



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

FRIDAY 25TH JUNE 2010

AT 10.00 A.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Mrs. R. L. Dent, D. McGrath and P. J. Whittaker

AGENDA

LICENSING SUB-COMMITTEE HEARING PROCEDURE (Pages 1 - 4)

1. Election of Chairman for the meeting
2. To receive apologies for absence and notification of substitutes
3. Declarations of Interest
4. Application for a Premises Licence in respect of The Rousler, 11 - 13 High Street, Bromsgrove (Pages 5 - 38)
5. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

17th June 2010

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Appendix

LICENSING SUB-COMMITTEE

HEARING PROCEDURE

1. The Chairman will open the hearing and introduce members of the Sub-Committee and officers present.
2. The Chairman will ask all other people present to introduce themselves.
3. The Chairman will inform those present that the meeting is being recorded.
4. The Chairman will remind the Applicant and each party present that they can be represented by a legal representative at their own expense.
5. The Licensing Officer will present the report.
6. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Licensing Officer.
7. The Chairman will invite the Applicant and/or his/her representative to present his/her case and call any witnesses. The Applicant will be allowed a maximum of 10 minutes to present the case.
8. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Applicant.
9. The Chairman will invite the Responsible Authorities to present their representations. New representations must not be raised. The Responsible Authorities will be allowed a total of 10 minutes to present their case(s). If two or more Responsible Authorities wish to address the Sub-Committee the 10 minutes will be divided between them.
10. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Responsible Authorities.
11. Interested Parties will be invited to present their representations or elect a spokesperson (which may be a Councillor) to speak on their behalf. New representations must not be raised. A maximum of 10 minutes will be allowed for the Interested Parties to present their case(s). If two or more Interested Parties wish to address the Sub-Committee the 10 minutes will be divided between them.

- 12. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Interested Parties.**
- 13. The Interested Parties will be invited to sum up. A maximum of 5 minutes will be allowed.**
- 14. The Responsible Authorities will be invited to sum up. A maximum of 5 minutes will be allowed.**
- 15. The Applicant will be invited to sum up. A maximum of 5 minutes will be allowed.**
- 16. At the conclusion of the hearing all parties, including the Licensing Officer, will be asked to withdraw. The Members of the Sub-Committee, the Legal Adviser and the Committee Services Officer will remain.**
- 17. Once the Sub-Committee has reached its decision, all parties will be invited to return. The Sub-Committee's decision, together with the reasons for the decision, will be announced by the Chairman.**
- 18. The Sub-Committee's decision will be confirmed in writing to the Applicant and those parties who made representations.**

Please Note:

1. ***Each application coming before the Licensing Sub-Committee will be treated on its own merits, and the Sub-Committee will take its decision based upon:***
 - a) ***the promotion of the four licensing objectives, as given by the Licensing Act 2003, namely:***
 - ***the prevention of crime and disorder;***
 - ***public safety;***
 - ***the prevention of public nuisance; and***
 - ***the protection of children from harm;***
 -
 - b) ***Bromsgrove District Council's Statement of Licensing Policy;***
 - c) ***guidance issued under section 182 of the Licensing Act 2003; and***
 - d) ***the Licensing Act 2003.***
2. ***The Chairman may require any person who in his/her opinion is behaving in a disruptive manner to leave the meeting, and may refuse to permit that person to return, or permit him/her to return only on such conditions as the Chairman may specify. However, such person may, before the end of the hearing, submit in writing any information which he/she would have been entitled to have given orally at the meeting had he/she not been required to leave.***
3. ***Decisions may be taken in the absence of the Applicant or any other party. All notices and representations received from absent parties will be considered.***
4. ***Questioning must not be hostile or intended to unfairly undermine the position of any party.***
5. ***Late evidence will only be considered with the agreement of all parties present.***
6. ***In cases where a decision cannot be given at the end of the hearing, the decision will be made within 5 working days.***
7. ***An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which all parties were notified in writing of the decision of the Licensing Sub-Committee.***
8. ***All meetings are recorded.***

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BROMSGROVE DISTRICT COUNCIL

EXECUTIVE COMMITTEE

Date 25th June 2010

Premises Licence Hearing - Variation Application The Rousler

Relevant Portfolio Holder	Cllr P Whittaker
Relevant Head of Service	Steve Jordan - Head of Worcestershire Regulatory Services.
Key Decision / Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To consider an application in the name of Barracuda Pubs and Bars Ltd to vary the premises licence to include the variation in accordance with the submitted plan and to extend the hours permitted for all licensable activities.

