



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

TUESDAY 4TH AUGUST 2009

AT 10.30 A.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Mrs. R. L. Dent (Chairman), D. Hancox and L. J. Turner

AGENDA

Licensing Sub-Committee Hearing Procedure (Pages 1 - 4)

1. Appointment of Chairman for the Meeting
2. Apologies for absence
3. Declarations of Interest
4. Application to Review a Premises Licence in respect of the Duke of York, Broad Street, Bromsgrove (Pages 5 - 58)
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

24th July 2009

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LICENSING SUB-COMMITTEE

HEARING PROCEDURE

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

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

Please Note:

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

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BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

4TH AUGUST 2009

APPLICATION FOR A REVIEW OF A PREMISES LICENCE – DUKE OF YORK, BROAD STREET, BROMSGROVE

Responsible Portfolio Holder	Cllr. P. Whittaker
Responsible Head of Service	Head of Planning and Environment Services

1. SUMMARY

- 1.1 To consider an application to review a Premises Licence in respect of the Duke of York, Broad Street, Bromsgrove.

2. RECOMMENDATION

- 2.1 That Members review the licence based upon the representations received.

3. BACKGROUND

- 3.1 The Licensing Authority has received an application from a local resident in accordance with the Licensing Act 2003 to review the above-mentioned licence. The grounds for the review are set out at Appendix 'A'.
- 3.2 Members may wish to note that a number of written warnings have been issued by the Licensing Authority on 24th February and 29th June 2009, informing the Licence Holder of the need for improvement in terms of keeping the volume of the music down to an acceptable level, ensuring that all windows are kept closed in accordance with licence conditions. A joint site visit with the Police has also taken place on 5th June 2009 and the Designated Premises Supervisor was informed of the concerns expressed by local residents.
- 3.3 The current hours of operation are as follows:

Supply and retail sale of alcohol on and off the premises

Times	Days
11.00 a.m. – 11.00 p.m.	Monday - Wednesday
11.00 a.m. – 12 midnight	Thursday - Saturday
12 Noon – 11.00 p.m.	Sunday
11.00 a.m. – 1.00 a.m.	Christmas Eve

11.00 a.m. – 12.30 a.m.	Boxing Day; Friday, Saturday, Monday for every bank holiday, namely Easter, early May Bank Holiday, Spring Bank Holiday and August Bank Holiday
12 noon – 12 midnight	Sunday for every bank holiday, namely Easter, early May Bank Holiday, Spring Bank Holiday and August Bank Holiday
12 noon – 3.00 p.m. and 7.00 p.m. – 10.30 p.m.	Christmas Day
Till the start of trading hours on New Year's Day	New Year's Eve

Provision of regulated entertainment inside the premises (Exhibition of films, sporting events, live music, recorded music, entertainment of a similar description to those already mentioned and provision of facilities for making music)

Times	Days
11.00 a.m. – 11.00 p.m.	Monday - Wednesday
11.00 a.m. – 12 midnight	Thursday - Saturday
12 Noon – 11.00 p.m.	Sunday
11.00 a.m. – 1.00 a.m.	Christmas Eve
11.00 a.m. – 12.30 a.m.	Boxing Day; Friday, Saturday, Monday for every bank holiday, namely Easter, early May Bank Holiday, Spring Bank Holiday and August Bank Holiday
12 noon – 12 midnight	Sunday for every bank holiday, namely Easter, early May Bank Holiday, Spring Bank Holiday and August Bank Holiday
12 noon – 3.00 p.m. and 7.00 p.m. – 10.30 p.m.	Christmas Day
Till the start of trading hours on New Year's Day	New Year's Eve

Provision of late night refreshment inside the premises

Times	Days
11.00 p.m. – 12 Midnight	Thursday to Saturday
11.00 p.m.- 1.00 a.m.	Christmas Eve
11.00 p.m. – 12.30 a.m.	Boxing Day; Friday, Saturday, Monday for every bank holiday, namely Easter, early May Bank Holiday, Spring Bank Holiday and August Bank Holiday
12 noon – 12 midnight	Sunday for every bank holiday, namely Easter, early May Bank Holiday, Spring

	Bank Holiday and August Bank Holiday
12 noon – 3.00 p.m. and 7.00 p.m. – 10.30 p.m.	Christmas Day
Till the start of trading hours on New Year's Day	New Year's Eve

- 3.4 Details of licence conditions currently attached to the licence are set out at Appendix 'B'. Members will note that a number of conditions were placed on the licence by the Licensing Authority as a result of a previous application to vary the premises licence which was determined by the Council's Licensing Sub-Committee on 19th September 2005, as a consequence of representations being made by local residents.
- 3.5 As part of the review process, responsible authorities and interested parties are entitled to make representations. Responsible authorities include the Police Authority, Planning Authority, the Council's own Environmental Health Department, Fire Authority, Trading Standards and the Area Child Protection Committee.
- 3.6 On this occasion, a representation has been received from the Council's Environmental Health Section on the grounds of public nuisance. During the consultation period, the Council's Environmental Health Section carried out monitoring of the regulated entertainment and their findings are contained in the report is attached at Appendix 'C'. It is clear from the outcome of the monitoring exercise, that the premises was in breach of a number of its licence conditions.
- 3.7 A representation has also been submitted by West Mercia Police Authority, who has expressed concern over the management of the premises. A copy of their report is attached at Appendix 'D'.
- 3.8 A number of representations have also been received from local residents as a result of advertising the review application in accordance with the Act. Copies of their representations are attached at Appendix 'E'.
- 3.9 Leading up to and during the consultation period, the applicant, Mr. Smith has regularly informed the Licensing Authority of any incidents which were of concern to him. A copy of these incidents are attached at Appendix 'F', however certain references to personal information have been redacted to comply with data protection.
- 3.10 No representations have been received from the other responsible authorities.
- 3.11 A plan showing the location of the premises is attached at Appendix 'G'.
- 3.12 A plan showing the layout of the premises is attached at Appendix 'H'.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from this Report. However if either party made a successful appeal to the Magistrates' Court against the decision of the Council, the Council may be liable for any legal costs.

5. LEGAL IMPLICATIONS

- 5.1 Each party is entitled to appeal to the Magistrates' Court if they are dissatisfied with the decision of the Council, within 21 days from the date of decision.

- 5.2 The Sub-Committee must have regard to the Statutory Guidance, issued by the Secretary of State under Section 182 of the Licensing Act 2003, in particular the determination of a review. The following is an extract taken from the Statutory Guidance:

"The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives.

Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- *to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);*
- *to exclude a licensable activity from the scope of the licence;*
- *to suspend the licence for a period not exceeding three months;*
- *to revoke the licence.*

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review

to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives."

- 5.3 The Sub-Committee must have regard to the Council's Statement of Licensing Policy.
- 5.4 The conduct of the Sub-Committee is governed by the Licensing Act 2003 (Hearings) Regulations 2005, as amended.
- 5.5 The Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights.

6. COUNCIL OBJECTIVES

- 6.1 This item links with the Council Objective CO2.

7. RISK MANAGEMENT

- 7.1 There are not risks identified with this report.

8. CUSTOMER IMPLICATIONS

- 8.1 All parties will be notified of the Council's decision in writing.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

- 9.1 All applicants are dealt with on their own individual merits are accepted in line with legislation and Council Policy.

10. VALUE FOR MONEY IMPLICATIONS

- 10.1 None.

