



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE LICENSING SUB-COMMITTEE**

**TUESDAY 14TH JULY 2015**  
**AT 6.00 P.M.**

**COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE**

**MEMBERS:** Councillors M. T. Buxton, B. T. Cooper, J. M. L. A. Griffiths and P.L. Thomas (Reserve Member)

### **AGENDA**

Licensing Sub Committee Premises Hearing Procedures (Pages 1 - 4)

1. Election of Chairman for the meeting
2. To receive apologies for absence and notification of substitutes
3. Declarations of Interest  
  
To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
4. Application for a variation to a Premises Licence in respect of West One (Hagley) Limited, 159 Worcester Road, West Hagley, DY9 0NW (Pages 5 - 62)
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

3rd July 2015



## **INFORMATION FOR THE PUBLIC**

### **Access to Information**

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- You can attend all Council, Cabinet and Committee/Board meetings, except for any part of the meeting when the business would disclose confidential or “exempt” information.
- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council’s Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council’s Constitution

at [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

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## LICENSING SUB-COMMITTEE (Premises)

### HEARING PROCEDURE

1. The Chairman will open the hearing and introduce Members of the Sub-Committee and officers present.
2. The Chairman will ask parties to the proceedings to introduce themselves.
3. In the event the Applicant is not represented, the Chairman will remind the Applicant that he/she can be represented by a legal representative at his/her own expense.
4. The Licensing Officer, Worcestershire Regulatory Services will present the report.
5. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Licensing Officer.
6. 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.
7. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Applicant and/or his/her representative.
8. 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.
9. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Responsible Authorities.
10. All other Parties to the proceedings will be invited to present their representations or elect a spokesperson to speak on their behalf. New representations must not be raised. A maximum of 10 minutes will be allowed for the Parties to present their case(s). If two or more Parties wish to address the Sub-Committee the 10 minutes will be divided between them.

# Agenda Item 1

11. **The Chairman will invite Members of the Sub-Committee, the applicant / applicant's representative and the Responsible Authorities to put any relevant questions to the other Parties**
12. **The other Parties will be invited to sum up. A maximum of 5 minutes will be allowed.**
13. **The Responsible Authorities will be invited to sum up. A maximum of 5 minutes will be allowed.**
14. **The Applicant and/or his/her representative will be invited to sum up. A maximum of 5 minutes will be allowed.**
15. **The Chairman will ask the Legal Advisor if there is any legal advice to be given.**
16. **At the conclusion of the hearing Members of the Sub-Committee, the Legal Advisor and the Democratic Services Officer will withdraw from the meeting room so that the Sub-Committee can reach its decision in private**
17. **The Sub-Committee's decision will be sent to the Applicant and those parties who made representations within 5 working days.**

**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. ***The decision of the Sub-Committee will be sent to all parties 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.***

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## Licensing Sub-Committee

Date: 14<sup>th</sup> July 2015

### APPLICATION FOR A PREMISE LICENCE UNDER THE LICENSING ACT 2003

Relevant Portfolio Holder	Councillor Peter Whittaker
Portfolio Holder Consulted	No
Relevant Head of Service	Ivor Pumfrey – Head of Worcestershire Regulatory Services.
Wards Affected	Hagley East
Non-Key Decision	

#### 1. SUMMARY OF PROPOSALS

- 1.1 The Sub-Committee is asked to consider an application to vary a Premises licence for West One (Hagley) Ltd, 159 Worcester Road, West Hagley, DY9 0NW. This application is brought before the Licensing Sub-Committee following receipt of relevant representations.

#### 2. RECOMMENDATIONS

- 2.1 **The Sub-Committee is asked to RESOLVE**

**whether or not, having regard to the licensing objectives, the Guidance issued under section 182 of the Licensing Act 2003, the District Council's Statement of Licensing Policy, the applicant's proposed Operating Schedule and relevant representations made by responsible authorities;**

- 1) **To grant or refuse the application, as shown in the application form attached at Appendix 1 to the report.**
- 2) **If the Licensing Sub-Committee is minded to approve the application;**
  - a) **to attach relevant Mandatory Conditions; and**
  - b) **to consider, with due regard to the statutory licensing objectives and the relevant representation received, whether to attach any appropriate conditions.**

#### 3. KEY ISSUES

##### Financial Implications

- 3.1 None

## **Licensing Sub-Committee**

Date: 14<sup>th</sup> July 2015

### **Legal Implications**

- 3.2 The Sub-Committee should have regard to any National Guidance set down under S182 of the Licensing Act 2003 and Bromsgrove District Council's Statement of Licensing Policy.
- 3.3 The Sub-Committee is obliged to determine this application with a view to the promotion of the licensing objectives which are as follows:
- The Prevention of Crime and Disorder
  - Public Safety
  - The Prevention of Public Nuisance
  - The Protection of Children from Harm.
- 3.4 The Sub-Committee must also have regard to the representations made and the evidence it hears.
- 3.5 The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
- (a) Grant the application as asked
  - (b) Modify or impose conditions on the licence, by altering or omitting or adding to them.
  - (c) Reject the application.
- 3.6 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.
- 3.7 The Human Rights Act 1998 incorporates human rights under the European Convention into English law. Article 6 provides that, in the determination of a person's civil rights, everyone is entitled to a fair and public hearing. In this respect third parties, who have previously given notice of their wish to do so, and, of course, applicants themselves, should be allowed to address the Committee.

### **Service/Operational Implications**

- 3.8 An application for a variation of the Premises Licence for West One (Hagley) Ltd, 159 Worcester Road, West Hagley, DY9 0NW, made by Claire Louise Leddington was received by Bromsgrove District Council on the 21<sup>st</sup> May 2015.

The application seeks to amend the plan to include the beer garden at the rear of the premises and to include the front patio area as part of the premises licence to provide licensable activities as per the variation application attached as Appendix 1.

## **Licensing Sub-Committee**

Date: 14<sup>th</sup> July 2015

The premises is currently licensed to provide Recorded Music indoors, the applicant is seeking to amend the current licence to also provide Recorded Music outdoors until 21:30.

- 3.9 In addition the application seeks the removal of the following conditions from the current premises licence:

“No open bottles or glasses to be allowed off the premise”  
“A noise monitor is fitted in the restaurant on the first floor”

- 3.10 The premises currently holds a Premises Licence under the Licensing Act 2003. The existing Premises Licence is attached as **Appendix 2**.
- 3.11 The Licensing Authority has received 13 relevant representations from residence objecting to the grant of the variation. Copies of the representations are attached as **Appendix 3**.
- 3.12 The representations received relate to the following licensing objectives.
- \* The Prevention of Crime and Disorder
  - \* The Prevention of Public Nuisance
- 3.13 Bromsgrove District Council has also received a representation from one of the Responsible Authorities, namely Environmental Health (Worcestershire Regulatory Services). The representation is attached as **Appendix 4**.

### **Customer / Equalities and Diversity Implications**

- 3.14 None

## **4. RISK MANAGEMENT**

- 4.1 None

## **5. APPENDICES**

Appendix 1 Application Form  
Appendix 2 Existing Premise Licence  
Appendix 3 Representations from Residents  
Appendix 4 Representation from Environmental Health Officer

## **6. BACKGROUND PAPERS**

Licensing Act 2003  
Guidance under S182 of the Licensing Act 2003  
Statement of Licensing Policy

## Licensing Sub-Committee

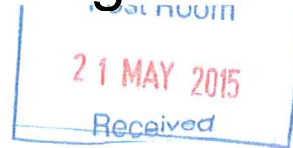
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Date: 14<sup>th</sup> July 2015

### AUTHOR OF REPORT

Name: Sayful Alom – Licensing Officer  
E Mail: [sayful.alom@worcsregservices.gov.uk](mailto:sayful.alom@worcsregservices.gov.uk)  
Tel: (01905) 822799





APP 1

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211515 £190.  
char.