The application is brought before the Sub-Committee in view of a relevant representation received from a local resident.

2. RECOMMENDATIONS

2.1 The Sub-Committee is asked to RESOLVE

After hearing the representation, in relation to The Rousler whether to;

- (a) to modify the conditions of the licence;**
- (b) to reject the whole or part of the application;**

Or make any changes deemed necessary to the terms of the Premises Licence in relation to the promotion of the licensing objectives.

3 BACKGROUND

- 3.1 The Premises has been licensed with the council as a On licence and under the Licensing Act 2003 transferred from the justice Licence on 24/11/2005
- 3.2 The Licence permits the Sale of Alcohol with consumption off the premises with standard mandatory conditions; a copy of the premises licence is Included at Appendix 1.
- 3.3 The current opening hours of the premises are:

BROMSGROVE DISTRICT COUNCIL

EXECUTIVE COMMITTEE

Date 25th June 2010

Thursday to Saturday 10:00am to 02:30am
Sunday to Wednesday 10:00am to 00:00 Midnight

3.4 The Four licensing objectives are:

The Prevention of Crime and Disorder
Public Safety
The Prevention of Public Nuisance
The protection of Children from harm

4. KEY ISSUES

4.1 On 8th April 2010 Bromsgrove District Council received a variation application form John Gaunt & Partners on behalf of Barracuda Pubs and Clubs Ltd to include on the Licence changes to the plan to cover a proposed roof terrace and to advance the opening hours for non licensable activities to start at 9:00am Monday - Sunday.

4.2 On the 30th April 2010 John Gaunt & Partners submitted a new application to include the changes to include a roof terrace and to change the hours of licensable activity to start at 08:00am Monday - Sunday; a copy of the application can be found at appendix 2.

4.3 John Gaunt & Partners were happy and agreed that the application be re-advertised and the 28 day consultation period is to finish on the 28th May 2010.

4.4 A map of the premises can be found at appendix 3.

4.4 On 7th May 2010 Bromsgrove District Council received a representation from a local resident expressing their concerns regarding the new roof terrace and the change of licensing hours; a copy of the representation can be found at appendix 4.

4.5 There have been no other representations received from any of the other responsible authorities.

5. FINANCIAL IMPLICATIONS

5.1 There are no Financial Implications with this report.

6. LEGAL IMPLICATIONS

6.1 Section 34 (3), (4), (5), (6) and (7) of the Licensing Act 2003 provides:

- (3) Where relevant representations are made, the authority must—
 - (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

- (4) The steps are—
 - (a) to modify the conditions of the licence;
 - (b) to reject the whole or part of the application;and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- (5) In this section “relevant representations” means representations which—
 - (a) are about the likely effect of the grant of the application on the promotion of the licensing objectives, and
 - (b) meet the requirements of subsection (6).

- (6) The requirements are—
 - (a) that the representations are made by an interested party or responsible authority within the period prescribed under section 17(5)(c) by virtue of section 34(5),
 - (b) that they have not been withdrawn, and
 - (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

- (7) Subsections (2) and (3) are subject to sections 19, 20 and 21 (which require certain mandatory conditions to be included in premises licence).

Guidance under Section 182 of the Licensing Act 2003

In considering the application, the licensing authority must consult relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision. For instance, they may need to consult the environmental health officer on an application with possible public nuisance implications. But there is no requirement to consult all responsible authorities on each application and in many cases the licensing authority may be able to make a decision without consultation.

The licensing authority must also consider any relevant representations received from interested parties within the time limit referred to below. As stated earlier in this Guidance, representations are only relevant if they clearly relate to the likely effect of the grant of the variation on the promotion of at least one of the licensing objectives. In the case of minor variations, there is no right to a hearing (as for a full variation or new application), but licensing authorities must take any representations into account in arriving at a decision

7. POLICY IMPLICATIONS

- 7.1 The Committee must have regard to its own Statement of Licensing Policy, guidance issued under S182 of the Licensing Act and the Licensing Act 2003 when reaching a decision.
- 7.2 The Council's Statement of Licensing Policy applies to this application. This reads: "*We will consider every application sent to us, on its individual merits. When we make licensing decisions we will promote:*
- *prevention of crime and disorder;*
 - *protection of public safety;*
 - *prevention of public nuisance, and*
 - *protection of children from harm."*

8. COUNCIL OBJECTIVES

- 8.1 This proposal contributes to the Council's objective "One Community"

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 The main risk associated with the details included in this report are:

- Decision made without having regard to Council Policy, Guidance issued by Secretary of State and governing legislation.

