

INFORMATION TO SUPPORT AN OBJECTION TO THE APPLICATION FOR TWO TEMPORARY EVENT NOTICES IN RESPECT OF THE TOP BELL, 10 MARKET SQUARE, LEIGHTON BUZARD LU7 1EY (ALSO KNOWN AS THE BELL)

Two applications for temporary event notices have been submitted by Ashley Ryder, designated premises supervisor for the above premises to extend the hours for the sale of alcohol, regulated entertainment and late night refreshment to 0400 – 0900 hours from 19 – 25 December 2012 (with Monday 24 December being 0200 - 0900 hours) and to 0400 – 0900 from 27 December 2012 – 2 January 2013 (with Monday 31 December being 0200 – 0900 hours).

The reasons I am objecting are that I am of the opinion that the existing premises licence condition in respect Annex 2 of the premise licence, licensing objective d) the prevention of public nuisance would not be sufficient to limit noise pollution when entertainment is offered within the premises and additionally the extended use of the outside patio area would also result in noise disturbance.

Annex 2 of the premises licence – Conditions consistent with the operating schedule - licensing objective d) the prevention of Public Nuisance of states:

“Door supervisors employed on Friday and Saturday nights. Window to front of premises closed save for Friday and Saturday nights. Additional patrols will take place by members of staff internally and externally to limit any noise pollution when entertainment is offered within the premises.”

The current premises licence, issued on 12 June 2012, allows, amongst other licensable activities, live music indoors from 1800 – 0000 hours Monday to Thursday and from 1800 – 0100 hours Friday to Sunday; recorded music indoors from 0900 – 0430 Monday to Saturday and from 0900 – 0230 hours Sunday. Late night refreshment is allowed from 2300 – 0430 hours Monday to Saturday and from 2300 – 0230 hours Sunday.

The current hours came about following an application for a variation in the then permitted hours for licensable activities made by a former holder of the premises licence in December 2008. As no complaints regarding noise from the premises had been received no objections were made to the requested variation in hours. The premises licence was subsequently varied in January 2009.

However in March 2009 the legacy South Beds District Council received a complaint of late night entertainment noise and despite trying to resolve the competing interests of late night entertainment at the Top Bell with quiet enjoyment for the residents complaints continued. An agreement was made with the then designated premises supervisor and holder of the premises licence that they would make regular patrols to ensure that music was not audible at the Duncombe Drive car park end of Bell Alley. If music were audible the volume would be turned down.

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I was the Council's duty call out officer on 27 December 2009 when I was called at 0315 hours as a result of a complaint of loud amplified music and drumming as well as noisy customers leaving the pub. I was unable to contact the pub, but eventually visited at 0445 hours. The premises were closed, but there was a crowd of people, possibly late teens/early twenties on the pavement outside the pub. They were noisy, but not aggressive.

On return to work I contacted the Top Bell; I was told that since the indoor smoking ban they had directed smokers to the rear patio area rather than to the front pavement where there could be trouble with other groups of roaming youths; this was probably the source of the "people" noise that had been heard. They said they had reduced the number of live bands and rearranged the positioning of speakers etc to try and manage any noise breakout.

A further complaint was received in March 2010 and on investigation loud music, rave type and drumming, was noted in the Duncombe Drive car park. Further complaints were received in March. However when contacted by either the complainant or the duty call out officer the DPS would reduce the volume, but only for it to increase later.

I was called, again as the duty call out officer, in May 2010 and noted drum and bass when in the Duncombe Drive car park. I noted considerable breakout of noise from the façade of the pub facing Bell Alley. I also noted people in the rear patio area had spilled out into Bell Alley. I arranged with the DPS and DJ an acceptable noise level, but later that night I was called again as the level had again increased. Further attempts were made with the holder of the premises licence to find ways to manage the noise and a noise policy was submitted later that month. I had reservations that what was suggested would resolve the problem of music breakout and disturbance.

A further complaint was received in August 2010, noise from people using the outside patio area dominated. By then there was a new designated premises supervisor and also a new holder of the premises licence. The holder of the premises licence, RF Leisure, remains the same today. Further complaints were received that November and that is when I brought to the attention of Mr Ryder the past history of noise complaints regarding the club and the previous agreement that music from the Top Bell should not be audible at the Duncombe Drive car park end of Bell Alley. Further complaints were received in 2011 and loud music was witnessed on occasion in the Duncombe Drive car park. A complaint was again received regarding loud noise coming from the outside patio area on the night of Boxing Day last year.

Complaints continued through 2012 and again on occasion breakout of loud music has been witnessed in the Duncombe Road car park. I carried out a random visit on 13 April 2012 and noted a bass beat in the Duncombe Road car park; a disco was taking place and loud music was breaking out from the frontside and rear of the premises. I confirmed the music was too loud and asked that it be turned down. I was told that the level was 70dB and therefore OK. I reminded them that there is no prescribed noise level regarding loud

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music and that the agreement is that music must not be audible at the Duncombe Drive car park end of Bell Alley.

It is for these reasons that I am objecting to the temporary event notices to increase the licensable activities to 0900 hours. The premises already enjoy extensive opening hours and disturbance from both loud music breakout and people using the premises has been witnessed; management agreements cannot be relied upon to ensure there would be no further disturbance over the Christmas and New Year period.

Michael John Eden BSc (Hons), MSc, PG Dip Acoustics, CMCIEH
Chartered Environmental Health Practitioner