



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

MONDAY 9TH JULY 2018

AT 10.30 A.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE, B61 8DA

MEMBERS: Councillors R. L. Dent, H. J. Jones, and M. A. Sherrey

Reserve Member: Councillor L. J. Turner

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

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 variation of a Premises Licence in respect of Duke of York, 83 Broad Street, Bromsgrove, B61 8LN (Pages 5 - 40)
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

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

27th June 2018



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- 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

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Appendix

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 Technical Officer, Licensing, 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 Technical 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.

Appendix

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.**

Appendix

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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BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

MONDAY 9 JULY 2018

LICENSING ACT 2003

APPLICATION FOR VARIATION OF A PREMISES LICENCE

DUKE OF YORK, 83 BROAD STREET, BROMSGROVE, B61 8LN

PUBLIC HEARING	
Director:	Head of Worcestershire Regulatory Services
Contact Officer:	Dave Etheridge Senior Licensing Practitioner 01905 822799 enquiries@worcsregservices.gov.uk
Ward(s) affected:	Sidemoor
Appendices:	Appendix 1 – Application Form Appendix 2 – Existing Licence Appendix 3 – Existing Plan Annexed to Licence Appendix 4 – Proposed Plans Appendix 5 – Representations from other parties

1. PURPOSE OF REPORT

- 1.1 To consider and determine an application for variation of the premises licence in respect of the premises below:

**Duke of York
83 Broad Street
Bromsgrove
Worcestershire
B61 8LN**

A copy of the application is attached at **Appendix 1.**

- 1.2 A copy of the existing licence is attached at **Appendix 2.**

2. BACKGROUND

2.1 On 17 May 2018 an application was received from Mr Robin Davidson for variation of the premises licence in respect of

Duke Of York
83 Broad Street
Bromsgrove
Worcestershire
B61 8LN

2.2 The application contained all the requisite documentation including the fee.

2.3 It can be confirmed that the application has been advertised in accordance with the requirements of the Licensing Act 2003 and associated regulations and that the application has also been served on all responsible authorities.

2.4 The applicant is applying to vary their existing licence to permit alterations and amend the plan that is annexed to the licence. The existing plan of the premises is at shown at **Appendix 3** and the proposed plan is shown at **Appendix 4**.

3. REPRESENTATIONS

Responsible Authorities

3.1 None of the responsible authorities have made representations regarding the application. Hereford and Worcester Fire and Rescue Service has confirmed it has no objections to the variation application.

Other Persons

3.2 Representations have been received from four other persons in relation to the application. Copies of the representations received can be seen at **Appendix 5**.

4. LOCAL POLICY CONSIDERATIONS

- 4.1 The Sub-Committee should have regard to the Council's Statement of Licensing Policy under the Licensing Act 2003.
- 4.2 The Council's Statement of Licensing Policy is available to download from the Council's website or to request a hard copy, contact Worcestershire Regulatory Services on 01905 822799 or email wrsenquiries@worcsregservices.gov.uk

5. LEGAL IMPLICATIONS

- 5.1 The Sub-Committee is obliged to determine this application with a view to the promotion of the licensing objectives which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.
- 5.2 In making its decision, the Sub-Committee is also obliged to have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
- 5.3 The Sub-Committee must also have regard to the representations made and the evidence it hears.
- 5.4 The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- (a) Grant the application as requested
 - (b) Modify the conditions of the licence, by altering or omitting or adding to them.
 - (c) Reject the application in whole or in part.
- 5.5 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 appropriate in order to promote the licensing objectives.

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- 5.6 All parties to the hearing will be notified of the Sub-Committee's decision in writing within five working days of the conclusion of the hearing.
- 5.7 Any party aggrieved by a decision taken by the Sub-Committee may appeal against the decision to a Magistrates' Court within 21 days of being notified of the decision in writing.
- 5.8 The hearing should be conducted in accordance with the agreed procedure.

6. FOR DECISION

- 6.1 The Sub-Committee must consider and determine the application.

Agenda Item 4



Bromsgrove
Application to vary a premises licence
Licensing Act 2003

For help contact
wrsenquiries@worcsregservices.gov.uk
Telephone: 01905 822799

* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

RJT/MJM/98454.24711

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

ROBIN DAVIDSON

* Family name

ROBIN DAVIDSON

* E-mail

mandy_mighty@gosschalks.co.uk

Main telephone number

01482 324252

Include country code.

Other telephone number

- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name	<input type="text" value="DUKE OF YORK"/>
* Street	<input type="text" value="83 BROAD STREET"/>
District	<input type="text"/>
* City or town	<input type="text" value="BROMSGROVE"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="B61 8LN"/>
* Country	<input type="text" value="United Kingdom"/>

Agent Details

* First name	<input type="text" value="GOSSCHALKS SOLICITORS"/>
* Family name	<input type="text" value="GOSSCHALKS SOLICITORS"/>
* E-mail	<input type="text" value="mandy_mighty@gosschalks.co.uk"/>
Main telephone number	<input type="text" value="01482 324252"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
 A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name	<input type="text" value="GOSSCHALKS SOLICITORS"/>
VAT number	<input type="text" value="GB"/> <input type="text" value="433613472"/>
Legal status	<input type="text" value="Partnership"/>
Your position in the business	<input type="text" value="LICENSING"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name	<input type="text" value="61"/>
Street	<input type="text" value="QUEENS GARDENS"/>
District	<input type="text"/>
City or town	<input type="text" value="HULL"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="HU1 3DZ"/>
Country	<input type="text" value="United Kingdom"/>

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APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address
 OS map reference
 Description

Postal Address Of Premises

Building number or name	<input type="text" value="DUKE OF YORK"/>
Street	<input type="text" value="83 BROAD STREET"/>
District	<input type="text"/>
City or town	<input type="text" value="BROMSGROVE"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B61 8LN"/>
Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

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

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

TO PERMIT ALTERATIONS AND TO AMEND THE PLAN THAT ATTACHES TO THE PREMISES LICENCE IN ACCORDANCE WITH THE PLAN SUBMITTED TO THE LICENSING AUTHORITY.