9.2 Currently the risk identified in the bullet point is not addressed by any risk register and will be added to the Planning and Environment Services risk register as follows:

- Ensure that all licensing applications are determined in accordance with the relevant Council Policy, any guidance issued by Central Government and any governing legislation.

10. CUSTOMER IMPLICATIONS

10.1 The outcome of the Committee's decision may have an impact on the livelihood and income of the Premises Licence holders.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 None

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 None

14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None

BROMSGROVE DISTRICT COUNCIL

EXECUTIVE COMMITTEE

Date 25th June 2010

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 All parties will be notified of the Council's decision in writing

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	Yes
Executive Director (S151 Officer)	No
Executive Director - Leisure, Cultural, Environmental and Community Services	No
Executive Director - Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

Central Ward

22. APPENDICES

- Appendix 1 Premises Licence
- Appendix 2 Application to Vary Premises Licence under the Licensing Act 2003
- Appendix 3 Map of Premises
- Appendix 4 Representation from Local Resident

23. BACKGROUND PAPERS

Statement of Licensing Policy
Licensing Act 2003
Licensing Act 2003 Section 182 Guidance Notes

AUTHOR OF REPORT

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Burcot Lane
Bromsgrove
Worcestershire. B60 1AA.
Telephone: (01527) 881288



Bromsgrove
District Council

www.bromsgrove.gov.uk

Premises Licence Licensing Act 2003

Premises Licence Number

PL0235

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

The Rousler
11 - 13 High Street
Bromsgrove
Worcestershire
B61 8AJ

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Exhibition of Films	Thursday - Saturday	10:00 - 02:00	Inside the premises
Exhibition of Films	Sunday - Wednesday	10:00 - 23:30	Inside the premises
Indoor Sporting Event	Thursday - Saturday	10:00 - 02:00	
Indoor Sporting Event	Sunday - Wednesday	10:00 - 23:30	
Live Music	Thursday - Saturday	10:00 - 02:00	Inside the premises
Live Music	Sunday - Wednesday	10:00 - 23:30	Inside the premises
Recorded Music	Thursday - Saturday	10:00 - 02:00	Inside the premises
Recorded Music	Sunday - Wednesday	10:00 - 23:30	Inside the premises
Performance of Dance	Thursday - Saturday	10:00 - 02:00	Inside the premises
Performance of Dance	Sunday - Wednesday	10:00 - 23:30	Inside the premises
Facilities for making music	Thursday - Saturday	10:00 - 02:00	Inside the premises
Facilities for making music	Sunday - Wednesday	10:00 - 23:30	Inside the premises
Facilities for dancing	Thursday - Saturday	10:00 - 02:00	Inside the premises
Facilities for dancing	Sunday - Wednesday	10:00 - 23:30	Inside the premises
Late Night Refreshment	Thursday - Saturday	23:00 - 02:00	Inside the premises
Late Night Refreshment	Sunday - Wednesday	23:00 - 23:30	Inside the premises

Retail Sale of Alcohol	Thursday - Saturday	10:00 - 02:00	On and Off the Premises
Retail Sale of Alcohol	Sunday - Wednesday	10:00 - 23:30	On and Off the premises

Non Standard Timings

For Playing of recorded music, provision of facilities for dancing, late night refreshment and the sale by retail of alcohol, New Year's Eve - Till the start of trading hours on New Year's Day
 For any non standard timings and/or seasonal variations not listed above, please refer to Annex 1 of the Licence (if applicable).

The opening hours of the premises

Thursday - Saturday	10:00 - 02:30
Sunday - Wednesday	10:00 - 00:00

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

Alcohol is supplied for consumption both on and off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

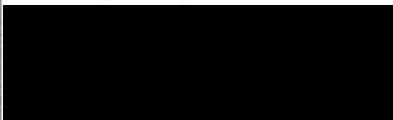
Barracuda Pubs and Bars Limited
 1st Floor, Lunar House
 Globe Park, Fieldhouse Lane
 Marlow
 Buckinghamshire
 SL7 1LW