11. OTHER IMPLICATIONS

Procurement Issues – None
Personnel Implications – None
Governance/Performance Management – None
Community Safety including Section 17 of the Crime and Disorder Act 1998 – None
<ul style="list-style-type: none"> ▪ Policy – The Council's Statement of Licensing Policy applies to this application. This reads: <i>"Conditions will only be attached where, a relevant representation or request for a review has been received, and the condition relates to the representation or request for a review, and it is necessary for the promotion of one or more of the licensing objectives."</i>

Environmental - None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	No
Head of Legal, Equalities and Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All wards.

14. APPENDICES

- Appendix A – Details of the review application
- Appendix B – Conditions attached to the current licence.
- Appendix C – Report from Environmental Health
- Appendix D – Report from the Police Authority
- Appendix E – Representations from local residents
- Appendix F – Details of incidents recorded by a local resident
- Appendix G – Location plan of the area and premises.
- Appendix H – Internal layout plan of the premises

15. BACKGROUND PAPERS

- Application form received on 15th June 2009
- Email received from the Police dated 13th July 2009
- Memo received from Environmental Services dated 22nd June 2009
- Letters from local residents

Contact officer

Name: Sharon Smith, Principal Licensing Officer
E Mail: sharon.smith@bromsgrove.gov.uk
Tel: (01527) 881626

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Richard Leslie Smith

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 - Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The duke of york Broad street sidemoor	
Post town Bromsgrove	Post code (if known) B61 8LN

Name of premises licence holder or club holding club premises certificate (if known) John Rowem

Number of premises licence or club premises certificate (if known) Not known PL0216
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Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

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

Surname

Smith

First names

Richard Leslie

I am 18 years old or over

Please tick yes



Current postal address if different from premises address

1 York Road Sidemoor Bromsgrove

Post town

Bromsgrove

Post Code

B61 8RU

Daytime contact telephone number

(01527) 871697

E-mail address (optional)

theblackmechanic@yahoo.co.uk

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes

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

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

Please state the ground(s) for review (please read guidance note 1)

I have in the last three months or so since this team took over the "DukeOf York" spoken to the manager about the noise swearing and anti social behavior from these premeses I asked him (mr Mark Rowen) Johns brother to ask John if he would speak to me about the problems i had had the reply i got was "he will not speak to you he will not stop it he he will not change it" All the details have been logged via emails to "Ms Sharon Smith" via emails as i suffer with dyxlexia and find it hard to keep written recordswith out the aid of spell check

Basicly the noise from discos/kareoke to customers smashing glasses out side swearing urinating in the flower beds and up walls and out and up the wall opposite my house shouting obscenities at passing cars the swearing was also being done by the now manager

I have spoken to the area manager who prommised to get back to me after i called twice with my problems (He did not); the noise and anti social behavior got worse they have took no notice of the previous review held when mr K miller was there ie windows and blinds open whilst music is being played and people @swearing and shouting out side until the early hours

I can not get them out of comuter to paste to this copy (i am sure that it is possible but i can not do it) but i have enclosed a summary on a separate sheet which Ms Smith has the details both people that i saw urinating in public are still allowed in the premisies

Please provide as much information as possible to support the application
(please read guidance note 2)

All these details of the worse times as i said are logged with Ms Smith (would you ask her for details (as i have trouble printing them of) but i have sent a summary*)

I would like to see no drinks out side after 18.00hrs and any shouting swearing or anti social behaviour the management sort it out there and then this is a residential area i would also like to see that when music is being played the blinds windows and doors all to be shut and the noise kept down to legal levels the benches put behind the screened area or at least down the side where they were put after the council and police visited on 5/06/09 one of them was put back out the front at approximatly 16.00hrs on Sunday 7/06/09 this will eliviate the problems of the management not seeing what is going on and stop the shouting at passing cars and drivers passing sounding the horn whilst they pass and the cheering and shouting back of obscenities also signs put up to say keep anti social behavior and swearing will result in a ban from the premises or word to that efect and sticking to it also i would like to see the whole area tidied up and the loose bricks moved away or re fitted so that they can not be used as misiles which i am sure will happen as the whole area is an eye sore the waste bins emptied more often not being left over flowing

The lack of sleep these premisies has cause me has got me in to trouble at work for the first time since i worked ther (over four years)

Whilst i know that if i buy a house by a pub i can expect some problems but not swearing and shouting all night most nights and all week end music being played that loud that i can hear it inside my house with the windows shut and i can no longer use the front of my house i also could not let my mother or grand children stop and why should i have to shut the windows in the summer anyway

All of the problems i have had with the pub in the past i have managed to sort out with a quiet word with the previous managers this has been only twice once damage was done to my fence which was sorted amicably and once noise fron people who's taxi did not turn up after closing in early hours after a disco and extension and Paul used to ask people to leave quietly and think of the neighbors

* IF THE AREA ~~BE~~ BEHIND THE SCREEN IS UNSAFE
AS PREVIOUSLY STATED WHY WAS THE BARBACUE
ROUND THERE ? AND MAKE IT SAFE

Please tick yes

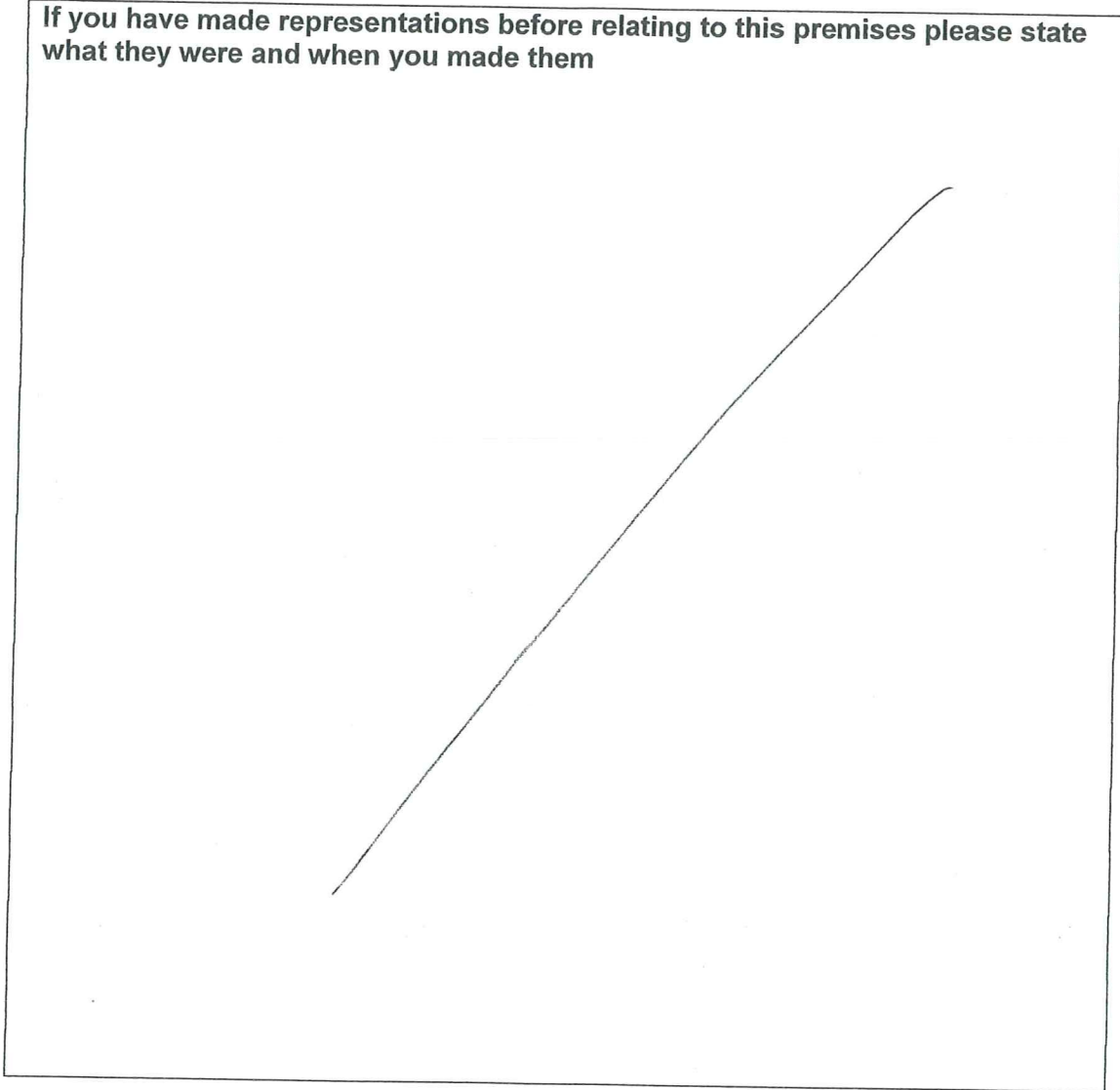
Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them



Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 09/06/09

Capacity RESIDENT

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) theblackmechanic@yahoo.co.uk

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



Noise and disturbance in April and May June that I have heard

30/05/09 some one urinating up the side of the pub @21.00hrs swearing 21.30 @23.00

26/05/09swearing @20.00hrs

24/05/09 noise all night both inside and out windows open 20.30 hrs till 23.59hrs

23/05/09 swearing and shouting 23.48hrs 00.06hrs 0107 hrs out side pub

(02.00hrs along side my house I do not know if they came from the pub) affecting my health and work

05/05/09 I am told there was the police and ambulance at the pub. Then at 00.15 hrs a young man walking up the road from the pub with two full glasses he dropped one the manager gave this mans mate who was also in the pub a dust pan and brush to clean it up this person urinated up the wall opposite my house

I spoke to area manager who promised to calm it all down and get back to me (he did not)

27/04/09 windows open all night noise from inside and out

11/04/09 disturbance and shouting at mid night

06/04/09 noise all evening till around midnight on car park

30/03/09 the assistant manager who is now the manager shouting a tirade of swear words to people who were sat on the benches at 21.30 hrs

I have only started a log after weeks of nuisance and noise I will not be convinced that

Having the new man at the pub will be any different as he has worked at the pub from the day this group took over the only difference is a different man behind the bar as this man has been on site on many of the occasions i.e. attending or working behind the bar at the Karaoke and disco's and he has been part of the problem with his own language

Not only is this affecting my health and my work it is affecting the value of my house

I did ask the licensee to speak to me also I have told the area manager that he would not speak to me who also did not bother to get back to me with any answers

04/06/09 with the new manager to day when he drove from the car park at about lunch time one of the people shouted after him "suck this you f**king prick also there were other incidents of foul language from off the benches and also the windows were open at 17.00 hrs I shut the windows at the front of my house as they were playing drum and bass music whilst I was eating my evening meal I could hear it over the radio in my dining room I did see "Barney Kelso" on his mountain bike I do not know if he heard any of the language as went off up Broad Street

I would like to see the benches moved from the front of the pub and a drinks ban outside discos and karaoke the windows and door kept shut whilst music is being played or whilst discos and karaoke nights are going on I do not think that a change of management has made any difference as today proves the point not once whilst the swearing was going on did I hear or see any one say to these people to pipe down

Richard L Smith

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Annex 1 – Mandatory conditions

1 Annex 1

Mandatory Conditions

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

Other Conditions - 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.

Annex 2 – Conditions consistent with the Operating Schedule

1 Annex 2

Conditions consistent with the operating schedule

(a) General - all four licensing objectives

(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

1 Annex 3

Conditions attached after a hearing by the licensing authority

- (1) That signs be placed at the exits of the premises seeking the co-operation of customers to leave in a quiet, orderly and respectful manner;
- (2) That all doors and windows remain closed after 11.00 p.m. during the provision of regulated entertainment;
- (3) That the use of the external patio area ceases at 11.00 p.m.;
- (4) That the licence holder makes contact with all local taxi companies and request them not to sound their horn when collecting a fare-paying customer from the premises;
- (5) That the recommendations stated in the Fire Officers' Report dated 9th September 2005, be carried out to the satisfaction of the Fire Authority before 24th November 2005

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INTERNAL MEMORANDUMBromsgrove District Council

From: Team leader
(Pollution & General)
My Ref: 09/02588/NOIMUS

Ext: 1435

To: Licensing Section

Your Ref: SS

Date: 22 June 2009

Licensing Act 2003
Application for Review of Licence
The Duke of York, Broad Street, Sidemoor, Bromsgrove

With reference to the application for review of the above mentioned Licence, I have been asked to comment on the application.

My remit is to look the third Licensing objective "prevention of public nuisance".

In this respect the annoyance caused by the loud playing of music is within my remit, matters relating to anti social behaviour are outside my jurisdiction.

One of my team members has been tasked with carrying out an evening visit to assess the extent of the noise problem, they will report separately regarding this.

I have carried out a daytime inspection of the exterior of the premises; it consists of a public bar and a separate lounge/ function room. The premises are in a predominately residential area with the closest dwelling to the function room being 11 metres away. The building is of typical 1960s style being constructed with a flat roof surmounted by a separate flat over to provide accommodation for the Licence holder.

The lounge/function room is served by two large windows with five openable top hung windows, and an extractor fan outlet. The Public Bar is similarly served with two large windows with five openable top hung windows and an extractor fan outlet.

It has been reported that music being played in the function room has been causing annoyance to nearby residents, the current Licence condition in Annex 2 (9) states:-

"All windows and doors will be kept closed after 23.00hours"

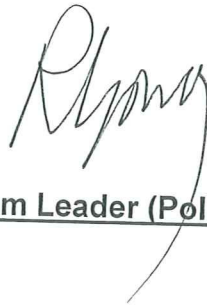
With the current licensable activities this condition will not prevent annoyance to residents.

I would recommend that this condition be removed and replaced with

“All windows and doors to be kept shut when licensable activities (B. to I. inclusive) are taking place, doors to be opened only for access and egress.

In addition to this, noise may also emerge through the extract ducting in the walls; the evening site visit may reveal the extent of this problem. If it is found to be allowing noise to emerge, then work to acoustically treat the ducting outlet will have to be undertaken. Alternatively, air conditioning could be installed to serve the function room and the extractor fan outlet could be bricked up.

I trust this information is sufficient for your purposes.

A handwritten signature in black ink, appearing to be 'R. P. M.', written in a cursive style.

Team Leader (Pollution & General)

WITNESS STATEMENT

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.102;
Magistrates' Court Rules 1981 r.70)

Statement of : Michelle LOWE

Age if under 18 : OVER 18

This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Date :15th July 2009

Signature : 

I Michelle Heather Lowe am employed by Bromsgrove District Council as a Pollution Control Officer in the Environmental Health Section and am authorised to carry out duties under the provisions of the Environmental Protection Act 1990.