THE PROPOSED ALTERATIONS CONSIST OF THE FOLLOWING:-

THE PROPOSAL IS TO REMOVE A PORTION OF THE EXISTING BAR SERVERY AND MAKE A SMALLER BAR SERVERY AT RIGHT ANGLES TO IT.

SEE PLAN NUMBER 1711-02 ATTACHED.

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Continued from previous page...

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Agenda Item 4

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

AS EXISTING

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

N/A

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

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

PLEASE NOTE THAT THE ORIGINAL PREMISES LICENCE COULD NOT BE LOCATED BY THE PREMISES LICENCE HOLDER AND A DUPLICATE LICENCE FEE WILL BE PAID IF REQUIRED

Agenda Item 4

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

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

List here steps you will take to promote all four licensing objectives together.

AS EXISTING

b) The prevention of crime and disorder

AS EXISTING

c) Public safety

AS EXISTING

d) The prevention of public nuisance

AS EXISTING

e) The protection of children from harm

AS EXISTING

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

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- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Fees are set by Government and relate to the non-domestic rateable value of the premises (not the amount of rates that are paid): check at the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm, look at your business rates bill.

Band A (up to £4,300) £100

Band B (£4,301-£33,000) £190

Band C (£33,001-£87,000) £315

Band D (£87001 to £12500) £450.00*

Band E (£125001 and over) £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D (£87001 to £12500) £900.00

Band E (£125001 and over) £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

Agenda Item 4

Continued from previous page...

* I/we understand 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.

* Data Protection Act 1998 - fair processing statement. Your data is being collected by Bromsgrove District Council for the purposes described on this form and will not be used for any other purpose, or passed on to any other body, except as required by law, without your consent.

* I understand that I must now advertise my application.

* I understand that if I do not comply with the requirements my application will be rejected.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/bromsgrove/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="RJT/MJM/98454.24711"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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Licensing Act 2003 Premises Licence

Premises Licence Number

PL0216

Part 1 – Premises Details

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

Duke Of York
83 Broad Street
Bromsgrove
Worcestershire
B61 8LN

Telephone number 01527 872099

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	Sunday	12:00	- 23:00	Indoors
Anything of a Similar Desc to RE	Thursday - Saturday	11:00	- 00:00	Indoors
Anything of a Similar Desc to RE	Monday - Wednesday	11:00	- 23:00	Indoors
Exhibition of Films	Thursday - Saturday	11:00	- 00:00	Indoors
Exhibition of Films	Monday - Wednesday	11:00	- 23:00	Indoors
Indoor Sporting Events	Sunday	12:00	- 23:00	Indoors
Indoor Sporting Events	Thursday - Saturday	11:00	- 00:00	Indoors
Indoor Sporting Events	Monday - Wednesday	11:00	- 23:00	Indoors
Performance of Live Music	Sunday	12:00	- 23:00	Indoors
Performance of Live Music	Thursday - Saturday	11:00	- 00:00	Indoors
Performance of Live Music	Monday - Wednesday	11:00	- 23:00	Indoors
Late Night Refreshment	Thursday - Saturday	23:00	- 00:00	Indoors
Playing of Recorded Music	Sunday	12:00	- 23:00	Indoors
Playing of Recorded Music	Thursday - Saturday	11:00	- 00:00	Indoors
Playing of Recorded Music	Monday - Wednesday	11:00	- 23:00	Indoors
Sale of Alcohol	Sunday	12:00	- 23:00	N/A
Sale of Alcohol	Thursday - Saturday	11:00	- 00:00	N/A
Sale of Alcohol	Monday - Wednesday	11:00	- 23:00	N/A

Non-standard timings

(a) With reference to Non-Standard Timings, all licensable activities will be permitted between 11.00 a.m. and 12.30 a.m. for the following notable days/dates:

Every Friday, Saturday and Monday for every bank holiday, namely Easter, early May Bank Holiday, Spring Bank Holiday and August Bank Holiday.

(b) With reference to Non-Standard Timings, all licensable activities will be permitted between 12 noon and 12 midnight for the following notable days/dates:

Every Sunday for every bank holiday, namely Easter, early May Bank Holiday, Spring Bank Holiday and August Bank Holiday.

(c) With reference to Non-Standard Timings, all licensable activities will be permitted between 12 noon and 3.00 p.m. and 7.00 p.m. and 10.30 p.m. for the following notable days/dates:

Christmas Day.

New Year's Eve - All licensable activities listed above are permitted till the start of trading hours on New Year's Day

The opening hours of the premises

Days	From	-	To
Monday	11:00	-	23:30
Tuesday	11:00	-	23:30
Wednesday	11:00	-	23:30
Thursday	11:00	-	00:30
Sunday	12:00	-	23:30
Friday to Saturday	11:00	-	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

Robin Davidson
 83 Broad Street
 Bromsgrove
 Worcestershire
 B61 8LN

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

Not applicable

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

Adrian Mark Bridge



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: 18050608

Licensing Authority: Bromsgrove District Council

S J Garrall

AUTHORISED OFFICER

Licensing and Support Services Manager
Worcestershire Regulatory Services

On behalf of Bromsgrove District Council

Date of first issue: 24th November 2005

This version valid from: 9th November 2010

Issuing Authority: Bromsgrove District Council
Parkside
Market Street
Bromsgrove
Worcestershire
B61 8DA

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) “value 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.