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

4016747

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

Mr Garry Abbott



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

Licence Number: PERS6687

Licensing Authority: Charnwood

Annex 1 – Mandatory conditions

1 Annex 1

Mandatory Conditions

- (a) No supply of alcohol may be made under this Premises Licence at a time when:
- There is no designated premises supervisor in respect of the Premises Licence; or
 - At a time when the designated premises supervisor does not hold a Personal Licence or his/her Personal Licence has been suspended.
- (b) Every Supply of alcohol under this Premises Licence must be made or authorised by a person who holds a Personal Licence.
- (c) If any person is employed to be responsible for security, protection, screening the suitability of people entering the premises or dealing with conflict in pubs, clubs and other licensed premises open to the public shall be registered with the Security Industry Authority (SIA).
- (d) Where a Premises Licence authorises the exhibition of films, the admission of children to the exhibition of any film is to be restricted in accordance with Section 20 of the Licensing Act 2003.

Annex 2 – Conditions consistent with the Operating Schedule

1 Annex 2

Conditions consistent with the operating schedule

(a) General - all four licensing objectives

1. Barracuda will continue to train staff to the standards required by relevant legislation.
2. The premises are risk assessed from time to time in accordance with existing legislation.

(b) The prevention of crime and disorder

3. CCTV shall be installed at the premises. The number and locations of the cameras/monitors and recording equipment to be agreed with the police.
4. Recordings shall be stored in a safe environment for a period of time agreed with the Crime Prevention Officer and made available to an authorised officer of the licensing authority or police.
5. The system shall be maintained and images stored in accordance with the Data Protection Act and any other relevant legislation relating to the use of the system.
6. The requirement for door supervisors will be determined by a management risk assessment. Any door supervisor employed by the company will be licensed under the Private Security Industry Act 2001.
7. A drugs policy will be agreed with the police and implemented.
8. Toughened glass will be used at the premises where available.
9. Drinks promotions will not be permitted allowing unlimited supply of alcohol for a set price.
10. A representative of the premises licence holder will actively participate in a Pub Watch scheme where such a scheme exists.

(c) Public safety

11. Plan drawing number X1576 - AM01 submitted in support of the application incorporates our client's proposals in respect of the following public safety measures - means of escape, fire detection, fire fighting equipment and emergency lighting.
12. Barracuda will ensure compliance with all building regulations requirements prior to trading.
13. Barracuda will comply with the reasonable requirements of the Fire Officer applicable at the time of completion of the works.

(d) The prevention of public nuisance

14. To comply with the reasonable requirements of the Environmental Health Officer - to include matters relating to acoustic measures, noxious smells and refuse.
15. Notices asking patrons to leave quietly shall be displayed at the premises.

(e) The protection of children from harm

16. Appropriate steps by management of the premises will be taken to ensure no under age sales will occur.
17. Persons under the age of 16 will only be permitted entry to the premises when trading if accompanied by an adult.
18. Persons under the age of 18 will not be permitted to play the amusement with prizes machines.

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

1 Annex 3

Conditions attached after a hearing by the licensing authority

Not applicable.

**The Council House
Burcot Lane
Bromsgrove
Worcestershire. B60 1AA.
Telephone: (01527) 881288**



**Bromsgrove
District Council**

www.bromsgrove.gov.uk

Premises Licence Summary Licensing Act 2003

Premises Licence Number

PL0235

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

The Rousler
11 - 13 High Street
Bromsgrove
Worcestershire
B61 8AJ

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

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Indoor Sporting Event	Thursday - Saturday	10:00 - 02:00	
Indoor Sporting Event	Sunday - Wednesday	10:00 - 23:30	
Live Music	Thursday - Saturday	10:00 - 02:00	Inside the premises
Live Music	Sunday - Wednesday	10:00 - 23:30	Inside the premises
Recorded Music	Thursday - Saturday	10:00 - 02:00	Inside the premises
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Facilities for making music	Thursday - Saturday	10:00 - 02:00	Inside the premises
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Late Night Refreshment	Thursday - Saturday	23:00 - 02:00	Inside the premises

Late Night Refreshment	Sunday - Wednesday	23:00 - 23:30	Inside the premises
Retail Sale of Alcohol	Thursday - Saturday	10:00 - 02:00	On and Off the Premises
Retail Sale of Alcohol	Sunday - Wednesday	10:00 - 23:30	On and Off the premises

Non Standard Timings

For Playing of recorded music, provision of facilities for dancing, late night refreshment and the sale by retail of alcohol, New Year's Eve - Till the start of trading hours on New Year's Day

For any non standard timings and/or seasonal variations not listed above, please refer to Annex 1 of the Licence (if applicable).