[Insert name and address of relevant licensing authority and its reference number (optional).]

BROMSGROVE DISTRICT COUNCIL.

**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.

I/We CLAIRE LOUISE LEDDINGTON

*(Insert name(s) of applicant)*

**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**

<b>Premises licence number</b>	PL0092/5062.
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
WEST ONE (HAGLEY) LTD, 159 WORCESTER ROAD, WEST HAGLEY			
Post town	WEST MIDLANDS	Postcode	DY9 0NW
Telephone number at premises (if any)	01562 885328 .		
Non-domestic rateable value of premises	£ 7,990.25.		

**Part 2 – Applicant details**

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	Postcode

## Part 3 - Variation

Please tick as appropriate

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

Yes

No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**

WEST ONE IS A WINE BAR LOCATED IN HAGLEY. FOR WHICH THE FREEHOLD IS OWNED PRIVATELY. HAVING BEEN GRANTED PLANNING PERMISSION TO CHANGE OUR CURRENT CAR PARK INTO A BEER GARDEN, I WOULD LIKE TO ASK FOR A VARIATION TO OUR PREMISES LICENSE UNDER SECTION B(2) OF THE LICENSING OBJECTIVES, TO ALLOW ALL OUTDOOR AREAS OF THE PROPERTY TO BE INCLUDED IN THIS OBJECTIVE.

WE ARE CURRENTLY ONLY PERMITTED TO HAVE ALCOHOL INSIDE THE PREMISES.

THE REAR GARDEN WILL BE COMPLETELY ENCLOSED, WITH TWO FIRE EXITS WHICH WILL BE ALARMED, WITH FULL CCTV COVERING THE AREA. THE ONLY ACCESS WILL BE THROUGH THE MAIN BAR.

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:

## 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.

### Provision of regulated entertainment

Please tick all that apply

- 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 late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

# Agenda Item 5

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 (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	08:00	00:00	Please give further details here (please read guidance note 3) AS PER OUR ORIGINAL LICENSE.		
Tue	08:00	00:00			
Wed	08:00	00:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	08:00	00:00			
Fri	08:00	00:30	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)		
Sat	08:00	00:30	BOXING DAY 08:00 – 00:30 NEW YEARS EVE – TILL THE START OF TRADING HOURS NEW YEARS DAY.		
Sun	08:00	00:00	BANK HOLIDAY SUNDAY 08:00 – 00:30 BANK HOLIDAY MONDAY 08:00 – 00:30		

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>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</u> (please read guidance note 5)
Fri			
Sat			
Sun			



D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

# Agenda Item 5

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 (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) AS PER OUR ORIGINAL PREMISES LICENSE.		
Mon	12:00	23:00			
Tue	12:00	23:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed	12:00	23:00			
Thur	12:00	23:30	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)		
Fri	12:00	23:30			
Sat	12:00	23:30	CHRISTMAS EVE - NOON - <del>12:00</del> 00:30 BOXING DAY - NOON - 00:30 NEW YEARS EVE - TILL THE START OF TRADING HOURS ON NEW YEARS DAY.		
Sun	12:00	23:00			
			BANK HOLIDAY SUNDAY - NOON - 00:00 BANK HOLIDAY MONDAY - NOON - 00:00		



# Agenda Item 5

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	08:00	00:00	AS PER OUR ORIGINAL PREMISES LICENCE, WITH THE ADDITION OF BEING ABLE TO PLAY LOW LEVEL AMBIENT MUSIC IN THE OUTDOOR AREAS TO BE TURNED OFF BY 9.30PM.		
Tue	08:00	00:00			
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed	08:00	00:00			
Thur	08:00	00:00			
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	08:00	00:30	CHRISTMAS EVE: 08:00--00:30 BOXING DAY: 08:00--00:30 NEW YEARS EVE: TILL THE START OF TRADING HOURS ON NEW YEARS DAY. BANK HOLIDAY SUNDAY: 08:00--00:30. BANK HOLIDAY MONDAY: 08:00--00:30.		
Sat	08:00	00:30			
Sun	08:00	00:00			

## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing <i>AS PER OUR ORIGINAL PREMISES LICENSE.</i>			
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Mon	08:00	00:00		Outdoors	<input type="checkbox"/>	
Tue	08:00	00:00		<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Wed	08:00	00:00				
Thur	08:00	00:00	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)			
Fri	08:00	00:30				
Sat	08:00	00:30	<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5) <i>CHRISTMAS EVE- 08:00- 00:30</i> <i>BOXING DAY- 08:00-00:30</i> <i>NEW YEARS EVE- TILL THE START OF TRADING HOURS ON NEW YEARS DAY.</i> <i>BANK HOLIDAY SUNDAY- 08:00-00:30</i> <i>BANK HOLIDAY MONDAY- 08:00- 00:30 .</i>			
Sun	08:00	00:00				

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>	
			Both	<input type="checkbox"/>	
Day	Start	Finish			
Mon	23:00	00:30	<b><u>Please give further details here</u></b> (please read guidance note 3) AS PER OUR ORIGINAL PREMISES LICENSE WITH THE ADDITION TO ALL OUTSIDE AREAS OF THE FREEHOLD .		
Tue	23:00	00:30			
Wed	23:00	00:30	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur	23:00	00:30			
Fri	23:00	01:00	<b><u>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</u></b> (please read guidance note 5)		
Sat	23:00	01:00	CHRISTMAS EVE : 23:00 – 01:00 BOXING DAY : 23:00 – 01:00 NEW YEARS EVE: TILL THE START OF TRADING HOURS ON NEW YEAR'S DAY.		
Sun	23:00	00:30	BANK HOLIDAY SUNDAY: 23:00-01:00 BANK HOLIDAY MONDAY: 23:00-01:00		

# Agenda Item 5

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	10:00	23:30	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4) AS PER OUR ORIGINAL PREMISES LICENSE.		
Tue	10:00	23:30			
Wed	10:00	23:30			
Thur	10:00	23:30	<b>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</b> (please read guidance note 5)		
Fri	10:00	00:00	CHRISTMAS EVE: 10:00-00:30 BOXING DAY: 10:00-00:30 NEW YEAR'S EVE: TILL THE START OF TRADING HOURS ON NEW YEAR'S DAY.		
Sat	10:00	00:00	BANK HOLIDAY SUNDAY: 10:00-00:30 BANK HOLIDAY MONDAY: 10:00-00:30.		
Sun	10:00	23:30			

K

**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.



L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	00:30	
Tue	08:00	00:30	
Wed	08:00	00:30	
Thur	08:00	00:30	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)</p> <p>CHRISTMAS EVE: 08:00 - 01:30            BOXING DAY: 08:00 - 01:30            NEW YEAR'S <del>DAY</del><sup>EVE</sup> - TILL THE START OF TRADING HOURS ON NEW YEAR'S DAY .            BANK HOLIDAY SUNDAY: 08:00 - 01:30            BANK HOLIDAY MONDAY: 08:00 - 01:30 .</p>
Fri	08:00	01:00	
Sat	08:00	01:00	
Sun	08:00	00:30	

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.

THE REMOVAL OF CONDITION D(13) A NOISE MONITOR IS FITTED IN THE RESTAURANT ON THE FIRST FLOOR .

THE ALTERATION OF CONDITION B(2) NO OPEN BOTTLES OR GLASSES TO BE ALLOWED OFF THE PREMISES; TO ALLOW THIS THROUGHOUT THE WHOLE FREEHOLD .