Annex 2 – Conditions consistent with the Operating Schedule

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

- (1) The types of regulated entertainment proposed re-instate normal pub entertainment previously unregulated;
- (2) No new steps identified on risk assessment in relation to objectives other than those shown below;
- (3) The Council's Statement of Licensing Policy has been considered.

b) The prevention of crime and disorder:

- (4) The 30-minute extension after the last sale of alcohol will promote this objective, as the last drink will be consumed less quickly together with access to toilet facilities;
- (5) No less than 5 working days will be provided to police when event days are planned.

c) Public safety:

- (6) Numbers will be limited by Fire Authority when functions are held;
- (7) Risk assessment has identified no other risk of crowding.

d) The prevention of public nuisance:

- (8) Live or recorded music will end at the times stated;
- (9) All windows and doors will be kept closed after 23.00 hours.

e) The protection of children from harm:

- (10) The restrictions set out in the Licensing Act 2003 will apply;
- (11) No unusual risks or harm to children have been identified.

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

Licensing Sub Committee 04.08.2009

The Sub-Committee agreed to modify the conditions on the existing Premises Licence as well as include additional conditions as follows:-

The existing condition which states "That all doors and windows remain closed after 11.00pm. during the provision of regulated entertainment" be replaced with "All windows and doors to be kept closed when regulated entertainment is taking place, doors to be opened only for access and egress"

The existing condition which states " That the use of external patio area ceases at 11.00pm" be replaced with "that the use of the outside drinking area shall cease at 10.00pm"

Two additional conditions be included as follows:

That the Designated Premises Supervisor or responsible person shall ensure that during opening hours the outside drinking area is checked regularly to discourage any inappropriate behaviour.

That the Designated Premises Supervisor or responsible person ensures that the outside drinking area is cleared of customers at 10.00pm.

All other conditions on the premises licence remain unchanged.

Annex 4 – Plans

As deposited with the licensing authority

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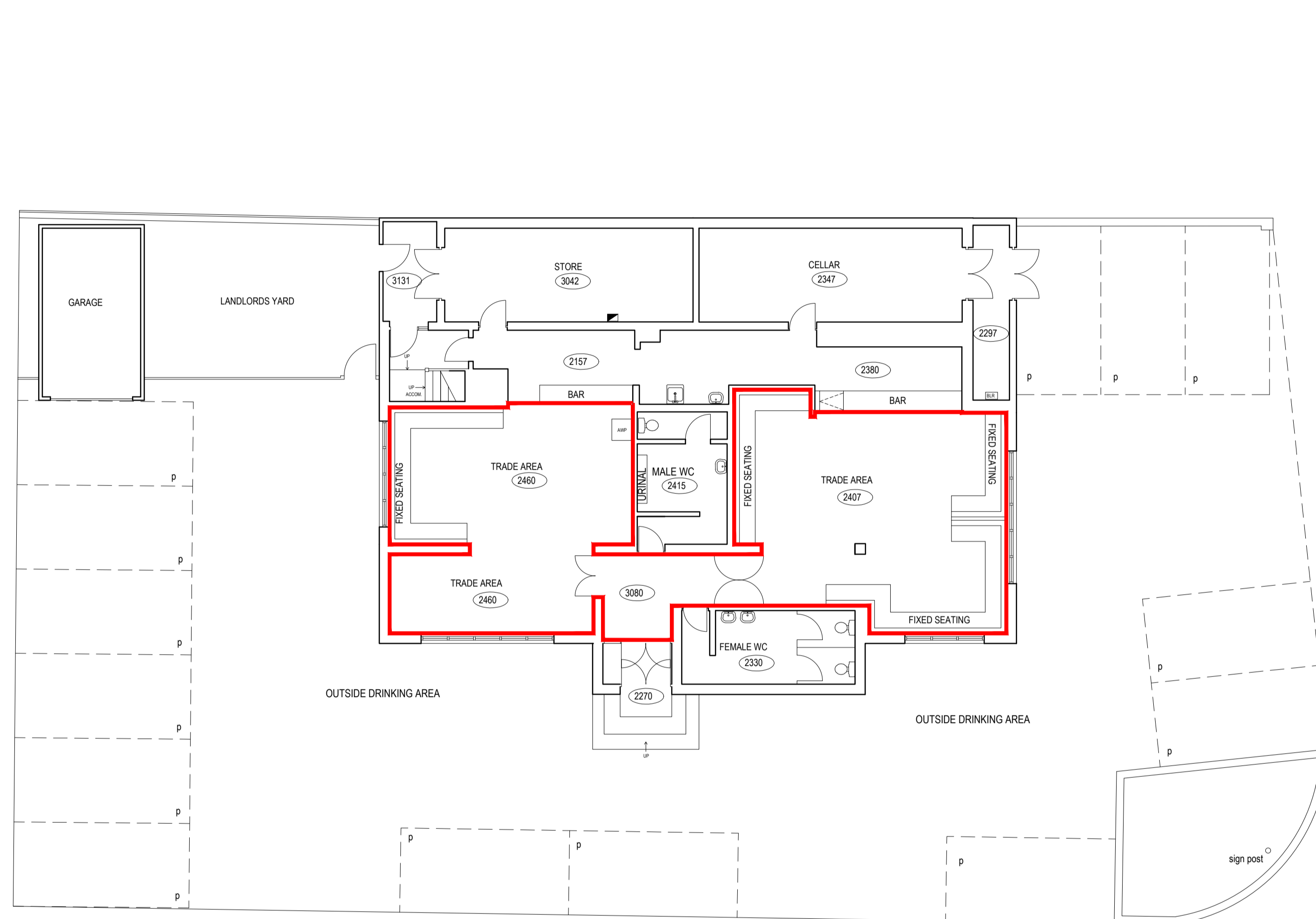
All drawings and specifications from Specialists (nominated or domestic) to be submitted in duplicate to the Architect by the Main Contractor for comments, prior to any fabrication works. The Architect will assist in checking this information but any failure to detect inconsistencies or errors will not relieve the Contractor of his responsibility and the Architects comments will be restricted accordingly.