The opening hours of the premises

Thursday - Saturday	10:00 - 02:30
Sunday - Wednesday	10:00 - 00:00

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

Alcohol is supplied for consumption both on and off the Premises

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Barracuda Pubs and Bars Limited
 1st Floor, Lunar House
 Globe Park, Fieldhouse Lane
 Marlow
 Buckinghamshire
 SL7 1LW

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

4016747

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

Mr Garry Abbott

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

Please refer to Annex 2 - 'The protection of children from harm' for any restrictions.

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Application to vary a premises licence 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.

We Barracuda Pubs and Bars Ltd, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number

PLO235

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Rousler, 11-13 High Street,	
Post town Bromsgrove	Post code B61 8AJ

Telephone number of premises (if any)

01527 559172

Non-domestic rateable value of premises

£71500

Part 2 – Applicant Details

Daytime contact telephone number

01527 559172

Email address
(optional)Current postal
address if
different from
premises address

Barracuda Pubs and Bars Ltd, 1st Floor, Lunar House, Globe Park, Fieldhouse Lane,

Post Town

Marlow

Postcode

SL7 1LW

Part 3 – Variation

Please tick ✓/yes

Do you want the proposed variation to have effect as soon as possible?

The approval to internal alterations is to take effect on completion of the works.

If not do you want the variation to take effect from

Day Month Year

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

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

Please describe briefly the nature of the proposed variation (please read guidance note 1)

The purpose of this application is to vary the Licence :-

1. To extend the licensed area to cover the proposed roof terrace for existing licensable activities and existing hours and further, to approve minor seating layout changes as identified on the plans deposited with the Licensing Authority.
2. To advance the commencement hour Monday – Sunday to 08.00 for all existing licensable activities with a similar adjustment to the opening hour.
3. To extend the licensing hours by 1 hour on the commencement of British Summertime to replace the hour lost. As such, the relevant boxes b,c, e, f, g, i, j, l and m have been ticked to reflect the request to extend the non-standard time.

As a condition on this Licence (annexure 2 condition 11) the approved drawing number is cited. It would be proposed that this would be updated with the new plan as deposited with the Licensing Authority.

It is anticipated that the primary offering of the site will be non-licensable activities at the earlier hour from 08.00 such as tea's, coffee's and breakfasts. The variation to include licensable activities is to permit maximum flexibility.

The purpose of the application is to improve facilities at the Rousler. In that the premises presently operate without difficulty and are subject to existing conditions which promote the licensing objectives, it is not anticipated that the changes will adversely affect those licensing objectives. The operating statement has been completed on that basis.

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please tick ✓ yes

Provision of regulated entertainment

- a) Plays (if ticking yes, fill in box A)
- b) Films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M) -- in relation to non-standard timings only

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	08.00	23.30	Please give further details here (please read guidance note 3) As per the existing premises licence	Both	
Tue	08.00	23.30			
Wed	08.00	23.30	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	08.00	02.00			
Fri	08.00	02.00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) When the hours for sale of alcohol hereunder are extended these hours as also extended.		
Sat	08.00	02.00			
Sun	08.00	23.30			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3) As per the existing Premises Licence
Day	Start	Finish	State any seasonal variations for indoor sporting events (please read guidance note 4) Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5) When the hours for sale of alcohol hereunder are extended these hours as also extended
Mon	08.00	23.30	
Tue	08.00	23.30	
Wed	08.00	23.30	
Thur	08.00	02.00	
Fri	08.00	02.00	
Sat	08.00	02.00	
Sun	08.00	23.30	