I was asked on the 16th June 2009 by my Team Leader, Robin Goundry, to visit the area around The Duke of York, Broad Street, Bromsgrove between 2200 hours and 0000 hours at a weekend to assess the extent of any noise problems following an application by a nearby resident for the review of the premises licence under the Licensing Act 2003.

On the 27th June 2009 at 2210 hours I parked my car, with my windows open, outside 88 Broad Street, Bromsgrove which is opposite the Duke of York. Music including words and melody could be clearly heard. A window of the Duke of York was open on the Broad Street side. I could also hear people singing along and could clearly hear everything the DJ was saying. With the windows of the car closed I could still hear the music but more muffled. I could make out most of the words to songs and could easily distinguish what song was being played. At 2218 hours they were doing karaoke. At 2223

Signature 

hours I moved to outside 5 York Road, Bromsgrove. There were a number of windows open on the York Road side of the premises in question. With the windows of my car open I could hear lyrics and melody to the song above the sound of passing traffic. With the windows closed I could make out a few words and all the melody. There were a few people (about 10 to 15) outside the Duke of York sat on benches. There was some shouting. I left the area at 2227 hours.

At 2310 hours on the 27th June 2009 I arrived outside 5 York Road listening to music from The Duke of York, Broad Street, Bromsgrove. Two windows were open at the premises and music, with the windows of the car open could be clearly heard. I could hear the beat and the melody but the lyrics were muffled. I could pick out what song was being played. It sounded like Karaoke. There were a number of people outside talking and shouting. With the windows of the car closed I could still make out individual lyrics and some of what the DJ was saying. It was a warm, dry evening. At 2319 hours I moved outside 88 Broad Street. One window was open at the premises. In the car with the window open I could clearly hear the melody and lyrics of the song. 'My life would suck without you' by Kelly Clarkson was being played. It was very loud. I left the area at 2322 hours.

At 2355 hours I arrived outside 88 Broad Street, Bromsgrove. The windows of The Duke of York were closed. I could not hear any music. The lights of the disco were still flashing and there were people outside shouting. At 2358 hours I could just make out the melody of the music with the windows of my car open but I could not make out what the song was or the lyrics. I moved to York Road. No windows were open and no music could be heard.

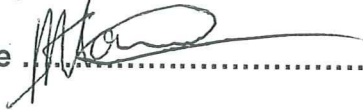
Signature



At 0006 hours on the 28th June 2009 I could hear music with the windows of my car open, parked outside 88 Broad Street. I could just hear the melody and not individual lyrics. I could not recognise what song was being played and could not hear it above passing traffic. At 0009 hours the lights from the disco went off. I left the area at 0015 hours and no music could be heard.

From what I had witnessed I conclude that with the windows open during regulated entertainment annoyance to residents from loud music is being caused. It is my opinion that the condition "All windows and doors to be kept shut when licensable activities (B. to I. Inclusive) are taking place, doors to be opened only for access and egress" recommended by Robin Goundry would significantly reduce the level of disturbance witnessed.

Signature

A handwritten signature in black ink, appearing to be 'M. Goundry', written over a dotted line.

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To: Bromsgrove Licensing: Mrs Sharon Smith Date: 13 July 2009
Ref:

From: PC 3883 Neil Sharpe Station/Dept: Redditch & Bromsgrove Licensing Officer
Ref: Tel/Ext No: 0300 333 3000 ex 3859

Subject: The Duke of York Licence review

Bromsgrove Licensing Department

The Police are aware that the basis of the review has been brought about due to noise nuisance and anti-social behaviour in and around the premise. This review has been commenced by a local resident(s).

Following notification of review proceedings, West Mercia Police would like to make the following comments around the running of this public house.

I have checked West Mercia Police incident logs (ois system) with regards to incidents linked to this public house.

Since the beginning of 2009 there have been only a handful of incidents reported. A small number of these are anti-social incidents around noise nuisance, but I have to say these have been minimal. Reports around crime and disorder, which have been reported to Police, are again, minimal.

The only concerns West Mercia Police have with the Duke of York and its compliance with the Licensing Act 2003, are around the role of the listed designated premise supervisor (DPS).

On 5th June 2009, Police Licensing Officer Neil Sharpe and Bromsgrove Council Licensing Officer John Davies visited the premise to discuss noise nuisance. They were met by Mr Gary Darby. Mr Darby explained that he was the new manager of the pub. He said that he wasn't a personal licence holder, but he was arranging to go on a course as soon as possible. Mr John Rowan is the DPS. He is also the DPS for the Dog and Pheasant Public House in Redditch.

The Police would question whether Mr Rowan has any supervisory role at the Duke of York. He is based at the pub in Redditch and he has recently lost his driving licence, so his ability to travel between premises is therefore restricted. So as of today's date, no personal licence holder is present when alcohol is sold at the Duke of York.

Mr Darby has informed both the Police and Bromsgrove council that he has taken the BII personal licence holders course and is awaiting his criminal records checks to be returned before he can apply for a personal licence. He says he will then be applying to be the pubs DPS.

The Police will be monitoring the supervisory role closely. If, by the time of this review, Mr Darby is still waiting for his personal licence we would have no alternative but to look at options to rectify the situation.

PC Neil Sharpe

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Dear Ms. Smith,

I write in support of Richard Smith, who has, I believe, contacted you re the above.

I have lived on Broad Street, diagonally opposite the pub for 16 years.

Disturbance from the pub has not been great until recently. The previous landlord held disco nights with very loud music occasionally (usually bank holidays).

This has now increased to at least once a week.

The music is loud with persistent bass-beat (which makes it difficult to even watch TV) and the most annoying element of this is that there's total disregard for any of the neighbours – all the windows and doors are kept wide open and there's obviously no sound-proofing. When the pub empties there is then loud, aggressive behaviour and the usual foul language which goes on into the early hours.

Please do not hesitate to contact me if you have any questions.

I look forward to hearing from you.

Kind regards

Ps Please note I play in a band locally so have nothing against music per se, but I know that the landlords of the pubs we play in act responsibly (sound-proofing, windows and doors shut, early finishing etc etc)

York Road,
Sidemoor,
Bromsgrove,
Worcs.
B61 8RU.

Dear Sharon,

I returned from my holiday to have to suffer an appalling level of noise from the Duke of York. On Saturday the 27th. Jun. The music from the pub was being played with the windows open at a level that could be heard in my house behind closed double glazing from 9 Pm. Until 11.30 Pm.

Prior to going away the nuisance level had reduced somewhat but now another bench has appeared along with sunshades and intermittent noise of shouting laughter, foul language and cars sounding horns as they pass has continued.

It appears that the current management have no intention of complying with the terms of their licence.

What action can now be taken to stop this nuisance?

Yours sincerely

A handwritten signature in black ink, appearing to be 'R + L' followed by a stylized flourish.

.....S
BROAD STREET
SIDEMOOR
BROMSGROVE
WORCESTERSHIRE
DE1 0TA

July 8 2009

To the office of Administrative Services

I am writing with respect to the late night entertainment taking place at the Duke of York public house situated at 83 Broad Street Sidemoor Bromsgrove.

