway 6	GR	F 1	53.1	30	23.1	4/(6-16)/4	28	25.1
Railway 8	GR	F 1	52.5	30	22.5	4/(6-16)/4	28	24.5

Railway 9	GR	F 1	52.5	30	22.5	4/(6-16)/4	28	24.5
Railway 10	GR	F 1	52.1	30	22.1	4/(6-16)/4	28	24.1
Railway 11	GR	F 1	52.2	30	22.2	4/(6-16)/4	28	24.2
Railway 12	GR	F 1	52.5	30	22.5	4/(6-16)/4	28	24.5
Railway 13	GR	F 1	52.7	30	22.7	4/(6-16)/4	28	24.7
Railway 7	GR	F 1	52.8	30	22.8	4/(6-16)/4	28	24.8
Railway 1	GR	F 2	55.4	30	25.4	4/(6-16)/4	28	27.4
Railway 2	GR	F 2	54.1	30	24.1	4/(6-16)/4	28	26.1
Railway 3	GR	F 2	53.7	30	23.7	4/(6-16)/4	28	25.7
Railway 4	GR	F 2	53.1	30	23.1	4/(6-16)/4	28	25.1
Railway 5	GR	F 2	53.3	30	23.3	4/(6-16)/4	28	25.3
Railway 6	GR	F 2	53.6	30	23.6	4/(6-16)/4	28	25.6
Railway 8	GR	F 2	53	30	23	4/(6-16)/4	28	25
Railway 9	GR	F 2	52.9	30	22.9	4/(6-16)/4	28	24.9
Railway 10	GR	F 2	52.6	30	22.6	4/(6-16)/4	28	24.6
Railway 11	GR	F 2	52.7	30	22.7	4/(6-16)/4	28	24.7
Railway 12	GR	F 2	52.9	30	22.9	4/(6-16)/4	28	24.9
Railway 13	GR	F 2	53.2	30	23.2	4/(6-16)/4	28	25.2
Railway 7	GR	F 2	53.2	30	23.2	4/(6-16)/4	28	25.2

A507 - Day time

Receiver	Usage	FI	Lday dB(A)	Criteria	Required Reduction	Required Glazing	Glazing Performance	Predicted Internal Level
A507 1	GR	GF	63.3	35	28.3	4(6)8	30	33.3
A507 2	GR	GF	62.1	35	27.1	4(6)8	30	32.1
A507 3	GR	GF	63.2	35	28.2	4(6)8	30	33.2
A507 4	GR	GF	62.2	35	27.2	4(6)8	30	32.2
A507 5	GR	GF	61.4	35	26.4	4(6)8	30	31.4
A507 7	GR	GF	62.4	35	27.4	4(6)8	30	32.4
A507 8	GR	GF	63.6	35	28.6	4(6)8	30	33.6
A507 9	GR	GF	63.6	35	28.6	4(6)8	30	33.6
A507 10	GR	GF	64	35	29	4(6)8	30	34
A507 11	GR	GF	63.6	35	28.6	4(6)8	30	33.6
A507 12	GR	GF	63.6	35	28.6	4(6)8	30	33.6
A507 13	GR	GF	63.8	35	28.8	4(6)8	30	33.8
A507 14	GR	GF	63.8	35	28.8	4(6)8	30	33.8
A507 15	GR	GF	62.8	35	27.8	4(6)8	30	32.8
A507 16	GR	GF	63.4	35	28.4	4(6)8	30	33.4
A507 17	GR	GF	61.8	35	26.8	4(6)8	30	31.8
A507 18	GR	GF	62.5	35	27.5	4(6)8	30	32.5
A507 19	GR	GF	64.4	35	29.4	4(6)8	30	34.4
A507 20	GR	GF	63.4	35	28.4	4(6)8	30	33.4
A507 21	GR	GF	63.6	35	28.6	4(6)8	30	33.6

A507 22	GR	GF	63.8	35	28.8	4(6)8	30	33.8
A507 23	GR	GF	64.2	35	29.2	4(6)8	30	34.2
A507 24	GR	GF	64	35	29	4(6)8	30	34
A507 25	GR	GF	64	35	29	4(6)8	30	34
A507 26	GR	GF	63.9	35	28.9	4(6)8	30	33.9
A507 27	GR	GF	64.1	35	29.1	4(6)8	30	34.1