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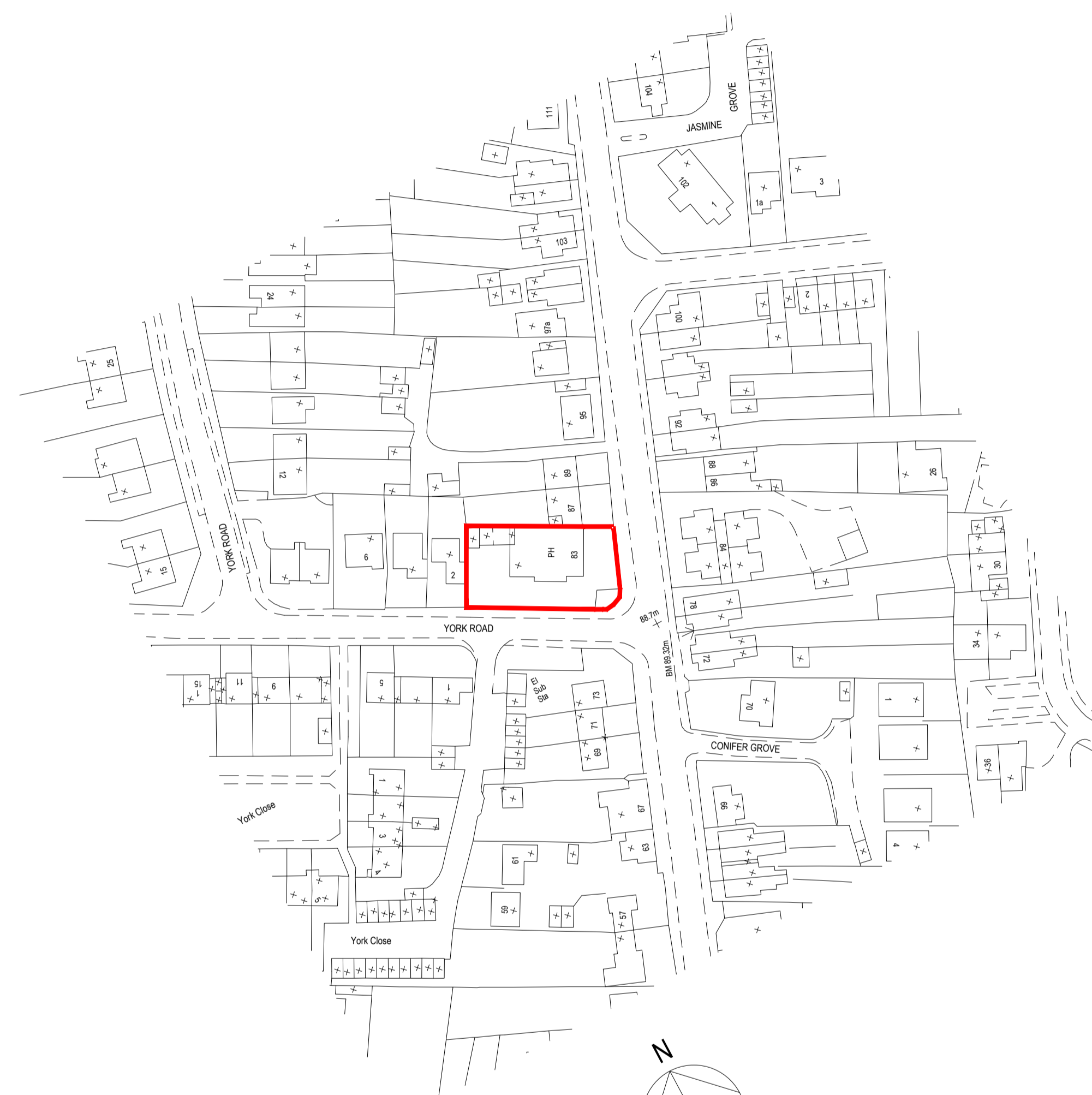
As the client you have specific duties under these regulations. These duties are a legal requirement. For information on your responsibilities please go to www.HSE.gov.uk then CDM Regulations 2015.

AMENDMENTS

Rev	Date	Amendments



BUILDING SURVEYED AREA = 215.4 SQ. M
SCALE 1:100
 GROUND FLOOR AS EXISTING



INDICATIVE ONLY
SCALE 1:1250

client
 EI plc

job
 Duke Of York, 83, Broad Street,
 Bromsgrove, B61 8LN

description
 Licensing plan as existing

scale (A1 sheet) : **date** : **drawn by**
 1:100 & 1250 : Apr 2018 : PB

drawing number
1711-01

TAYLOR+CO ARCHITECTS
 INTERIOR DESIGN • INNOVATION • CONSERVATION
 PO BOX 57 | OMBERSLEY | WORCESTERSHIRE | WR9 0YG
 T 01905 621600 | E design@taylorandcoarchitects
taylorandcoarchitects.co.uk
 RIBA