## M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

I HAVE SPOKEN TO OUR LICENSING OFFICER WHO IS HAPPY WITH ALL THE POLICY'S I CURRENTLY HAVE IN PLACE. DAILY LOGS ARE MADE AND STAFF TRAINED EVERY SIX WEEKS (MORE IF NECESSARY) IN ORDER TO KEEP A HIGHLY REGULATED AND WELL MANAGED PREMISES.

### b) The prevention of crime and disorder

ZERO TOLARENCE ON DRUGS AND VIOLENCE. THERE HAVE BEEN NO INCIDENTS, AT ALL, THAT HAVE OCCURED IN AT LEAST 12 MONTHS.

### c) Public safety

ALL STAFF ARE TRAINED AND ARE AWARE OF ALL RISK ASSESMENTS.  
FIRE ALARMS ARE TESTED AT THE BEGINNING OF EVERY MONTH AS WELL AS BEING TESTED ANNUALLY FROM AN EXTERNAL COMPANY,  
FIRE EXTINGUISHER AND GAS AND ELECTRICAL ARE ALL CERTIFIED ANNUALLY.

### d) The prevention of public nuisance

AS WELL AS FOLLOWING ALL THE CONDITIONS SET OUT IN OUR PREMISES LICENSE, CHECKS ARE CARRIED OUT FROM OUTSIDE OUR NEIGHBOURS PROPERTIES.  
DOOR STAFF (SIA APPROVED) ARE EMPLOYED AT ALL EVENTS (PARTIES, BANDS, ETC).  
WE ARE CURRENTLY CHANGING OUR FIRST FLOOR ENTRANCE DOORS TO ENSURE NOISE LEVELS ARE KEPT TO A MINIMUM.

### e) The protection of children from harm

STRICT CHALLENGE 25 POLICY IS ENDORSED AT THESE PREMISES, AND PROMPTED AND LOGGED IN OUR TIL SYSTEM.  
CHILDREN ARE NOT PERMITTED AFTER 9PM (UNLESS ATTENDING A PRIVATE PARTY ON THE FIRST FLOOR).

# Agenda Item 5

Please tick as appropriate

- 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 not enclosed the premises licence or relevant part of premises licence.



# Agenda Item 5

Checklist:

Please tick to indicate agreement

- 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	
Date	19.05.15.
Capacity	LICENCE HOLDER.

**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	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)**

CLAIRE LEDDINGTON.  
 WEST ONE (HAGLEY) LTD, 159, WORCESTER ROAD,  
 WEST HAGLEY.

Post town	WEST MIDLANDS.	Post code	DY9 ONW.
Telephone number (if any)	01562 885 328 /		
If you would prefer us to correspond with you by e-mail, you			



WestOne, 159 Worcester Road, West Hagley, DY9 0NW.



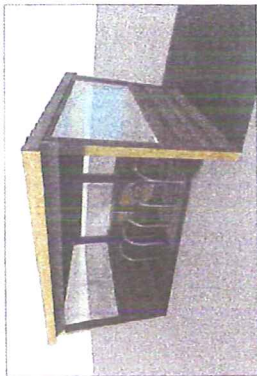
WORCESTER ROAD

Existing Site Plan 1:200



WORCESTER ROAD

Proposed Site Plan 1:200



Cycle Shelter



Location Plan 1:1250

© 2014/2015 NCR Architectural Design & Town Planning  
 1, Worcester Road  
 Hagley, West Hagley, DY9 0NW

TITLE Proposed Beer Garden

WestOne  
 159 Worcester Road  
 West Hagley  
 DY9 0NW

DRAWN BY WestOne/1

DATE August 2014

SCALE 1:200 & 1:1250

NCR ARCHITECTURAL DESIGN & TOWN PLANNING

1 Worcester Road  
 Hagley, West Hagley,  
 DY9 0NW

Mobile: 07700 882316  
 www.ncrarchitectural.com





## Bron District Council

### Licensing Act 2003 Premises Licence

**Premises Licence Number**

PL0092

**Part 1 – Premises Details**

**Postal address of premises, or if none, Ordnance Survey map reference or description, including Post Town, Post Code**

West One Bar  
159 Worcester Road  
Hagley  
DY9 0NW

**Telephone number**            01562 885328

**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**

Activity	Days	From	To	Indoors/Outdoors
Anything of a Similar Desc to RE	Friday to Saturday	08:00	- 00:30	Indoors
Anything of a Similar Desc to RE	Sunday to Thursday	08:00	- 00:00	Indoors
Facilities for Dance	Friday to Saturday	08:00	- 00:30	Indoors
Facilities for Dance	Sunday to Thursday	08:00	- 00:00	Indoors
Facilities for Making Music	Friday to Saturday	10:00	- 00:30	Indoors
Facilities for Making Music	Sunday to Thursday	10:00	- 00:00	Indoors
Exhibition of Films	Friday to Saturday	08:00	- 00:30	Indoors
Exhibition of Films	Sunday to Thursday	08:00	- 00:00	Indoors
Performance of Live Music	Monday	12:00	- 23:00	Indoors
Performance of Live Music	Tuesday	12:00	- 23:00	Indoors
Performance of Live Music	Wednesday	12:00	- 23:00	Indoors
Performance of Live Music	Thursday	12:00	- 23:30	Indoors
Performance of Live Music	Sunday	12:00	- 23:00	Indoors
Performance of Live Music	Friday to Saturday	12:00	- 23:30	Indoors
Late Night Refreshment	Friday to Saturday	23:00	- 01:00	Indoors
Late Night Refreshment	Sunday to Thursday	23:00	- 00:30	Indoors
Playing of Recorded Music	Friday to Saturday	08:00	- 00:30	Indoors
Playing of Recorded Music	Sunday to Thursday	08:00	- 00:00	Indoors
Sale of Alcohol	Friday - Saturday	10:00	- 00:00	Both
Sale of Alcohol	Sunday to Thursday	10:00	- 23:30	Both

**Non-standard timings**

Christmas Eve, Boxing Day - From permitted hours until 00.30 - For Sale of Alcohol, Exhibition of Films, Performance of Live Music, Recorded music, Anything of Similar Description, Facilities for Making Music, Facilities for Dancing, Bank Holiday Sunday/Monday - From permitted hours until 00.30 - For Sale of Alcohol, Exhibition of Films, Recorded Music, Anything of Similar Description, Facilities for Making Music, Facilities for Dancing, Bank Holiday Sunday/Monday - From permitted hours until 00.00 - For Performance of Live Music, Christmas Eve, Boxing Day, Bank Holiday Sunday/Mondays until 01.00 - For Late Night Refreshments.



# Agenda Item 5

Christmas Eve, Boxing Day, Bank Holiday Sunday/Mondays open until 01.30hrs.  
New Year's Eve - All licensable activities listed are permitted till the start of permitted hours on New Year's Day.

## The opening hours of the premises

Days	From		To
Friday to Saturday	08:00	-	01:00
Sunday to Thursday	08:00	-	00:30

**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**  
Ms Claire Louise Leddington

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

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

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**  
Personal Licence No: DY/50/1540  
Licensing Authority: Dudley Metropolitan Borough Council

S J Garratt

### AUTHORISED OFFICER

Licensing and Support Services Manager  
Worcestershire Regulatory Services  
On behalf of Bromsgrove District Council

**Date of first issue:** 10th October 2005

**This version valid from:** 15th May 2008

## Annex 1 – Mandatory conditions

### The making and authorisation of alcohol sales

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.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### Irresponsible alcohol promotions

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

### Provision of free potable water

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

### Age verification policy for the sale or supply of alcohol

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.