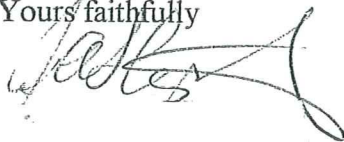
On the 19th September 2005 I attended the Licencing Sub-committee meeting when the variation of licence application was made with regard to the provision of alcohol and regulated entertainment, the conditions agreed at that meeting are not being adhered to.

I wish to complain about the fact that on Saturday nights. entertainment i.e. disco,s karioke etc go on till the early hours of Sunday morning. Saturday the 27/6/09 being an example.

Not only do I have to contend with the loud music going on till the early hours you also have the problem with the use of the outside patio area (car park) after 11.00pm. I am not aware of any other area ie beer garden being used for drinking outside of the premises other than the car park.

I do not object to entertainment taking place at the above premises as long as the original conditions laid down are adhered to, what I do object to is the fact that I have to close windows and sleep in the back bedroom to get away from the noise.

Yours faithfully

A handwritten signature in black ink, appearing to be 'J. K. S.', written over the typed name 'Yours faithfully'.

BROMSGROVE DISTRICT COUNCIL

Witness Name:

Address: -

BROMSGROVE WORCS B61 8LN

Premises complained of (address): DUKE OF YORK

SIDEMOOR BROMSGROVE WORCS

DATE	TIME STARTED	TIME STOPPED	NATURE OF NOISE	AREA OF HOME AFFECTED	HOW THE NOISE EFFECTS YOU OR YOUR LIFESTYLE	SIGNATURE
27.6.09	8.00pm	12.00	Loud Music	FRONT BACK, CONSERVATORY GARDEN	We are unable to watch television as sit in garden We have to close all our windows Windows at the Duke of York are closed until 12 o'clock	
4.7.09	8.15pm	10.30pm	Loud music	FRONT, BACK CONSERVATORY GARDEN	We have to close all windows and stay at the back of our home.	

I confirm that the records of observations on this sheet are true and was made at the times recorded.

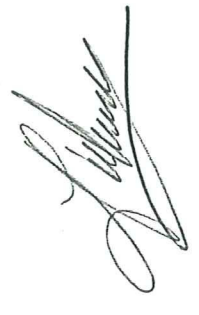
Signed... 

Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, Worcestershire, B60 1AA

left open until as late,
or even later than 12 o'clock
midnight

We haven't any
objections to the Duke
of York only the loud
music.

Yours sincerely



15 Wood Street
Sidermool
Blonsyone
Wopcs
B61 8LN

Tels
6th July 09
Ms S Smith

We have lived
opposite the Duke of York
for nearly forty years.
Weekends there is loud
music until the early
hours of the morning -
It has been going on
until as late as 12 o'clock
in the morning.

We have to stay in
the back of our house
and can still hear it.
We have to close all
our windows. The windows
at the Duke of York are

Sharon

From:
Sent: 16 June 2009 12:47
To: Sharon Smith
Subject: RE: The Complaint

Dear Sharon,

My neighbour, Richard Smith, informed me about his application to review the license for the Duke of York pub which you have received.

I totally agree with Richard's information and endorse to his application to review the license of the Duke of York pub.

Kind regards,

Sharon Smith

From: [REDACTED]
Sent: 05 July 2009 09:38
To: Sharon Smith
Subject: Fw: Noise

--- On Sat, 4/7/09, [REDACTED] wrote:

> From: [REDACTED] k>
> Subject: Noise
> To: Sharon
> Date: Saturday, 4 July, 2009, 11:22 PM
> it is now
> 2306 hrs there are at the moment 18 people outside the duke at the
> front on the car park they are playing music i can hear it it is not
> as loud as last week but the shouting on the car park is as bad also
> the windows in the bar are not shut the noise out side is made worse
> by the occasional shout out we could here this noise clearly from our
> lounge at the back of our house with the TV on most of the night but
> they still have taken no notice of the letter you sent, at one stage
> earlier around 22.00 hrs there was 31 people out side drinking and
> smoking
> There is a group of 6/7 stood out side the lounge window who do
> not look old enough to drink The manager has been out side and is
> aware of thes people I have not heard him ask for any less noise also
> he stood out side by the open windows smokng so he knows they are open
> i shut my windows at 0015 the noise was still going on i also called
> the police at 23.they could not come out they switched the lights out
> at 02.40 hrs this notice failed to go out last night so i sent it
> again
> [REDACTED]
>
>
>
>

Sharon Smith

From: [REDACTED]
Sent: 29 June 2009 11:58
To: Sharon Smith
Subject: Noise and anti social behavior

Morning Sharon the music and public nuisance was as bad this Saturday if not worse than ever i came home Saturday night at 22.hrs to hear a Young lady about 18/20 on my side of the road under the tree opposite the pub swearing every other word whilst shouting to her friends who were sat on the flower beds to the right of the main entrance she continued to swear and shout through the night whilst going in and out of the pub i saw no attempt by any of the management to stop this there was five or six beer cans thrown on to this grass area by the people at the pub

The music played very loud all night my wife says it started around 20.00hrs the windows on the right hand side (lounge) were open until 23.45 and on left hand side until (Bar) 23.50

They were very crafty i feel that they did not advertise this the advertisement on the wall and notice board were for a soul and mowtown night next weekend so that the residents could not let you know

There is a lady going to say she heard shot guns being discharged but this was from a car driving down broad street (i would think it was back firing not a shot gun) My wife heard it i did not

For the first time ever i was compelled to phone the police as a lot of what i thought was under age drinking swearing and the noise anti social behaviour i will phone you with the incident no as i am at the library as my computer is being repaired

Would it be possible to put a restriction banning them from holding Discos and having alcohol out side until the licence review has been completed as they are taking absolutely no notice of the one that is in place

I will Phone you but i am sending email to you as a part of my records as discussed

Regards [REDACTED]

Sharon Smith

From: [REDACTED]
Sent: 22 June 2009 20:44
To: Sharon Smith
Subject: fighting out side the duke of york

Evening Sharon tonight at about 20.00 hrs there was a scuffle out side the pub involving the animal that urinated up the wall a few weeks ago i am led to believe his name is "[REDACTED]" and another four including two girls this spilled out on to the road swearing and shouting the others were from what i could see were keeping these two apart i did not see the management come out and try to restore order and i did keep looking i feel that if this is to continue there will be a full scale fight

I did not call the police as i was watching and taking notes and [REDACTED] was taken away in the blue Peugeot that i said about in a previous email

This morning in the early hours i did not get home until 01.15 hrs so it would have been around 02.00 there was an ambulance called to the outside of the pub and the police i did not see the person come out of the pub but at around the same time there was some one come out from the pub and there was activity in the bar when i came home well after closing time i did not see if they were drinking after hours but i am sure they were not cleaning up as they were stood by the bar

Would you pass this message on to environmental health i did speak to rob this morning and forgot to tell him

Regards [REDACTED]

Sharon Smith

From: [REDACTED]
Sent: 20 June 2009 23:42
To: Sharon Smith
Subject: SWearing

As I type this it is 23,35 there is a lady if you can call her that swearing at the top of her voice i can hear the language quite clearly i was at work till a few minutes ago so i do not know what the noise was like my wife said two or three times tonight she did not monitor the times there was shouting and swearing going on from the smokers on the benches i have not heard any attempt to stop this woman but she has gone quiet

Regards [REDACTED]

Sharon Smith

From: [REDACTED]
Sent: 19 June 2009 13:53
To: Sharon Smith
Subject: Fw: Disco at duke of york