A507 - Night time

Receiver	Usage	FI	Night dB(A)	Criteria	Required Reduction	Required Glazing	Glazing Performance	Predicted Internal Level
A507 1	GR	F 1	55.2	30	25.2	6/(6-16)/4	28	27.2
A507 2	GR	F 1	54.6	30	24.6	6/(6-16)/4	28	26.6
A507 3	GR	F 1	55.2	30	25.2	6/(6-16)/4	28	27.2
A507 4	GR	F 1	54.7	30	24.7	6/(6-16)/4	28	26.7
A507 5	GR	F 1	54.2	30	24.2	6/(6-16)/4	28	26.2
A507 7	GR	F 1	54.7	30	24.7	6/(6-16)/4	28	26.7
A507 8	GR	F 1	55.1	30	25.1	6/(6-16)/4	28	27.1
A507 9	GR	F 1	55.2	30	25.2	6/(6-16)/4	28	27.2
A507 10	GR	F 1	55.4	30	25.4	6/(6-16)/4	28	27.4
A507 11	GR	F 1	55.3	30	25.3	6/(6-16)/4	28	27.3
A507 12	GR	F 1	55.3	30	25.3	6/(6-16)/4	28	27.3
A507 13	GR	F 1	55.4	30	25.4	6/(6-16)/4	28	27.4
A507 14	GR	F 1	55.4	30	25.4	6/(6-16)/4	28	27.4
A507 15	GR	F 1	54.9	30	24.9	6/(6-16)/4	28	26.9
A507 16	GR	F 1	55.4	30	25.4	6/(6-16)/4	28	27.4
A507 17	GR	F 1	54.4	30	24.4	6/(6-16)/4	28	26.4
A507 18	GR	F 1	54.9	30	24.9	6/(6-16)/4	28	26.9
A507 19	GR	F 1	55.7	30	25.7	6/(6-16)/4	28	27.7
A507 20	GR	F 1	55.3	30	25.3	6/(6-16)/4	28	27.3
A507 21	GR	F 1	55.4	30	25.4	6/(6-16)/4	28	27.4
A507 22	GR	F 1	55.5	30	25.5	6/(6-16)/4	28	27.5
A507 23	GR	F 1	55.5	30	25.5	6/(6-16)/4	28	27.5
A507 24	GR	F 1	55.4	30	25.4	6/(6-16)/4	28	27.4
A507 25	GR	F 1	55.3	30	25.3	6/(6-16)/4	28	27.3
A507 26	GR	F 1	55.3	30	25.3	6/(6-16)/4	28	27.3
A507 27	GR	F 1	55.4	30	25.4	6/(6-16)/4	28	27.4
A507 1	GR	F 2	55.7	30	25.7	6/(6-16)/4	28	27.7
A507 2	GR	F 2	55.2	30	25.2	6/(6-16)/4	28	27.2
A507 3	GR	F 2	55.8	30	25.8	6/(6-16)/4	28	27.8
A507 4	GR	F 2	55.3	30	25.3	6/(6-16)/4	28	27.3
A507 5	GR	F 2	54.9	30	24.9	6/(6-16)/4	28	26.9
A507 7	GR	F 2	55.4	30	25.4	6/(6-16)/4	28	27.4
A507 8	GR	F 2	55.6	30	25.6	6/(6-16)/4	28	27.6

A507 9	GR	F 2	55.7	30	25.7	6/(6-16)/4	28	27.7
A507 10	GR	F 2	55.8	30	25.8	6/(6-16)/4	28	27.8
A507 11	GR	F 2	55.8	30	25.8	6/(6-16)/4	28	27.8
A507 12	GR	F 2	55.8	30	25.8	6/(6-16)/4	28	27.8
A507 13	GR	F 2	55.9	30	25.9	6/(6-16)/4	28	27.9
A507 14	GR	F 2	55.9	30	25.9	6/(6-16)/4	28	27.9
A507 15	GR	F 2	55.5	30	25.5	6/(6-16)/4	28	27.5
A507 16	GR	F 2	55.9	30	25.9	6/(6-16)/4	28	27.9
A507 17	GR	F 2	55.1	30	25.1	6/(6-16)/4	28	27.1
A507 18	GR	F 2	55.5	30	25.5	6/(6-16)/4	28	27.5
A507 19	GR	F 2	56.1	30	26.1	6/(6-16)/4	28	28.1
A507 20	GR	F 2	55.9	30	25.9	6/(6-16)/4	28	27.9
A507 21	GR	F 2	56	30	26	6/(6-16)/4	28	28
A507 22	GR	F 2	56	30	26	6/(6-16)/4	28	28
A507 23	GR	F 2	55.9	30	25.9	6/(6-16)/4	28	27.9
A507 24	GR	F 2	55.8	30	25.8	6/(6-16)/4	28	27.8
A507 25	GR	F 2	55.8	30	25.8	6/(6-16)/4	28	27.8
A507 26	GR	F 2	55.7	30	25.7	6/(6-16)/4	28	27.7
A507 27	GR	F 2	55.8	30	25.8	6/(6-16)/4	28	27.8

9.6. Glazing Calculation – LAmax Values

Receiver	LAmax dB(A)	Criteria	Required Reduction	Required Glazing	Glazing Performance	Predicted Internal Level
Stepplingley Rd	81.2	45	36.2	6/100/4	37	44.2
Railway	75.9	45	30.9	6/(6-16)/4	31	44.9
A507	77.5	45	32.5	4(6)10	33	44.5

9.7. Glazing Mark-up



<b>Steppingley Road Boundary</b>		<b>Glazing Configuration Required</b>	<b>Glazing Performance</b>
Living Rooms		4(6)8	30dB R <sub>TRA</sub>
Bedrooms		6/100/4	37dB R <sub>TRA</sub>
<b>Railway Boundary</b>		<b>Glazing Configuration Required</b>	<b>Glazing Performance</b>
Living Rooms		4/(6-16)/4	28dB R <sub>RAIL</sub>
Bedrooms		6/(6-16)/4	31dB R <sub>RAIL</sub>
<b>Froghall Road Boundary</b>		<b>Glazing Configuration Required</b>	<b>Glazing Performance</b>
Living Rooms		4(6)8	30dB R <sub>TRA</sub>
Bedrooms		4(6)10	33dB R <sub>TRA</sub>

All other glazing on site can be standard 4/(6-16)/4.