The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

## Availability of small measures of alcohol

The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

## Permitted price of alcohol

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price
2. For the purposes of the condition set out in paragraph 1—
  - a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979);
  - b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

P is the permitted price,

D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.



3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Admission of children to the exhibition of any film**

The admission of children to the exhibition of any film is restricted by age classification awarded to the film by the British Board of Film Classification.

Where a film does not have an age classification specified by the British Board of Film Classification, admission of children must be restricted in accordance with the recommendation of the licensing authority.

"Children" means a person under the age of 18.

## **Admission of children to the exhibition of any film**

The admission of children to the exhibition of any film is restricted by age classification awarded to the film by the British Board of Film Classification.

Where a film does not have an age classification specified by the British Board of Film Classification, admission of children must be restricted in accordance with the recommendation of the licensing authority.

"Children" means a person under the age of 18.

## Annex 2 – Conditions consistent with the Operating Schedule

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

None

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

- 1) Zero tolerance on drugs and violence;
- (2) No open bottles or glasses to be allowed off the premises;
- (3) The DPS or a nominated deputy will conduct a regular walk round to monitor customers behaviour and activities.

### c) Public safety:

- (4) Health and safety poster, fire procedures poster, accident book, first aid kit are all in place;
- (5) Fire alarm fitted and tested regularly. Fire Extinguishers on site and are tested annually with a certificate;
- (6) Gas safety and electrical safety checks have been done;
- (7) All entrances and exits are to be kept clear at all times in case of emergencies.

### d) The prevention of public nuisance:

- (8) Exit notices asking patrons to leave quietly and respect our neighbours are posted at exits;
- (9) Staff vigilance at all times to identify potential problems;
- (10) The DPS or responsible deputy will conduct a boundary audit to ensure noise from regulated entertainment is not causing a nuisance;
- (11) All music to cease at 30 minutes before close;
- (12) No windows and doors to be propped open during regulated entertainment;
- (13) A noise monitor is fitted in the restaurant on the first floor.

### e) The protection of children from harm:

- (14) Proof of age training on all staff. All recognised proof of age cards accepted for ID purposes i.e. uk photo ID driving licence, passport or portman group prove it card;
- (15) House rules relating to children i.e. supervision and times permitted on the premises to be responsibility of DPS.
- (16) If and when a strippagram was allowed at the discretion of the management no children would be allowed in the vicinity.

### Other operating conditions

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

WORCESTERSHIRE REGULATORY  
SERVICES

03 JUN 2015

31/5/2015

Ref Licensing Application, West One(Hagley)Ltd, 159 Worcester Road ,Hagley.

Dear Sir/Madam

I wish to object to the above alcohol licence application. I have a particular interest in this application as I live in close proximity to the premises and have experienced associated noise nuisance on numerous occasions. Additionally the management of West One appear in the past to have regularly ignored existing licensing restrictions eg to keep doors & windows closed when music is played.

My specific objections are as follows:

- 1.If the noise monitor is removed from the premises this will create noise nuisance. Even with the noise monitor & windows /doors closed it is still possible to hear music from the premises, this is particularly so in the summer months when we have to leave windows open in warm weather.
- 2.Allowing music of any kind to be played in the outside areas will create a further unwelcome noise nuisance. We have already suffered the adverse impact of music from this establishment, even with so called "ambient" Music. The bass is a particular irritant. Even if music ceases at 9.30pm young children in our front rooms will be trying to sleep & in the summer months with the necessity of open windows for ventilation, such music will be a problem.
- 3.Serving alcohol in outside patio areas will also add to noise nuisance. It is noticeable at the moment that as patrons consume alcohol the noise level increases, with high pitched laughter & with people becoming rowdy on occasions.
- 4.The premises are surrounded by residential properties, the majority of which pre date the West One business. Permitting outdoor music, alcohol consumption & removal of any noise monitors will be to the detriment of the wellbeing of all occupiers of the aforementioned residences.

I would suggest a site visit by members of the licensing committee would be valuable in gaining an appreciation of the close proximity of residential buildings to West One, & the reasonable nature of the above objections.

Finally I would like to point out that when, in the past, I have complained to the management about noise nuisance they have said "all the right things" & expressed regret, but until recently they have failed to address the problem. Can we be confident that if the licence is amended that any restrictions imposed will be adhered to?

Yours Sincerely,



Sent: 03 June 2015 13:49

Subject: West One, Hagley

Hi,

It has come to my attention that West One , Hagley have applied for changes to their licensing agreement.

I and my family would be directly impacted by these amendments if they are granted. My primary concern is with the request to be allowed to play music outside until 9.30pm. Although West One is located on the commercial high street it effectively is next door to, and backs on to residential areas.

West One. All the windows are double glazed and yet when there is a band playing inside West One it can be heard inside their bedrooms. I cannot imagine how much noisier this will be when the music is outside.

My other concern is that our garden effectively of the outside decking area. The impact on our ability to enjoy our garden during the summer months would be great. Of course we knew there would always be some impact living this close to an entertainment establishment when we bought the property. However the extension of the premises to include drinking areas to both the front and rear of the property and now a potential change to their music license is unacceptable and may have a detrimental affect on the value of our property if we ever consider selling it.

I would urge you to consider this objection (and many others I assume you will get) and do not grant the changes requested.

Kind Regards,

-----Original Message-----

Sent: 02 June 2015 21:58

To: wrs.licensing

Subject: Application for amendment to licence

Re: West One 159 Worcester Road

There is an application made to amend the licence of West One to allow recorded music until 9.30 in all outside areas. There are also further amends not mentioned and we would appreciate knowing the extent of these changes.

We have had to call on Worcestershire regulatory services in the past for repeated breach of the present licence at this premises and due to public nuisance we would object to the amends for playing of music on the front and back patio areas.

The risk of public nuisance through the playing of recorded music outside is substantial given that there are private residential properties adjoining the premises.

## Proposed Changes to Licence for West One, Hagley Ref: PL0092/5062, license appeal

Additionally, we wish to appeal to the proposed licensing changes request from West One, for:

“a variation to our premises licence under Section B(2) of the licensing objectives, to allow all outdoor areas of the property to be included in this objective. We are currently only permitted to have alcohol inside the premises.”

There are additional points to be considered here to the noise nuisance noted under the appeal to the Planning Permission listed above:

1. West One currently use the front of their property for customers to drink, where they also have positioned a large TV screen and parasols to encourage customers to use this outside space. From the application it would seem that they 'are currently only permitted to have alcohol on the premises.' Additionally, the West One licence does not allow for 'open bottles and glasses to be allowed off the premises' and yet customers are drinking in the outside area at the front of their property clearly in use on the property, and additionally there is often glass to be heard smashing outside of the premises during the evening and particularly at the end of the trade.

There would seem to be violation of their current licence.

2. Their licence states that doors and windows should be shut and we have been monitoring that this is often not the case causing disruption and discomfort, as noted above, in our home.

3. We are concerned that through these proposed changes that West One are attempting to achieve licensing for alcohol to be allowed in 'all outdoor areas of the property' and therefore in this new application are covering themselves for both *existing front* and new rear outside areas to their property.

4. I have not witnessed any signs to ask patrons to leave quietly and respect their neighbours at exits in past months.

Additional comment to proposed changes to the Licensing Application:

4. We live in a quiet residential area with shops, with the exception of West One, no trading after 18:00 in the upper part of Hagley high street. The application is for extension of times for the showing of films in the week and Sundays until 00:00 and on Friday and Saturday night until 00:30 and Bank Holidays. Adults may go to sleep any time reasonably from 22:00, however young children are more likely to go to bed from 20:00 and disruption past 23:00 seems an unreasonable extension.