--- On Thu, 18/6/09, [REDACTED] wrote:

> From: [REDACTED]
> Subject: Disco at duke of york
> To: sharon.smith@bromsgrove.org
> Date: Thursday, 18 June, 2009, 12:22 PM
> Good arternoon Sharon
> they have just put the date of the next disco on the board it will be
> this saturday 20/06/09. If the people come to check on it i hope it
> is a nice day they will see the problems that the discos and benches
> are causing me and the man who lives opposite me at [REDACTED]
> last night the parking was on both sides of the road as they
> could not get passed Benches to park on car park also there were
> glasses left out side all night the last time this happened one was
> smashed against the tree opposite the pub i have taken Photographps of
> this as the glass is still there the noise has been a little better in
> the week but the swearing is still going on i feel that as swearing is
> a part of younger peoples language they do not realise they are doing
> it i do not know how good the pictures will be as firstly i am taking
> them with out trying to draw attention to myself and make the tensions
> worse and two i only have a cheap phone type camera with no focus or
> zoom
> i hope that this information is not to late [REDACTED]
>
>
>
>

Sharon Smith

From: [REDACTED]
Sent: 14 June 2009 09:29
To: Sharon Smith
Subject: Noise from PH

Last night there was a disco they shut all the windows and blinds in the lounge where it was held this time but left them open in the bar one was open till after mid night in fact they no longer shut the blinds in the bar i think they may be broken whilst i have heard it a lot louder i could still hear the music and especially the DJ on more than one occasion i shut all the windows and went in to the back of my house with the benches now being out the front again at just turned 22.00 hrs i was confronted with some what might be called banter that i chose to ignore but still unacceptable whilst with my dog from them and although it was not as noisy as it has been again i could hear the people on occasions until i shut the windows i did not get home from work until 21.50 so i do not know what it was like earlier and i only monitored it for around 1/2 of an hour but again why should i have to shut my windows this weather

[REDACTED]

Sharon Smith

From: [REDACTED]
Sent: 12 June 2009 13:00
To: Sharon Smith
Subject: Benches

Afternoon Sharon i know that you are on holiday last Friday the benches were put down the side of the pub and the noise from out side stopped IE no cars peeping at customers no shouting of abuse back then on Sunday one was put back yesterday the other at 170hrs i heard the f word twice from the benches then also in between 15.25 and 16.15 (countdown was on the TV) i heard a scream from some one sat on the benches last night/this morning there was two high pitched whistles from people who i saw coming from the P/H and a peep from a taxi also at 00.15 all at the same time within 5 minutes a couple arguing whilst sat on the benches it has been quieter but we have had a lot of rain then people dont coe out side so much

[REDACTED]

Sharon Smith

From: [REDACTED]
Sent: 30 May 2009 20:40
To: Sharon Smith
Subject: RE: Swearing

Afternoon Sharon again last night there was a young man about 20 sat out the front of the pub he Urinated up the wall of the pub on the left side of the pub looking at it from my house right opposite my house when it would have taken him just a few seconds to walk in to the pub as the toilets are by the door i did inform the manager all he did was grunt at me he did not even throw a bucket of water over it this will start to stink this weather this person then was given a lift away from the pub in a blue Peugeot reg no [REDACTED] this was at about 2100 hrs then about 15 minutes later the car and the man was back and i think but i can not say for sure that he was the one swearing also i was kept awake until well after midnight with shouting and swearing form a group of four including a woman (who i could hear shouting sat out side the pub for most of the evening from about 21.30hrs The words Used were by the male was F**k him the f***king w**ker this was around 23.00hrs and later i will tell you what will happen F**k all i have emailed this to you as i have said before i am not brilliant at writing and to use as a record for your files. Not once did i hear the management ask them to pipe down think of the local residents I will contact you on Monday afternoon regards [REDACTED]

Sharon Smith

From: [REDACTED]
Sent: 27 May 2009 19:43
To: Sharon Smith
Subject: Swearing

Tonight at about 18.02hrs (the news had just come on the TV) i answered the door to a friend of mine from up the road whilst talking to him their was a person stood on the step of the "Duke" there was a tirade of half a dozen swear words to another person out side the pub i did not hear or see any one from the pub come out and say anything to stop this happening this is a regular occurrence i could not let my mother or Grand children stop at my house and have to listen to this from the front bedroom i understand that i am not the only complainant Could we please do some thing to stop this noise and nuisance

[REDACTED]

Sharon Smith

From: [REDACTED]
Sent: 26 May 2009 09:19
To: Sharon Smith
Subject: Anti social behavior at Duke of yourk public house

On Sunday evening at about 20 00 hrs i was upstairs in my house when a lady who was sat on the benches out side at the front of the pub started shouting and swearing in a group of 27 i counted them people all sat out side the language was unacceptable the words F*~!ing Bas***d Tw*T were shouted out not once did i hear any one ask her to keep her language down i should not have to listen to this nor should any of my family

Yesterday was quiet in the evening but i was at work all day until about 19 30 hrs

[REDACTED]

Sharon Smith

From: [REDACTED]
Sent: 24 May 2009 08:19
To: Sharon Smith
Subject: Disco

Morning Sharon last night from 20 30hrs the noise was clearly audible from my house all the windows and doors at the pub were open at that time and were not shut until i phoned at 23.45 and asked him to shut them he shut the windows and the noise was no different as the doors were still open the music stopped at 23.59hrs i had a head ache caused by not sleeping the night before because of disturbances from the pub This is unacceptable and needs to be sorted sooner than later i know that the times and dates i gave in the past do not show precise times i will go through what i sent to you and give you times IE all night or for a few minutes i don't know what stopped me from going over last night and pulling the plugs out all the noise is affecting my life i was driving a 44 tonne articulated lorry yesterday with a head ache so not only is the noise and disturbance affecting my home life it is affecting my work i have had about five hours sleep last night and the night before and i have to go to work driving a lorry today i can not afford to call in sick

I hope that you got my Email in time to send environmental health round last night

What i did notice each time i went out side the music was turned down a little then when i went back in it was turned back up bit at a time over a two or three minutes i am free any time next week to speak to you give me a time and date i will let you know if i can make it 99% i will

Regaurds [REDACTED]

Sharon Smith

From: [REDACTED]
Sent: 23 May 2009 08:53
To: Sharon Smith
Subject: Noise from the Duke of York PH

Last night and early this morning i was awoken by shouting from customers of the Duke at firstly 23.48 hrs when i looked out of the window and there were people drinking and smoking & shouting sat at the tables out the front the second time i had just gone back to sleep when the same people were shouting this time it was 00.06 AM the third time that i heard it was at 01.07 the land lord was at the door locking it i did not here him ask these people to be quiet on the first two occasions i did not see any one ask them to keep the noise down at all i was also disturbed by shouting at 02.00am i am unsure if this was from the pub as it was a group of lads down the side of my house i did not see them come from the pub

I will still continue to monitor these problems i fear it will be worse to night as there is a disco
[REDACTED]

Sharon Smith

From: [REDACTED]
Sent: 05 May 2009 09:52
To: Sharon Smith
Subject: Re: Out of Office AutoReply: Noise and antisocial behaviour/RE Telephone Call