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
Day	Start	Finish	Please give further details here (please read guidance note 3) State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4) Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	Outdoors	
Mon				Both	
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - please tick {Y} (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	08.00	23.30	Please give further details here (please read guidance note 3) As per the existing Premises Licence	Both	
Tue	08.00	23.30			
Wed	08.00	23.30	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	08.00	02.00			
Fri	08.00	02.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) When the hours for sale of alcohol hereunder are extended these hours as also extended		
Sat	08.00	02.00			
Sun	08.00	23.30			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please tick {Y} (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	08.00	23.30	Please give further details here (please read guidance note 3) As per the existing Premises Licence	Both	
Tue	08.00	23.30			
Wed	08.00	23.30	State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur	08.00	02.00			
Fri	08.00	02.00	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) When the hours for sale of alcohol hereunder are extended these hours as also extended		
Sat	08.00	02.00			
Sun	08.00	23.30			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	08.00	23.30	Please give further details here (please read guidance note 3) As per the existing Premises Licence	Both	
Tue	08.00	23.30			
Wed	08.00	23.30	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	08.00	02.00			
Fri	08.00	02.00	Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) When the hours for sale of alcohol hereunder are extended these hours as also extended		
Sat	08.00	02.00			
Sun	08.00	23.30			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
Mon					Outdoors
Tue			Please give further details here (please read guidance note 3)	Both	
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Provision of facilities for making music. Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			Will the facilities for making music be indoors or outdoors or both – please tick {Y} (please read guidance note 2).	
Day	Start	Finish	Indoors	✓
			Outdoors	
			Both	
Mon	08.00	23.30	Please give further details here (please read guidance note 3)	
			As per the existing Premises Licence	
Tue	08.00	23.30		
Wed	08.00	23.30	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Thur	08.00	02.00		
Fri	08.00	02.00	Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	08.00	02.00	When the hours for sale of alcohol hereunder are extended these hours as also extended	
Sun	08.00	23.30		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick {Y} (see guidance note 2).	
Day	Start	Finish	Indoors	✓
			Outdoors	
			Both	
Mon	08.00	23.30	Please give a description of the facilities for dancing you will be providing	
			As per the existing Premises Licence	
Tue	08.00	23.30		
Wed	08.00	23.30	Please give further details here (please read guidance note 3)	
Thur	08.00	02.00		
Fri	08.00	02.00	State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Sat	08.00	02.00		
Sun	08.00	23.30	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
			When the hours for sale of alcohol hereunder are extended these hours as also extended	

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoor
Mon				Outdoor
Tue				Both
Wed			Please give further details here (please read guidance note 3)	
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)	
Fri				
Sat				
Sun			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)	

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	08.00	23.30		Both	
Tue	08.00	23.30	Please give further details here (please read guidance note 3) As per the existing Premises Licence		
Wed	08.00	23.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	08.00	02.00			
Fri	08.00	02.00			
Sat	08.00	02.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) When the hours for sale of alcohol hereunder are extended these hours as also extended		
Sun	08.00	23.30			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon	08.00	23.30	State any seasonal variations for the supply of alcohol (please read guidance note 4) As per the existing Premises Licence Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) A new non-standard timing to be included on this Licence to extend the licensing hours for all existing licensable activities by 1 hour on the commencement of British Summertime to replace the hour lost. Other non-standard timings to continue as per the existing premises licence. All non-standard timings are to commence at 08.00.	Both	✓
Tue	08.00	23.30			
Wed	08.00	23.30			
Thur	08.00	02.00			
Fri	08.00	02.00			
Sat	08.00	02.00			
Sun	08.00	23.30			

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

0

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	00:00	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) The premises will close to the public 30 minutes after non-standard timings referred to in box M above
Tue	08:00	00:00	
Wed	08:00	00:00	
Thur	08:00	02:30	
Fri	08:00	02:30	
Sat	08:00	02:30	
Sun	08:00	00:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please see part 3 above

Please tick ✓ yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

The Premises Licence is currently with the Licensing Authority in respect of a previous application

P

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

I have undertaken my own risk assessment to take the following proposed steps.

In that the works to the premises are intended to improve the facilities and in that we presently operate without difficulty, it is not anticipated that the variation to this Licence will adversely affect the four licensing objectives.

No new steps have been identified in relation to the four licensing objectives save as below.

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed.

c) Public safety

No further risks have been identified which need to be addressed.

d) The prevention of public nuisance

No further risks have been identified which need to be addressed

e) The protection of children from harm

The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.

I have made or enclosed payment of the fee


- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected



IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent. (Please read guidance note,11). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners 

Date: 30 April, 2010

Capacity: Solicitors

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent. (Please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners

Date:

Capacity: Solicitors

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
John Gaunt & Partners Omega Court 372 Cemetery Road	
Post town Sheffield	Post code S11 8FT
Telephone number (if any) 0114 266 8664	
If you would prefer us to correspond with you by email your email address (optional)	