5. There is an application 'to play low level ambient music in the outdoors *areas*' again this seems to relate both front and rear areas of the property and does not seem to relate just to the new rear beer garden. We are concerned as to what stipulates 'low level music' as West One does not adhere to their current licensing requirements on noise nuisance.

6. The request for the removal of the condition D(13) a noise monitor in the restaurant on the first floor would seem to indicate a lack of concern for the residential area in which West One operate. It should be the case that they would wish to maintain the noise monitor in order to help them manage the noise from their property and work with the local neighbourhood and demonstrate their concern for residents. It would seem that an additional noise monitor should be fitted rather than one removed.

7. I have not witnessed door staff on duty at West One and as bottles and glasses are often smashed during the evening and at the end of trade. I would enquire what action is taken by the door staff to prevent this unsociable behaviour.

#### Summary of key concerns

1. Current breaches of existing licence; noise nuisance from recorded and live music and customers; unsociable behaviour; open windows and doors on property whilst playing live and recorded music.
2. Use of front area of West One property to serve alcohol and have open bottles and glasses off the indoor premises
3. Extension of licence to playing music at the front of the property and the rear as application states 'all outdoor areas'
4. Removal of noise monitor

Thank you for taking this into consideration in both the planning permission and licence application for West One.

Kind regards,



**Re: Planning Permission for West One, Hagley Ref: 14/1004**

**Proposed Changes to Licence for West One, Hagley Ref: PL0092/5062**

**Planning Permission for West One, Hagley Ref: 14/1004, Planning Permission Appeal**

We are writing to express our ongoing concern that the planning permission granted does not grant permission to create a noise nuisance to nearby residents under the Environmental Protection Act 1990 and yet West One continue to breach this condition.

West One and have endured ongoing noise nuisance from West One which we have been diarising for several months recently, although this has been endured for several years. Records of noise nuisance from residents of Worcester Road are currently being logged with you. We have and are experiencing loud music, recorded and live, clearly heard in rooms at the front of our property and additionally disruption from West One customers.

This ongoing noise nuisance has disrupted our young children, aged 9 and 11, both getting to sleep and also staying asleep, which has resulted them in often having to sleep in our bedroom at the rear of the house. We have recently moved one of our children permanently from her bedroom at the front of the house that is nearest to West One, as a result of this continued disturbance, into a bedroom at the rear of our property. The noise from West One has disrupted her sleep and made her feel unsafe, as we have also ensured extensive noise from their clientele during the evenings and glass being smashed late into the evening.

Further, there is no chance, of course, in hot weather of us having our windows open in the evenings, as noise from West One has been clearly heard not only in the rooms at the front of the house but also at the rear. We have bought electric fans over the years for when the weather is hot to help us to sleep, as we cannot open the windows when West One are playing music and/or have customers additionally behaving unsociably. The licence requires for 'no windows and doors to be propped open during regulated entertainment', although this has been witnessed to be often breached.

We live in a quiet residential area, with small retail and service units that are closed during the evening such as a dentist, bank, wedding shop and a butchers, with West One being the exception in the upper part of Hagley High Street.

We are therefore appealing for the extension of planning permission for a rear beer garden to be reconsidered, as West One is currently creating a noise nuisance under their current planning permission, which they do not seem to be able to effectively manage and complaints are in hand at this time from residents.



Worcester Regulatory Services  
Wyre Forest House  
Finepoint Way  
Kidderminster  
DY11 7WF  
Dear Sir/Madam

I wish to object to the licence application by West One (Hagley) Ltd, 159 Worcester Road, Hagley, Stourbridge, West Midlands, DY9 ONW

I have an interest in the application as I live at the West One (Hagley) Ltd and have current noise problems with this establishment.

I object to the application based on the licensing objectives and the licence application forwarded to the Bromsgrove District Council Licensing.

- 1. *The Prevention of Public Nuisance*** If the noise monitor (condition D13) from the upstairs of West one is removed this will increase the noise coming from the premises, we have problems currently ongoing with Community Environmental Health Team and Regulatory services with this problem. We are in a residential area and the noise of very loud music, base and vibration is a constant nuisance to us and we have to close our windows to try to get away from the noise. The windows and doors of the premises, according to a condition of the existing license state that they must be close if recorded or live music is being played. This they seem to ignore or do not regulate. Even with the widows shut the base vibrations from the 'function room' upstairs till late hours is unacceptable as per the above. Again removal of this monitor will make the problem worse.
- 2. *The Prevention of Public Nuisance*** The premises already has speakers in the outside walls of the front area, I feel that if the playing of music is allowed outside it will become an added nuisance to the residents. Allowing this will also add to the number of customers sitting outside and being loud. At this present time the customer noise levels are very loud and it feels like there is a big crowd of people shouting and talking till late into the night. This again caused us distress and we have to close our windows to reduce the noise, during the summer months this is especially bad and we have to have fans in our bedrooms as we cannot have the windows open.
- 3. *The Prevention of Public Nuisance*** The serving of alcohol to customers outside will add to the current situation of customer noise, as the evening progresses the more people drink and the more the noise increases, West One do not to manage this problem, it would be better if a curfew time was placed on all outside areas as this is such a problem at the moment along with the music, and also Taxi companies beeping horns at late hours. Hagley is a mainly residential area and West One is a noise problem.
- 4. *The Prevention of Crime and Disorder*** We have had many incidents of people leaving West One under the influence of too much alcohol who then cause further nuisance by shouting, kicking over bins, smashing bottles and glasses. This is unacceptable as the following day glass is found, including unbroken ones, close to West One. The areas that these are found are close to where children go to play school and also to the park. This I feel is dangerous to the public who have no connection to West One.

5. *The Prevention of Crime and disorder West One*, I feel as local resident, does not take its responsibility of a DPS to monitor or even regulate customer behaviour. At times the noise level is so bad that you may as well go over to West One and join in, as sleeping is not possible.

I personally have many, many times had to go to the door staff and bar staff to complain about the problems of music and customer noise, but I have found that this seems to fall on deaf ears, this is why we have now contacted the Regulatory service along with the Community Environmental Health Team to try to stop this on going problem. I along with other concerned neighbours have been asked by the regulatory services to fill out the diary noise packs that they supplied us to keep an ongoing record of the noise problem.

Licensing and Community Environmental Health Team have visited West One to discuss these matters and I have included copies of the emails along with copies of our diary sheets.

I feel that the application for alcohol outside is acceptable for the beer garden, but the outside areas need to be controlled with a time curfew as this is as stated above a major nuisance for local residents with customer noise and disturbance.

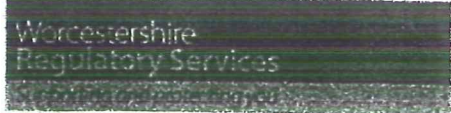
The noise monitor fitted to the 1<sup>st</sup> floor is essential to keep the volume which is already another major problem under control. All previous condition must be kept in place, these included all windows and doors to be kept shut when music is playing and also for a DPS to monitor customer behaviour and music noise. I feel that additional noise monitors would be required on the ground floor areas as to monitor the ground floor area. At time we wonder if the current monitor is connected and functioning.

To my knowledge the original property was a house that later converted to a café, later it was to become a Chinese Restaurant (The Rickshaw), after that West One Wine Bar and Restaurant. It be fair to say that this building was never intended to hold loud recorder music and live music upstairs and in the bar as I would expect that during modifications no soundproofing was added , thus making the building unfit for purpose.

The property is the last in the so called retail area of the Village , but this area consist of Dentist , Bridal Shop , Bank , Funeral Directors Opticians , two Office Buildings all which cease trading around 6 pm , West one however is open until late with all the above problems. The other licensed business is The Station Inn which does not cause problems with the local community as they adhere to their conditions. My contact details and address are as follows.