Morning Sharon i am going on holiday till Saturday afternoon in a few minutes but yesterday the police and an Ambulance was called to the pub and at 00.15 this morning a young man that i saw go in to the pub at lunch time came out with two full glasses the landlord then locked the door and wished him a goodnight the lad walked up the road and dropped one of the glasses the land lord who was stood out side smoking came round to see what had happened called this lads friend and got him to clean the mess up with a dust pan and brush this person then urinated up the wall of the house opposite mine i did ask him to stop from my window but he just carried on

I have spoken last week to the area manager but obviously this has done no good

I would like to make an appointment to see about getting the licence reviewed or something done to stop this nuisance

Sharon Smith

From: [REDACTED]
Sent: 27 April 2009 13:00
To: Sharon Smith
Subject: Fw: Noise and antisocial behaviour/RE Telephone Call

--- On Mon, 27/4/09, [REDACTED] > wrote:

> From: [REDACTED]
> Subject: Noise and antisocial behaviour/RE Telephone Call
> To: sharons.smith@bromsgrove.gov.uk
> Date: Monday, 27 April, 2009, 12:47 PM Good afternoon Sharron
> I am working backwards as i did not fill in the form as i was
> expecting a change of licensee, Saturday night
> 25/04/09 there was so much noise from a disco that i could here it
> quite clearly with all the doors and windows shut in my house this was
> also the case on Friday 24/04/09 both times the noise was unacceptable
> The Friday before 17/04/09 the noise again could be heard from the
> house
> Also the Friday before that the noise was unacceptable on Friday
> the noise comes from a karaoke and any one who has been to a karaoke
> knows if they are sober. Drunk or tipsy people think they can sing and
> some of it is hurtful to the ears without the noise
> On the 18/04 09 an electric blue [REDACTED] shape was being revved
> until the valves bounced or it hit the rev limiter on the car park
> with shouting and yahooing from three or four lads customers with
> glasses of beer screaming thing like wheel spin it give it some more I
> DID NOT SEE ANY FORM OF INTERVENTION FROM THE STAFF also last week end
> i am not sure of the day a young man dressed in dark cloths wearing a
> felt type trilby hat with a white rim was out side drinking he went
> back in to the pub then came out and threw his glass in to the road
> smashing it i waited a few minutes to See if he had gone went round
> the back of my house to get a broom as it did not look like any one
> from the pub was going to clean it up but when i came round the
> manager was sweeping it up this was as it was getting dark
> on Thursday 23/04/09 at about 19.00 hrs some one from the pub was
> Vacuuming with a little household Henry vacuum cleaner the car park
> not just by the door but all over in itself this is not a problem but
> i shows the mentality of the management this went on for about five
> minutes if some one is drunk enough to do that should they be served
> any more?
> Whilst i know that if i buy a house close to a pub i should be
> aware there will be problems but all previous problems have been
> rectified by my self talking to the manager's this has happened twice
> in ten years so i am not intolerant (i am not going over every day
> moaning) but i think that the music license should be revoked or a
> genuine enforceable noise abatement order put on
> Some times in the past there has been music from the duke box
> played loudly but this has only been for half an hour or so again i am
> prepaired to accept this but not when it goes on for hours

- > I could not let my grand children stop at my house whilst this is
- > going on as the behaviour both inside and out of the pub is quite
- > intimidating and unacceptable
- > The windows in the bar have been open during all this noise and
- > when there are often as many as twenty people out side often swearing
- > and the doors opening and shutting the noise is worse as they stand
- > holding the doors open and smoke in the Foyer especially when it rains
- > this in its self is illegal smoking should be done out side
- > Although i can not prove the age of the people there has been
- > occasions when i have seen children going to school then going to the
- > pub on a week end evening I HAVE NOT SEEN THESE CHILDREN DRINKING as i
- > do not use the pub since i have tried to stop the noise i feel that it
- > would be inappropriate under the circumstances
- > reagaurds [REDACTED]

Sharon Smith

From: [REDACTED]
Sent: 11 April 2009 12:04
To: Sharon Smith
Subject: RE: Noise and swearing from "The Duke Of York" Public House

Helo Sharon i am sorry but i feel that i must go down the road of having restrictions put on the license of the Duke Of York it is getting out of hand at 23.45hrs there was what sounded like a dispturbanc out side and at midnight the music was as loud as ever and the windows were open and about a dozen people wer out side shouting

Sharon Smith

From: [REDACTED]
Sent: 06 April 2009 12:45
To: Sharon Smith
Subject: RE: Noise and swearing from "The Duke Of York" Public House

Morning Sharon the windows were open last night whilst the music was playing from the juke box, the main problems have been with disco,s and karaoke when people come out side and use the car park as an extension to the premises where people smoke and drink and open the windows to hear the music

Also with the car park front being by the exit / entrance from York rd it is dangerous and this is another reason for having smokers down the side where there is plenty of room also the noise would be less as customers would not be shouting to others through the windows and door as happens now.

Is it a new manager or a complete new team as is the brother of the licensee is the manager?

If the side is unsafe then something needs doing to protect people who use that side of the car park including children as it is not cordoned off if you meant behind the fence the gate is open most of the time anyway

I feel that the side of the building would be a better idea for smoking not out the back as suggested by your officer

When you say the back is unsafe do you mean behind the fence? as i meant this side of the fence but to the left hand side of the pub looking from the front still on the car park would be the best place for a shelter or the benches

I do not want to be a killjoy and understand that if you buy a house by a public house then a certain amount of noise is inevitable but there has been so much noise and disturbance since this team moved in. I feel that the windows could be left open until sunset or 22.00 hrs as with the benches but after that time our peace should be taken in to consideration this is a residential area after all

Regards [REDACTED]