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**Margaret James**

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**From:** Guy Quint  
**Sent:** 26 January 2018 11:58  
**To:** Margaret James  
**Cc:** Jo Borthwick; Nicola O'Donnell; Sally Wileman; Simon Joynes  
**Subject:** RE: The Rufus Centre  
**Attachments:** 182Guidance April 2017.pdf

Hello Margaret

Thanks for the email on this. This is connected to a very protracted and involved case involving both Public Protection & Planning, and involves Sally Wileman who has been leading on the Corporate Complaints front as the matter covers both noise nuisance and planning legislation.

Essentially, we have had some complaints about noise from events held at the Rufus Centre since residents moved into newly built houses on the new adjacent residential development. Our nuisance investigation proved inconclusive in terms of the evidence provided, but we recognised that there is a noise breakout problem (although it would appear not as a result of any changes in the activities of the Rufus Centre) affecting some of the closest residents and the problem stemmed from the fact that the Rufus centre was not identified as a potential noise source when the development was granted planning permission.

In response to the corporate complaints we received, the Council arranged for an independent noise assessment to be undertaken by MAS Environmental. This identified several structural factors contributing to the noise breakout from the Rufus Centre and has recommended a phased schedule of works to address this noise breakout and mitigate the impact of noise on those residents affected. CBC has accepted responsibility for meeting the cost of these noise mitigation works and we are currently in the process of getting a detailed specification of works drawn up before going out to tender to appoint a contractor to undertake the works, and then carry out further noise testing to assess their impact/success. We are scheduled to meet with the Rufus Centre this coming Monday to discuss the findings of the MAS report and implementing their recommendations.

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**Leslie Manning**

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**From:** Simon Joynes  
**Sent:** 29 January 2018 12:48  
**To:** Licensing Enquiries  
**Cc:** Guy Quint  
**Subject:** ██████████ - Rufus Centre Review

Good Afternoon,

I write with respect to the application for the review of the license held by the Rufus by ██████████ of ██████████ Wellington Close Flitwick.

Public Protection have previously conducted an investigation into allegations made by the resident. However, at this time we have not been able to establish that noise impacts at the residents property, in that whilst allegations were made at no time has the resident accepted the offer of noise monitoring equipment to assist us in our investigations. The case was therefore closed but I ask that you are mindful that a corporate complaint exists and is currently being dealt with by Sally Wileman and the senior management team.

In response to the corporate complaints we received, the Council arranged for an independent noise assessment to be undertaken by MAS Environmental. This identified several structural factors contributing to the noise breakout from the Rufus Centre and has recommended a phased schedule of works to address this noise breakout and mitigate the impact of noise on those residents affected. CBC has accepted responsibility for meeting the cost of these noise mitigation works and we are currently in the process of getting a detailed specification of works drawn up before going out to tender to appoint a contractor to undertake the works, and then carry out further noise testing to assess their impact/success.

I therefore state that we believe the review application to be premature.

Regards

Simon Joynes

Simon Joynes  
Chartered Environmental Health Practitioner  
Community Services

Central Bedfordshire Council Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ  
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Information security classification\* of this email: Not protected

\*Information security definitions:  
Restricted - Sensitive Data,  
Protected - Contains personal data covered by DPA  
Not protected - General Data

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**Leslie Manning**

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**From:** Simon Joynes  
**Sent:** 29 January 2018 12:51  
**To:** Licensing Enquiries  
**Cc:** Guy Quint  
**Subject:** [REDACTED] - Application for Review of Premises License

Good Afternoon,

I write with respect to the application for the review of the license held by the Rufus by [REDACTED] of [REDACTED] Shackleton Gardens.

Public Protection have previously conducted an investigation into allegations made by the resident. However, at this time we have not been able to establish that noise impacts at the residents property, in that investigations were inconclusive and further to the receipt of a corporate complaint the matter is currently being dealt with by Sally Wileman and the senior management team.

In response to the corporate complaints we received, the Council arranged for an independent noise assessment to be undertaken by MAS Environmental. This identified several structural factors contributing to the noise breakout from the Rufus Centre and has recommended a phased schedule of works to address this noise breakout and mitigate the impact of noise on those residents affected. CBC has accepted responsibility for meeting the cost of these noise mitigation works and we are currently in the process of getting a detailed specification of works drawn up before going out to tender to appoint a contractor to undertake the works, and then carry out further noise testing to assess their impact/success.

I therefore state that we believe the review application to be premature.

Regards

Simon Joynes

Simon Joynes  
Chartered Environmental Health Practitioner  
Community Services

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