Yours sincerely





## Worcestershire Regulatory Services – Diary Sheet

To be completed by complainant:

Concerning: WEST ONE / MINI'S RESTAURANT.  
DY9 ONW.

Ref: MUSIC NOISE LEVELS / CUSTOMER NOISE OUTSIDE FRONT / WINDOWS / DOORS.

DATE	TIME (From – To)	DURATION	DESCRIPTION OF INCIDENT e.g. (Nature/type of incident and severity)
27/3/15	APPROX 9-30 10-00	APPROX 1/2 HR	AFTER INCREASED NOISE, MUSIC, HAD TO GO OVER AND ASK THEM TO CLOSE THE WINDOWS AND DOORS. TRIED TO PHONE NO ANSWER.
27/3/15	10-12	2 HRS	LOUD MUSIC, BASE, CUSTOMER NOISE. TOO LOUD. WINDOWS SHUT AS REQUESTED BUT CUSTOMERS OUT ON THE FRONT TERRACE WERE VERY LOUD, HAD TO CLOSE WINDOWS TO REDUCE NOISE AS TOO LOUD TO SLEEP. ANNOYING AND UNFAIR. TWICE IN ONE NIGHT!! TOO LOUD.
3/4/15	10-30 11-25	55 MINS	WINDOWS OPEN AGAIN, LOUD BASE MUSIC AND OUTSIDE NOISE, HAD TO GO OVER TO ASK FOR THE WINDOWS AND SIDE DOOR TO BE CLOSED. DID TRY TO PHONE FIRST. (POINTLESS) STILL TOO LOUD.
4/4/15	10-10 9-30	40 mins	WINDOWS AND SIDE DOOR OPEN AGAIN, SO MUSIC VERY LOUD. WENT OVER AND ASKED <del>THE</del> DOOR STAFF TO CLOSE THEM. STILL TOO LOUD AFTER THEY ARE CLOSED.

This information is true to the best of my knowledge and belief. I have not wilfully stated in it anything which I know to be false or do not believe to be true and understand this may be used as evidence in a Court of Law.

DATE: 20/4/15 SIGNED \_\_\_\_\_

Page Number ...1. of 2.



DATE	TIME (From - To)	DURATION	DESCRIPTION OF INCIDENT e.g. (Nature/type of incident and severity)
11/4/15	10-00 ISH GONE 12	2hrs +	DJ MUSIC TOO LOUD, WOKE UP GRANDAUGHTER, AND OTHERS IN HOUSE, WINDOWS OPEN AGAIN!!! ROOM KUSTM ROOM CANNOT SLEEP.
18/4/15	10-12		LOUD MUSIC AGAIN HAD TO HAVE SIDE DOOR CLOSED BY DOOR STAFF AFTER GOING OVER TO SEE THEM. STILL TOO MUCH NOISE EVEN WHEN SHUT.

This information is true to the best of my knowledge and belief. I have not wilfully stated in it anything which I know to be false or do not believe to be true and understand this may be used as evidence in a Court of Law.

DATE: 20/4/15 ..... SIGNED: .....

Page Number 2 of 2

Worcestershire  
Regulatory Services

## Worcestershire Regulatory Services – Diary Sheet

To be completed by complainant:

Concerning: WEST ONE BAR  
MINA'S RESTAURANT,  
ITAGLEY  
DY9 0NW.

Ref: NOISE / CUSTOMER / MUSIC

DATE	TIME (From - To)	DURATION	DESCRIPTION OF INCIDENT e.g. (Nature/type of incident and severity)
16/5/15	9-10		DOORS (BI-FOLD) HALF OPEN. CUSTOMERS TALKING LOUDLY OUTSIDE, (RAISED VOICES) MUSIC WAS ON SO HAD TO CLOSE WINDOWS, AS UP EARLY AND COULD NOT SLEEP. WARMER NIGHTS MEAN MORE CUSTOMERS OUT THE FRONT OF THE PROPERTY - TOO MUCH NOISE.
23/5/15	9-00 12-00 APPROX		DOOR OPEN - MUSIC PLAYING, ALSO CUSTOMER NOISE OUTSIDE TOO LOUD FOR THE TIME OF NIGHT. SHRIKING VOICES SHOOTING. CLOSE WINDOW WOULD <del>HELP</del> HELP. PRIVATE PARTY. TAXI HORNS LATE
28/5/15	8-10-30 APPROX		LOUD BASE DNE UPSTAIRS, ONE WINDOW OPEN - PRIVATE PARTY. TOO LOUD. TAXI HORNS LATE AGAIN.
30/5/15	8-10 APPROX.		LOUD CUSTOMER NOISE AFTER FOOTBALL OUTSIDE.

This information is true to the best of my knowledge and belief. I have not wilfully stated in it anything which I know to be false or do not believe to be true and understand this may be used as evidence in a Court of Law.

DATE: 31/6/15 ..... SIGNED \_\_\_\_\_

Page Number ...1... of ...2...





DATE	TIME (From - To)	DURATION	DESCRIPTION OF INCIDENT e.g. (Nature/type of incident and severity)
8/6/15	9-12 approx		LOUD BASS TONE UPSTAIRS EVEN WITH THE WINDOWS CLOSED, TILL LATE. <del>LOW</del> LOWLY CUSTOMERS OUTSIDE SHOUTING ETC - HAD TO CLOSE ALL WINDOWS. TAXI HORNS SOUNDING.

This information is true to the best of my knowledge and belief. I have not wilfully stated in it anything which I know to be false or do not believe to be true and understand this may be used as evidence in a Court of Law.

DATE: 8/6/15 ..... SIGNED: \_\_\_\_\_

Page Number 2 of 2



13Jun15

Licensing  
Worcestershire Regulatory Services  
PO Box 866  
WORCESTER  
WR1 9DP

Dear Sir or Madam

**OBJECTION TO LICENSING APPLICATION, WEST ONE (HAGLEY) LTD  
159 WORCESTER ROAD, HAGLEY**

We are writing to object to the License application alteration at the above premises:

1. For the playing of ambient recorded music in all outside areas until 9.30pm
2. Removal of noise monitor on upper floor which is currently being used for functions
3. Removal of restriction for glasses & bottles to be taken away from the establishment

We understand that you have already granted the beer garden license under the provision of encouraging economic development in order to promote economic growth. Exactly how does this promote economic growth?

Your consent under 14/1004 states that the proposal "should not adversely impact on residential amenity" – we would ask what exactly this means because from a resident point of view this application would greatly impact on us in terms of:

1. Noise nuisance:
  - From music. The licensee talks about this being ambient in nature; we are frequently disturbed by loud music with a heavy bass line, which on occasion has actually made it feel as if the windows are moving. What exactly is meant by ambient? Currently live bands play at the premises which are required to keep doors and windows closed but this is frequently ignored by the Licensee and we along with our neighbours have made many complaints about the noise nuisance
  - From West One clientele arriving & leaving premises talking and shouting (on occasion) very loudly
  - From vehicles moving away from the site
  - From taxi drivers (who frequently sound their horn when collecting customers)

2. We also understand West One have requested the removal of the noise monitor. We fail to see what benefit there is to West One of the removal of this monitor but of course we as local residents will be greatly affected by its removal because currently this is one method of restricting the levels of volume and bass, which is allowed to be played. If the monitor is removed exactly how will the ambience of the music be measured?