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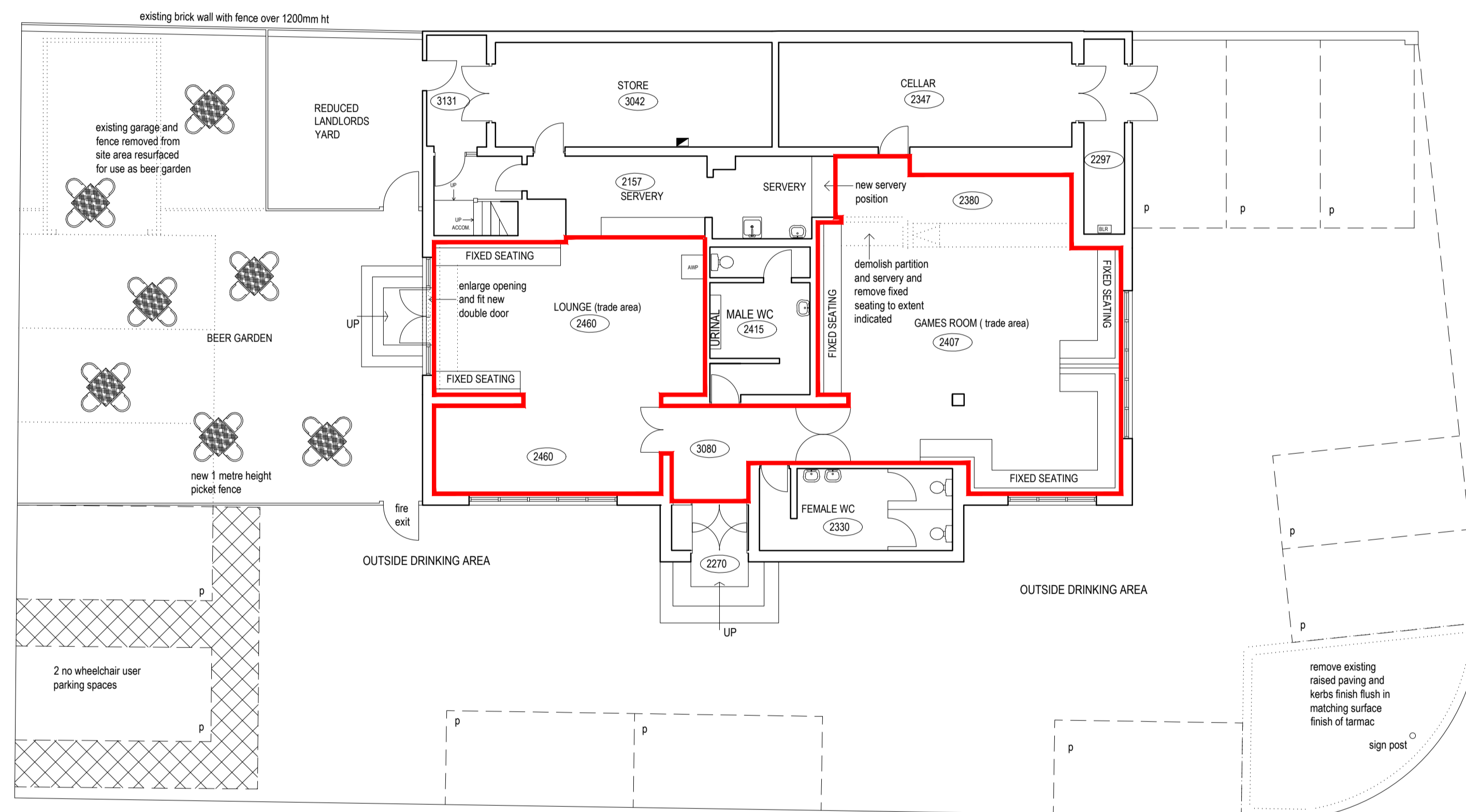
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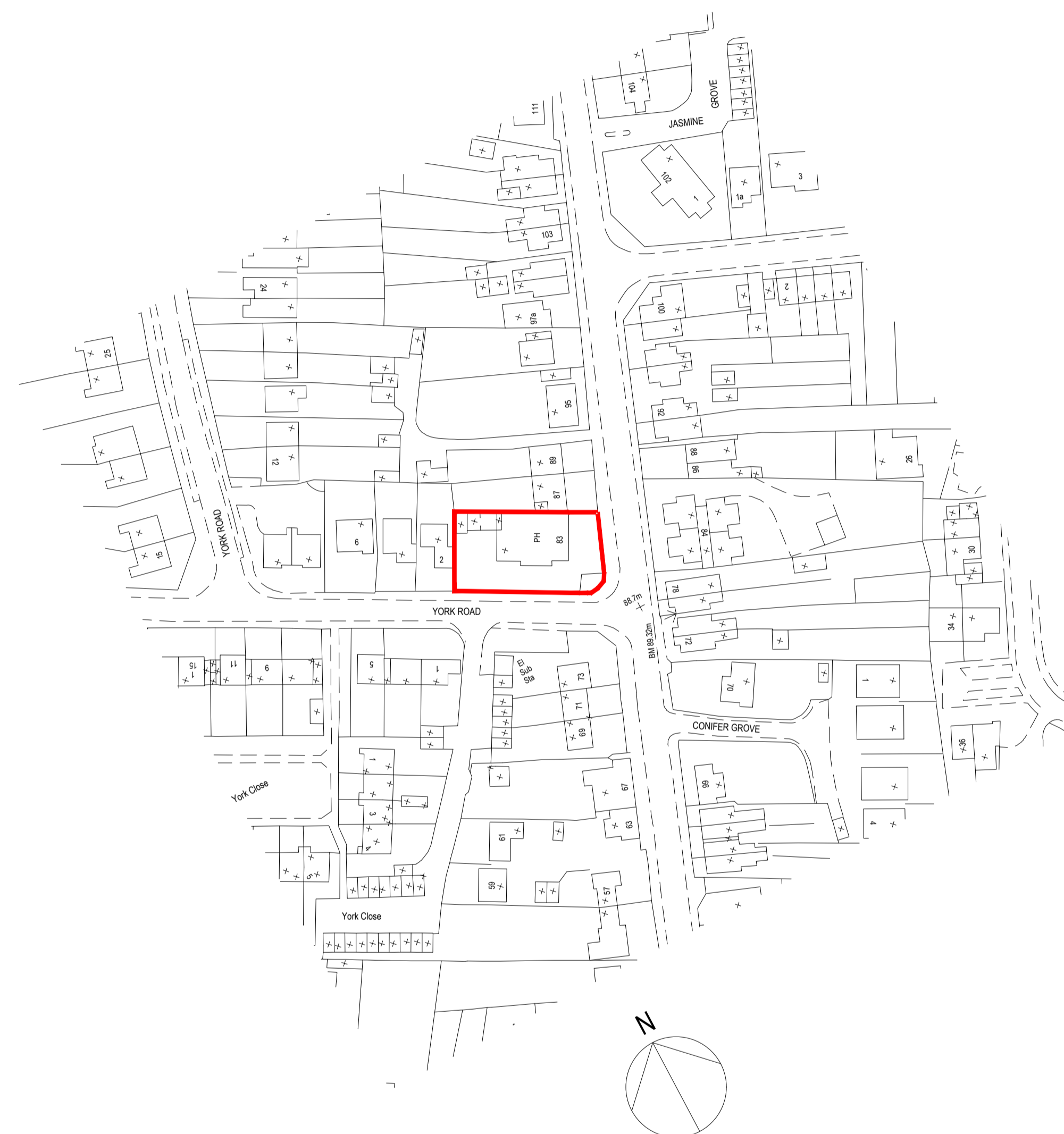
As the client you have specific duties under these regulations. These duties are a legal requirement. For information on your responsibilities please go to www.HSE.gov.uk then CDM Regulations 2015.