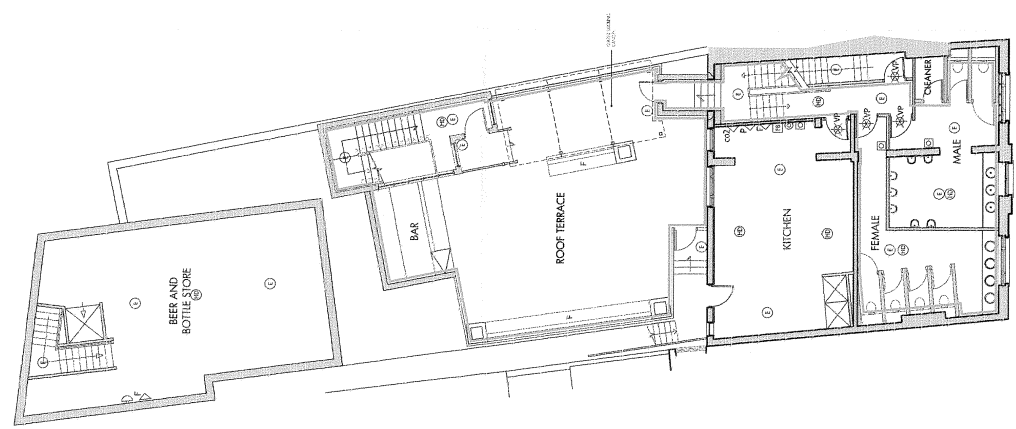
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APPENDIX 3

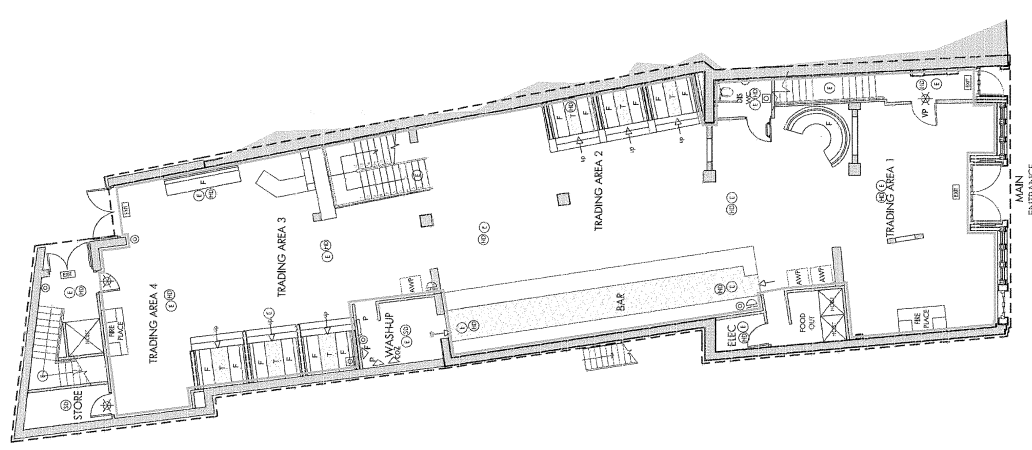
THIS DRAWING IS FOR LICENSING PURPOSES ONLY.
DO NOT SCALE FROM THIS DRAWING.
PROPOSED LEGEND

- BOUNDARY OF BUILDING
- ===== FULL HEIGHT WALL / STRUCTURE
- ===== LOW LEVEL WALL
- ===== RAISED FLOOR LEVEL
- ===== FIRE ALARM PANEL
- ===== FIRE ALARM SOUNDER (WALL MOUNTED)
- ===== FIRE ALARM SOUNDER (CEILING MOUNTED)
- ===== FIRE ALARM CALL POINT
- ===== FIRE BRANSET
- ===== EMERGENCY LIGHT
- ===== SMOKE DETECTOR
- ===== HEAT DETECTOR
- ===== ILLUMINATED ESCAPE SIGN
- ===== FLOODS SELF CLOSING FIRE DOOR
- ===== VISION PANEL
- ===== 4LTR AFFF FOAM EXTINGUISHER
- ===== 4LTR POWDER ABC EXTINGUISHER
- ===== 2kg CO2 EXTINGUISHER
- ===== STEPS OR STAIRCASE
- ===== MACHINE
- ===== FRIED SEATING
- ===== FRIED TABLE

DENOTES AREA TO BE USED FOR THE PROVISION OF REGULATED ENTERTAINMENT/PROVISION OF ENTERTAINMENT FACILITIES/PROVISION OF LATE NIGHT REFRESHMENT/SALE BY RETAIL OF ALCOHOL.