3. West One has also requested the removal of the condition of no open bottles or glasses off the premises. We are very much against allowing this condition to be removed on the grounds of:

- Bottles & glasses could potentially be used as weapons; during occasions of anti-social behaviour as a consequence of drunkenness; if allowed to be taken off the premises
- The problem of broken glass caused by people dropping bottles/glasses which could cause injury to adults and children
- The problem of broken glass caused by people dropping bottles/glasses which could cause injury to dogs

The situation of West One Wine bar is very much in a predominantly residential area, which is already greatly affected by the current business. We very much hope that the Licensing Department will take note of the concerns of local residents to any alteration or extension as requested by the Licensee.

Yours faithfully

Worcestershire Regulatory Services  
PO Box 866  
Worcester  
WR1 9DP

14<sup>th</sup> June 2015

Dear Sir/Madam

I am writing to object to the licence application by West One (Hagley) Ltd, 159 Worcester Road, Hagley, Stourbridge, West Midlands, DY9 0NW.

I have an interest in this application because I live with my family on West One, and we are already experiencing continual problems with this establishment, problems which are currently being investigated and monitored by the Community Environmental Health Team. These problems relate to late night noise nuisance caused by very loud music, customers outside talking very loudly (sometimes even shouting) to each other, and doors and windows being left open. The staff and management do little to prevent this noise nuisance, despite their claims in their application that they are "following all the conditions set out in their premises licence".

The request to remove the noise monitor from the upstairs floor of the premises is quite frankly beyond comprehension. As numerous private functions (birthday parties, weddings, christenings, etc) are held upstairs, this is where a good deal of the noise occurs. Surely the sole purpose of the noise monitor is to monitor the level of noise?? What possible justification can there be for removing a piece of equipment such as this? Could it be because it regularly indicates that the level of noise inside the premises is way higher than it should be?

The request to allow music to be played outside in either the front or back area is totally unacceptable. We have experienced on many previous occasions the level of so-called 'ambient' music – sometimes so loud that customers outside have to shout above it to be heard, thus adding even further to the noise disturbance.

Any serving of alcohol to customers outside and the use of both outside areas **MUST** be subject to a reasonable curfew. The Planning Permission itself states that the new rear area must not be used after 10pm Monday to Saturday, in order to "Protect the residential amenity of nearby occupiers in accordance with Bromsgrove District Policy". This curfew **MUST** be applied to the front area as well. Currently at weekends it is a regular occurrence for customers to be drinking and talking loudly on the front area well after midnight. This is completely unacceptable to the families who live close by, many with young children, who simply cannot have their windows open on hot evenings because of the noise created by these inconsiderate people. If the Planning Approval stipulates that the rear area has to close at 10pm, the front area must also close at the same time, otherwise at 10pm the noise nuisance will simply re-locate from the rear to the front as customers continue drinking and shouting until after midnight. I must add that staff appear to do precious little to address or



even monitor this noise nuisance, despite their insistence that "staff carry out regular checks outside their neighbours' properties".

I would like to summarise by pointing out that this letter of objection is not simply a token moan from a grumpy local resident. There are in fact many families in the immediate vicinity of West One who have simply had enough of their lives being blighted by the constant disturbance caused by this establishment, and the inability or reluctance of its management and staff to address the problems. This is the reason that we have had to request the assistance of the Environmental Health Team, because at this time of year the problems become increasingly worse as the warm summer evenings arrive.

I am more than happy to discuss my concerns with your department by telephone or indeed in person. My contact details are as follows:

Many thanks.

Yours faithfully



Worcester Regulatory Services  
Wyre Forest House  
Finepoint House  
Kidderminster  
DY11 7WF

11<sup>th</sup> June 2015

Dear Sir/Madam

**Re: Planning permission for West One, Hagley Ref: 14/10014 – Appeal**

We are writing to strongly object to the licence application made by West One Ltd, 159 Worcester Road, Hagley, West Midlands, DY9 0NW since this will cause a noise nuisance to the nearby residents under the Environmental Protection Act 1990.

We live West One and have endured ongoing noise nuisance for several years, yet it is now getting worse than ever and I have recently started to diarise the problems that we are facing.

This ongoing noise has disrupted all of our sleep and rowdy singing and chanting along with glasses being smashed and taxi's coming and going throughout the evening has caused a great deal of distress. We now sleep with our windows closed throughout the summer months choosing instead to endure stuffy rooms.

Hagley is a quiet residential area. The village itself comprises village shops (butchers, bank, dentist, florist, post office etc.) West One is the exception. It is situated in the upper part of Hagley where most the main residential area is to be found and has extended opening hours. When we moved to Hagley in 1997 the area was quiet and peaceful. Over the years the however noise and trouble have been mounting and I feel it has now come to a head with West One's proposed licence changes. We simply cannot tolerate this any longer and we are therefore appealing for the extension of planning permission to be refused under the following grounds:

### **The Prevention of Public Nuisance – Noise Monitor**

West One currently has a noise monitor on the upper floor of the building; one of the proposed changes is to remove this monitor. If this happens the noise will increase. We already have ongoing problems with loud music which is a constant nuisance to us and we have to close our windows to try to minimise the noise. According to the current conditions, the windows and doors of the premises must be closed if music is being played, however this is not regulated. I stress that removal of this monitor will make the problem worse.

## **The Prevention of Public Nuisance – Outside Music**

Proposed changes to the current licence include “being able to play low level ambient music in the outdoor areas to be turned off by 9.30pm” I am very concerned that if the playing of music is allowed outside it will become an added nuisance to the residents, it will also add to the number of customers sitting outside drinking and being loud. Customer noise is a huge problem at the moment with people laughing, screaming, shouting and talking loudly until late. During the summer months this is a huge problem for us and again, we have to sleep with our windows firmly closed.

## **Prevention of Public Nuisance – Alcohol in Outside areas**

West One are “currently only permitted to have alcohol inside the premises” yet this is not policed and people take their alcoholic drinks to the seating area at the front of the premises. We are concerned that these proposed changes “to allow alcohol in all outdoor areas of the property” will increase the problems we currently face.

## **The Prevention of Crime and Disorder**

Bottles and glasses are often left about or smashed during evening and at the close of business. This type of antisocial behaviour is not fitting to Hagley; furthermore broken glass is a danger to dogs and young children.

There would seem to be a violation of the current licence terms since doors and windows are not shut in the evenings. The sound monitor does not seem to be on and customers drink in the front outside area. Furthermore I have not witnessed any signs anywhere on the premises to ask customers to leave quietly and respect their neighbours.

We feel that the above problems are escalating and the proposed changes will only make matters worse for residents.

I understand that the Licensing and Community Environmental Health Team have visited West One to discuss these matters and as residents we have been asked to keep diary sheets of disturbances (which I have forwarded to Worcestershire Regulatory Services).

We urge the Licensing authority refuse the application.

Yours faithfully



# Agenda Item 5

From: Hagley Dental Practice [mailto:hagleydentalpractice@kdsconnect.com]  
Sent: 17 June 2015 13:33  
To: wrs.licensing  
Subject: West One Hagley licence

Dear Sir/Madam,

We write to object to the proposed change to the Premises Alcohol Licence at West One Hagley.

We regularly have empty/broken beer bottles & glasses left around our premises, which are a nuisance & public safety issue, especially to children, of which there are many in the vicinity. Children are often left unsupervised playing football to the rear of West One while their parents are inside the bar.

If the clause that restricts open bottles & glasses are taken off the premises is removed, this will only worsen the problem.

As we work on patients at the rear of the building until 7pm some evenings, loud noise would be a nuisance. (it is already a nuisance with the loud music from the builders working on the extension).