AMENDMENTS

Rev Date Amendments



BUILDING SURVEYED AREA - 215.4 SQ. M
SCALE 1:100
GROUND FLOOR AS PROPOSED



INDICATIVE ONLY
SCALE 1:1250

client
 EI plc

job
 Duke Of York, 83, Broad Street,
 Bromsgrove, B61 8LN

description
 Licensing plan as proposed

scale (A1 sheet) : date : drawn by
 1:100 & 1250 : Apr 2018 : PB

drawing number
1711-02

TAYLOR+CO ARCHITECTS
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 taylorandcoarchitects.co.uk
RIBA

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APPENDIX 5

From: [REDACTED]
Sent: 11 June 2018 14:48
To: WRS Enquiries
Subject: Duke of York Sidemoor

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I object to the proposed changes due to the increased noise level from the doors to the proposed patio area.

There has still been incidences of loud music with the windows and doors open contravening the last review and now the doors for the patio area will be directing the noise in my direction.

From: [REDACTED]
Sent: 11 June 2018 09:55
To: WRS Enquiries
Subject: Duke Of York

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Having finally been able to look at the full plan of what they intend to do i object on the grounds of noise. It was not! put in the paper that they had been planning to open up the area opposite my house. as i was unable to see the plan so unable to advise next door to the pub at [REDACTED] till later last week when he was then out of the country

I was given permission to act on his behalf at the last review of the licence and if this still stands i will object on his behalf as well as it will affect his back garden

The swearing and noise is bad enough at the moment and i have contacted you many times in the last 12 month about noise pollution. The review states that windows and doors to be kept shut whilst music etc is being played this extra door will make it worse and previous encounter have proved they have no intention to keep to these regulations as the pub is advertised as an occasional live music venue

On a seperate thing all the things put in the licence i was sent are well out of date Mainly Mr bridge is no longer the designated supervisor i was told by Mr davidson it is the Man who lives in the flat above

From: [REDACTED]
Sent: 13 June 2018 10:02
To: WRS Enquiries; WRS Enquiries
Subject: Re: Duke of York , 83 Broad Street, Bromsgrove, B61 8LN

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

I had checked the new layout plan for the Duke of York pub.

I would like to object this planing permission due to the noise and disturbance.

Regards,

From:
Sent: 30 May 2018 09:47
To: 'wrsenquiries@worcsregservices.gov.uk' <wrsenquiries@worcsregservices.gov.uk>
Subject: Duke of York , 83 Broad Street, Bromsgrove, B61 8LN

Dear Sir/Madam,

Re the Public Notices on the Bromsgrove Standard newspaper on Friday May 25, 2018.

I, [REDACTED] residing at [REDACTED] which is right next to the Duke of York pub,

would like to raise my concern for the application to amend the building and the premises license.

In the past many years ago, there was the case that this pub made the noise at night hours and some customers

throw the beer glasses and the cans in my front house.

I will be ok if the pub operate and strict to the rules , not too noisy in the night hours.

Regards,

Dear Graham,

I am writing to appeal against the proposed changes to the premises Duke of York, 83 Broad Street Bromsgrove, B618LN; by Robin Davidson. I have examined the plans and wish to object to the proposed changes to this site.

I have lived in Bromsgrove for 52 years, and moved to _____ in 1993; I have now lived here for 24 years with my wife and two children.

During which time my family and I have maintained a good relationship with the Duke of York and its landlords, showing a continuous understanding for noise and other disruptions.

I therefor wish to explain how the implementation of proposed changes will affect my family, based on past experiences.

According to the plans received, the following proposed changes are to be made;

A – Creation of a beer garden

I anticipate that proposed changes A will lead to an increase in Noise, which I deem to be a public nuisance and uncompliant to the licencing objectives; the prevention of public nuisance and the protection of children from harm. I anticipate problems, following complaints from residents on York Road in the past; the beer garden previously located out the front of the pub was exclusively moved to the landlords yard, for a period of 3 months. During which time my family and I, including young family members visiting, were exposed to continual swearing and the smells of cigarettes and drug smoke. This was not only experienced within our garden area, but also from within the house when the patio doors were open.

B – Changing the lounge to a main bar area

I anticipate that proposed changes B will lead to an increase in Noise, which I deem to be a public nuisance and uncompliant to the licencing objective; the prevention of public nuisance. I anticipate problems as in the past, on occasions where there has been a private party in the current lounge area; the music could be heard from my bedroom up until midnight, located at the front of the house. Music could clearly be heard with the windows closed making it difficult to sleep. At present this occurs approximately 6 times a year which is reasonable, with the proposed changes this is likely to be 6 times per week.