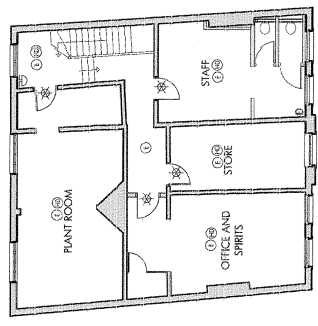
PROPOSED FIRST FLOOR 1:100



PROPOSED GROUND FLOOR 1:100



ANYTHING SHOWN ON THIS PLAN WHICH IS NOT REQUIRED BY THE PLAN REGULATIONS IS FOR ILLUSTRATIVE PURPOSES ONLY AND DOES NOT FORM PART OF THE LICENCE.



PROPOSED SECOND FLOOR 1:100

MPH DRAWN	DATE	MARTO	VS
		Allison Pike Architects and Designers 7 Blandford Way, 2nd Fl, Sycamore, Cheshire, SK7 2JZ Website: www.allisonpike.com Telephone: 01602 760088 Fax: 01602 760272 Email: info@allisonpike.com	
PROJECT		THE POLARIS BAR AND GIN GROUP FIRST STREET, BROMSGROVE	
SCALE		1:100 @ A1	
DATE	BY	DRAWN BY	REV
		AMZZ	

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David Hammond
Head of Planning and Environment Services
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
B60 1AA

6th May 2010

Dear Mr Hammond

Ref: Application to vary the Premises Licence for The Rousler in Bromsgrove

I am writing with regard to the above and to register an objection to the two variations requested. This is on the following grounds:

1. Variation to extend the licensed area to incorporate the roof terrace

We previously objected to the original planning application for the roof terrace and this further request appears to apply for the lengthening of the drinking hours outside as well as inside the premises.

If this request is granted then it would still generate high levels of noise that will lead to a loss of amenity. We are also concerned that the proposal is likely to lead to noise being emitted from the premises so as to be a statutory nuisance.

In the original planning applicant it said (section 5.5) that "There is little, if any, chance of noise and disturbance to noise-sensitive properties being caused by a well-managed use of the proposed terrace area". This is just not true as several drinkers gathered together on an open roof on a summer evening are bound to make a great deal of noise.

Sound carries easily across Crown Close and living on the opposite side of the green we are regularly disturbed by noise from the back of the High Street premises. Rowdy drinkers on their way home, loud music from the dance studio, skateboarders, multi-tone car horns - all of these noises disturb the peace. Crown Close is like a bowl and sound is reflected all around off the back of the high street buildings. It is particularly intrusive at night and in the early hours of the morning when the background noise level drops away. The other noises are transient, and we can live with that. The terrace would produce noise from one place over several hours every night. It would be consistent and regular, and loud. In addition to noise from the terrace, there would be breakout noise from the pub every time the connecting door was opened. The sound would also be projected from first floor level that means it would travel much further than street-level noise. The terrace would be in a direct line to our houses, and bedrooms and we would not be able to ignore it.

It would be even worse if customers could use the roof late at night, and worse still if the pub allowed music there. This unnecessary development is bound to be a nuisance to people living nearby and will mean a loss of amenity. It will cause extra noise at quiet times and we believe there are noise pollution and environmental health issues at stake. The noise will stand out, and will significantly affect our lives and the character of the area. Crown Close is a designated Conservation Area.

If the application for the roof terrace is approved, against the wishes of residents, we would urge the council to impose a planning condition, to the effect that the terrace should not be used after 11 p.m. every night. We believe that such a planning condition would be a reasonable, responsible and modest step to take. The pub would have its terrace, the drinkers could smoke, and the residents would have the assurance they would not be unduly disturbed. Imposing a planning condition would help to minimise the detrimental effects on the amenity of the local environment.

2. Advance the opening hours to 0900 hours and extend them by one hour

This is a real concern and, if accepted, would indicate a "couldn't care less attitude" from our council. We thought that the objective was to promote responsible drinking not to encourage it by opening Pub doors just as people roll out of bed.

We already have the dubious honour of being the first town in the country to issue a nationwide none drinking ASBO to one of our residents and have this reported in all the national newspapers. Also this is a Pub that seems happy to allow it's customers to break the law by using the adjoining Cleggs Entry as a toilet. This creates a health and safety issue for the public and no one seems able to take any action to stop it.

We hope that this extension will not be granted.

Ccfi – Environmental Health Department