Yours faithfully,

Hagley Dental Practice  
157 Worcester Rd  
Hagley  
DY9 0NW

Sent: 17 June 2015 14:32

To: wrs.licensing

Subject: West One Bar changes in licence

We are concerned about the proposed changes in the licence for West One. We occupy the building next door with a dentist's surgery on the ground floor and offices above. The idea of recorded music played outside during the day is quite unacceptable as we operate our businesses. If the noise monitor is removed from inside the premises there will be no control over noise at all. Opened bottles & glasses need to be kept inside the premises of West One and not left on pavements, frontages, carpark & gardens of adjoining properties as at present.

Pilvale Limited  
157B Worcester Road  
West Hagley  
Stourbridge  
DY9 0NW

Fl.

Sent: 16 June 2015 20:32

To: wrsenquiries

Subject: Objection to change of licence at West One, Hagley

I am writing to object to the change of licensing at West One, Hagley.

I live close to West One and object to the request to allow loud music to be played outside until 9.30pm. I have two small children [redacted] pub and the noise that late will disturb their sleep. West One are currently building a beer garden at the rear of the property so the noise from customers and music will already be increased without extending the hours. You can already hear a lot of noise especially at weekends in the summer.

I also object to the clause that 'no open bottles and glasses be taken off the premises has also been requested to be removed' - there is already a break in this condition. When walking alongside the pub via the village car park there are often glasses and bottles on the pavements and I have had to remove broken glass on more than one occasion. This is an access to the community centre playgroup and library and is very dangerous, especially with small children walking every day along here. Public safety and the protection of children is being compromised already, if the clause is lifted the situation will only get worse.

Since the introduction of the large TV in the front of West One the anti social behaviour has got worse with aggressive behaviour being witnessed and the noise is louder, especially at weekends in the day and night. It is often intimidating to walk past.

I do not want to prevent their business from growing but I think the changes are unnecessary and will effect the village in a detrimental way. This is a village not a large city.

I hope you take the above points into consideration.

Regards

# Agenda Item 5

Sent: 17 June 2015 00:01

To: wrs.licensing

Subject: West One (Hagley) Ltd, 159 Worcester Road, Hagley, DY9 0NW

To Worcester Regulatory Services,

I am writing in response to the recent application for a premises license at The West One, Hagley. I the West One and therefore have a special interest in the application.

I have no objection to the beer garden in principle but I do have concerns and objections to some of the alterations and amendments of the License. The West One has not been able to control noise levels and there is recorded history of noise disturbance from the West One and this should be considered by the Licensing Authority.

The Operating Schedule Part F requests low level ambient music in the outdoor areas to be turned off by 9:30PM. How low level will this be and would noise levels creep up? I would object as I consider this would exacerbate noise nuisance from the West One. I would also consider 9:30PM too late as we have two young kids who will be trying to sleep at this time.

The license application requests the removal of Condition D(13) - "A noise monitor is fitted to the restaurant on the first floor". What does this actually do and does the licensing authority monitor this. With the history of noise disturbance I would object to this amendment and ask that this is not removed. I would suggest that the noise be monitored on the ground and first floor.

I would like it clarified that the alteration of condition B(2) would allow open bottles and glasses on the premises to include the beer garden (the whole freehold) but not off the whole premises/freehold. i.e Not on to the street.

My contact details are

Yours sincerely

# Agenda Item 5

From: wrsenquiries  
Sent: 18 June 2015 09:05  
To: Sayful Alom  
Subject: FW: Licensing of West One in Hagley

FYI

Sent: 18 June 2015 08:47  
To: wrs.licensing  
Subject: Licensing of West One in Hagley

Having just returned from holiday may I make the following comments on proposals for changes to licensing of West One:

.West One have chosen to set up their business in a residential area, and should be subject to noise etc restrictions appropriate to such an area.

.They should be required to keep all music etc noise within closed doors and windows, and that noise kept down to a level that does not disturb neighbours.

.They should not be licensed to allow opened bottles and glasses to be taken beyond existing boundaries. The noise of voices in the existing open area at the front of the premises is sometimes very loud.

.If West One wish to operate in the way their application suggests they should be encouraged to relocate to a town centre such as Stourbridge where such noise and nuisance levels are the norm.

They cannot be held responsible for the behaviour of their customers when they have left the premises, but the revving of car engines and loud acceleration of motor vehicles late at night are objectionable in a residential area.

May I therefore request that you review the issue of the licensing of West One accordingly.

Thank you



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## Licensing Act 2003

### REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

**Responsible Authority:**  
Environmental Health

<b>Your Name</b>	Helen Groves
<b>Job Title</b>	Environmental Health Officer
<b>Postal and email address</b>	Wyre Forest House Finepoint Way Kidderminster DY11 7FB
<b>Contact telephone number</b>	07768641882

<b>Name of the premises you are making a representation about</b>	West Bar One
<b>Address of the premises you are making a representation about</b>	151 Worcester Road Hagley DY9 0NW

***Which of the four licensing Objectives does your representation relate to?***

***(Please list) Public Nuisance***

***Please detail the evidence supporting your representation. Or the reason for your representation:***

I have concerns of the potential for public nuisance due to the proposed rear beer garden as its use may result in potentially moving some of the noise issues detailed below from the front to the back of the premises and further contribute to the existing issues affecting neighbours at the front of the premises.

There have been 3 previous complaints received by Worcestershire Regulatory Services: in July 2013 when noise from the premises including loud music and people noise was monitored; in July 2014 again monitoring was undertaken and was witnessed by an officer but steps were taken by the premises licence holder to address the noise issues; and in May 2015 that is currently being investigated. There are a number of complainants living opposite the premises on the Worcester Road who have submitted diary sheets indicating problems with loud music; and people shouting and chatting at the front of the premises particularly after 10pm. Noise monitoring was carried out by a colleague at Worcestershire Regulatory Services on Saturday 13<sup>th</sup> June 2015 and loud music was witnessed breaking out from the premises and loud customer noise on the patio area in front of the premises from 10pm until after midnight thus preventing neighbours from sleeping.

Therefore I suggest the following conditions:

- To only allow customers access to the beer garden until 22:00 Monday to Saturday and 20:00 on Sundays, Bank Holidays and Public Holiday Hours in accordance with the Planning Application Decision of 11<sup>th</sup> February 2015 reference 14/1004
- To only allow customers access to the front patio area until 22:00 Monday to Saturday and 20:00 on Sundays, Bank Holidays and Public Holiday Hours in line with the above condition
- To install a noise limiter on the ground floor
- To limit numbers of customers to the front patio area
- To keep the noise limiter installed on the first floor

**Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.**

**I would be grateful if you could advise me as to when you have received a response from the applicant or agent making this application so communications with a view to resolving this issue may commence.**

Signed:

Date:

# Agenda Item 5

## West Bar One Monitoring Notes

Date 13<sup>th</sup> June 2015

Officer: Trevor Chalk

<u>Time</u>	<u>Notes</u>
22:30 - Arrived on site.	<p>Loud noise of music and revellers voices clearly audible. Doors and windows largely closed, however entry door in centre of frontage was being used for access/egress regularly and this resulted in considerable noise breakout.</p> <p>It was a double door arrangement from what I could see, but was being made ineffectual by both doors being open at the same time on regular occasions. There appeared to be a disco and recorded/live music taking place downstairs and appeared to be an event on upstairs.</p> <p>Summary – clear case for further investigation from both Licencing and Statutory nuisance grounds.</p>
23:35 – Went to front of premises – due to onset of rain the front patio area was now clear of people, however some people smoking were stood in the aforementioned doorway, and one or both of the doors were always open.	<p>Checked rear beer garden – not in use. There was a live band on downstairs, Very loud when a door was opened, and still clearly audible when doors were closed. Side entrance door was also open.</p>
00:15 – Live and recorded music stopped. Departed site.	

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