C - Removal of asbestos garage

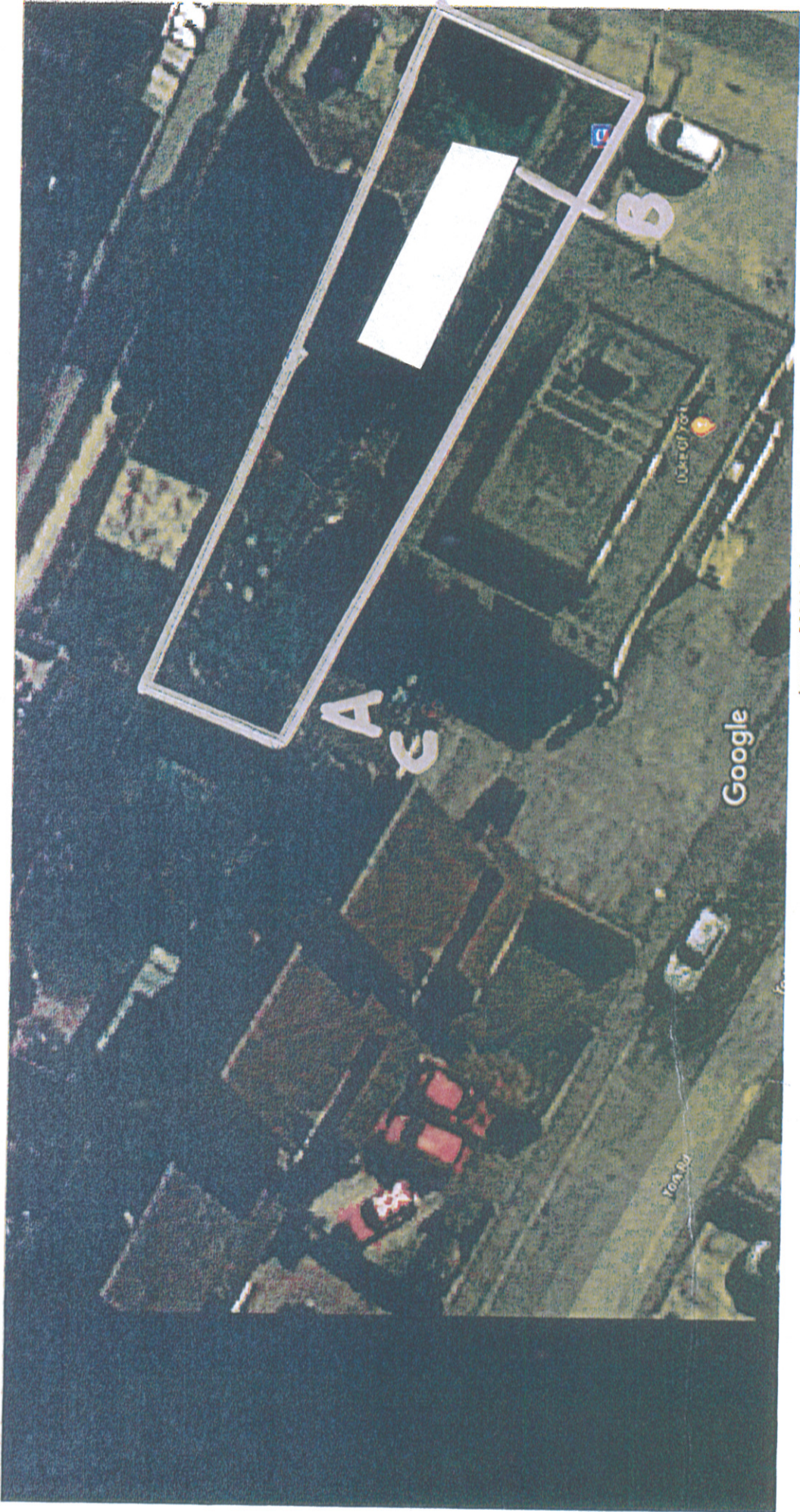
In regards to proposed changes C, I would like formal confirmation about how the garage is going to be disposed of in accordance with relevant health and safety procedures. Please see labelled attachments for visual aids of proposed changes in relation our house and garden.

I look forward to hearing your response.