Sharon Smith

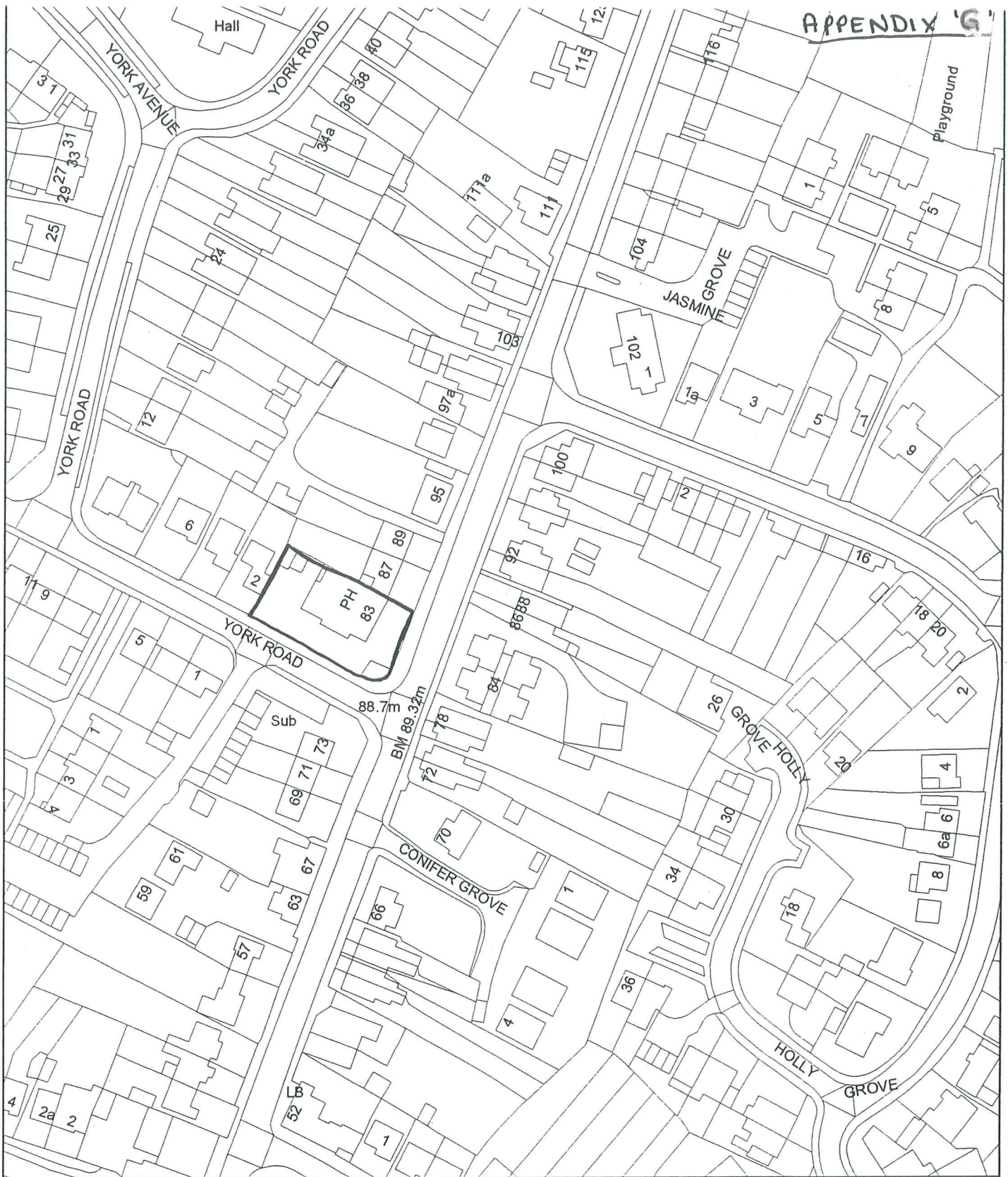
From: [REDACTED]
Sent: 30 March 2009 14:02
To: Sharon Smith
Subject: Noise and swearing from "The Duke Of York" Public House

Follow Up Flag: Follow up
Flag Status: Completed

Afternoon Sharon on Friday last 27/03/09 one of the employees from the "Duke Of York" went from the car park with a woman in his silver Rover car S289 MAB 21.30 hrs approx his language was colourfully to say the least. This on its own proves to me that they have taken very little notice of your previous warnings. Also at about the same time some one from the pub in a group of about 12 who were out side drinking and smoking was throwing something towards the electricity sub station opposite i am unsure what he was throwing but i saw this twice and their was a slight whistle to it like a fire work sounds THIS WAS NOT A FIRE WORK as there was no smoke and the noise was hardly audible the noise from the Karaoke would have been acceptable if the windows and doors were kept shut i think the answer to be stop people coming out side with there drinks i know they have to smoke out doors and keep the windows shut this would then mean that large groups of this size would not be hanging around being rowdy they would smoke there cigarette and go back in

I have never had so much trouble with rowdiness and noise in the ten years that i have lived here on the two other occasions i have been able to sort it out with the managers i have invited this man to talk to me but the manager says he will not meet me

[REDACTED] (would you please aknowledge this email so i know it has arrived) thanks



The Duke of York
 Broad Street
 Sidemoor
 Bromsgrove

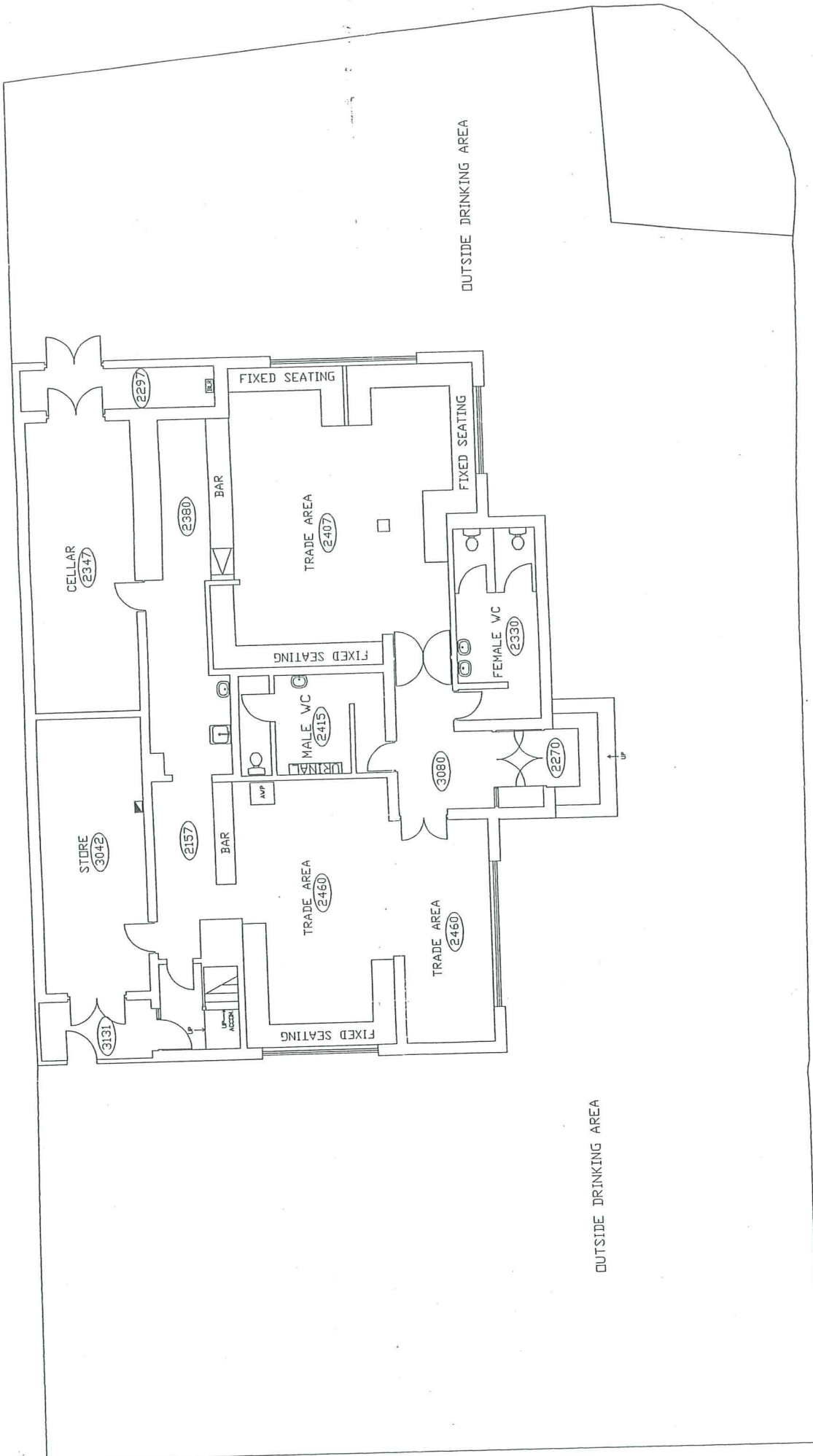
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Bromsgrove District Council
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 Bromsgrove
 B60 1AA



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BUILDING SURVEYED AREA = 215.4 SQ. M

SCALE 1:100
GROUND FLOOR

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