Kind regards,

B61 8LN - Google Maps

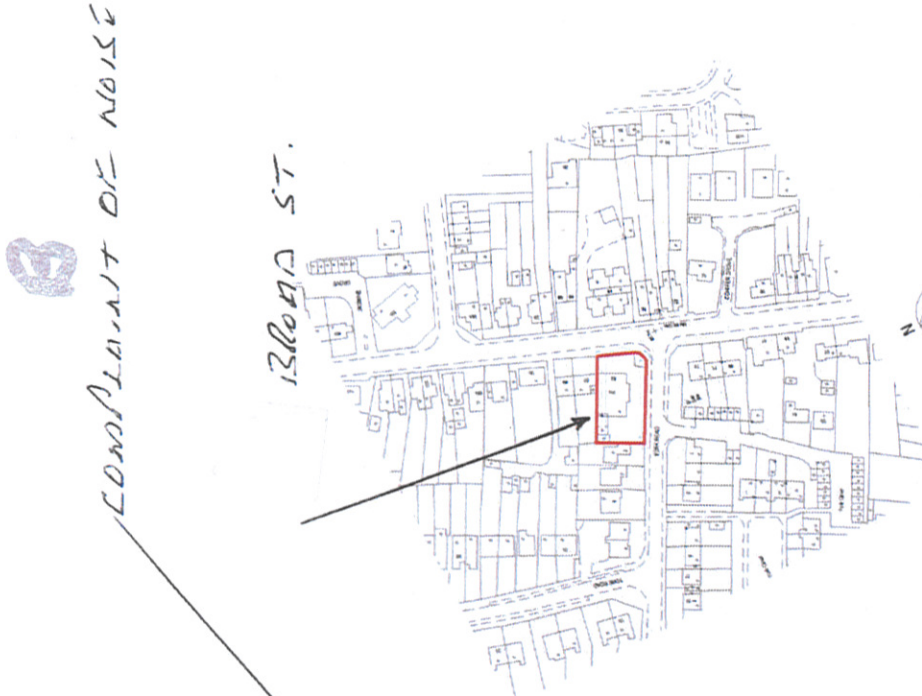
Google Maps B61 8LN



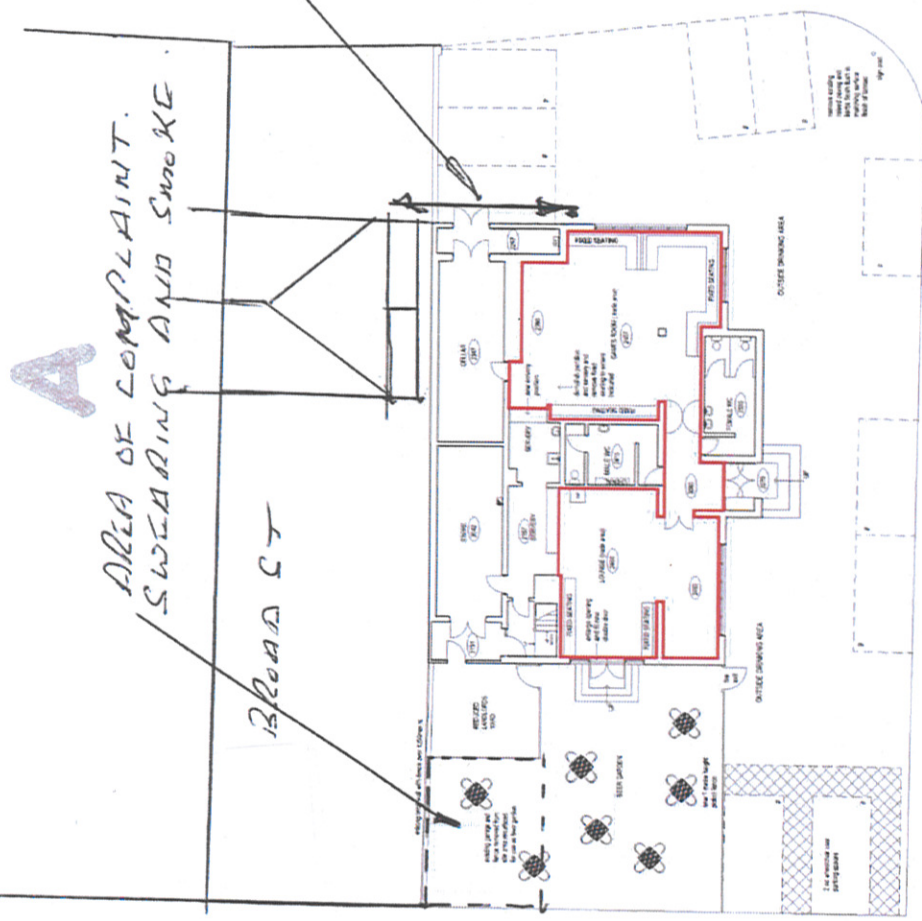
Imagery ©2018 Infoterra Ltd & Bluesky, Map data ©2018 Google 5 m

6/6/2018

The purpose of this plan is to provide a clear and concise set of instructions for the construction of the proposed building. The plan is intended to be used by the contractor and the building control officer. The plan is intended to be used by the contractor and the building control officer. The plan is intended to be used by the contractor and the building control officer.



INDICATIVE ONLY
SCALE 1:1250



SCALE 1:100
GROUND FLOOR AS PROPOSED

Client: ET PLC

Address: Duke Of York, 83, Broad Street, Bromsgrove, B61 8UN

Description: Licensing plan as proposed

Scale: 1:100 & 1:250
Date: Apr 2016
Drawn by: PB

Drawing number: 1711-02

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INTERIOR DESIGN • EXTERIOR DESIGN • CONSULTANTS
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taylorandco.co.uk

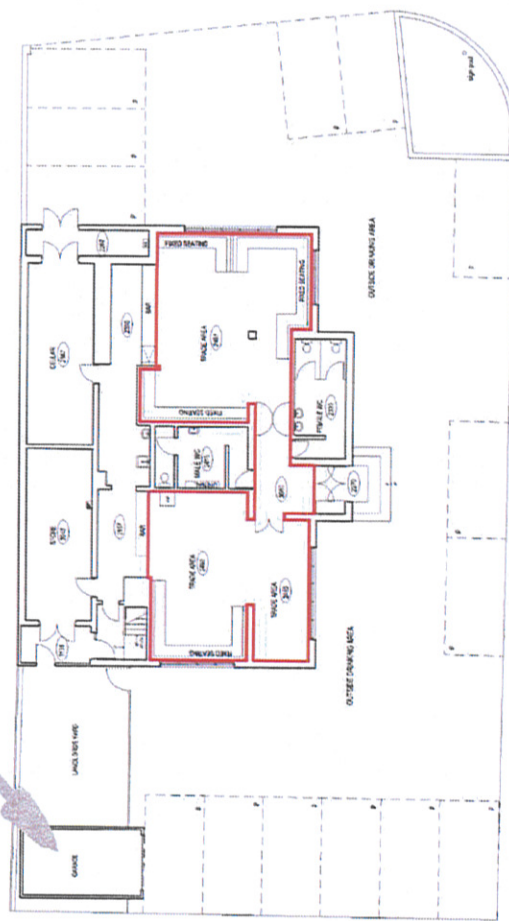
RIBA #

The layout of the ground floor is shown in the attached plan and elevations. The layout of the upper floors is shown in the attached plan and elevations. The layout of the ground floor is shown in the attached plan and elevations. The layout of the upper floors is shown in the attached plan and elevations. The layout of the ground floor is shown in the attached plan and elevations. The layout of the upper floors is shown in the attached plan and elevations.

ANNEX 1
 Plan
 Elevations



INDICATIVE ONLY
 SCALE 1:1250



SCALE 1:100
 GROUND FLOOR AS EXISTING

Client
 E1 PAC

Address
 Duke Of York, 83, Broad Street,
 Bromsgrove, D61 8LN

Design
 Licensing plan as existing

WCA (AI, PH&K) Ltd
 1:100 B.1250 Apr 2018 PB

1711-01

TAYLOR+COI ARCHITECTS
 1711-01-01
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