

Open

# Licensing and Environmental Committee

## Agenda

10.30 am  
Monday 1st August 2011  
The Council Chamber  
Civic Centre  
Stourport-On-Severn



## Licensing and Environmental Committee

### Members of Committee:

	<b>Chairman: Councillor J Baker</b>
	<b>Vice-Chairman: Councillor P B Harrison</b>
<b>Councillor R Bishop</b>	<b>Councillor V Higgs</b>
<b>Councillor A J Buckley</b>	<b>Councillor A T Hingley</b>
<b>Councillor B T Glass</b>	<b>Councillor M B Kelly</b>
<b>Councillor J Greener</b>	<b>Councillor M Price</b>
<b>Councillor P V Hayward</b>	<b>Councillor M A Salter</b>

### Information for Members of the Public:

**Part I** of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

**Part II** of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

There are particular circumstances when the Ethics and Standards Committee may exclude the public, which are in addition to those available at meetings of the Council, its Cabinet and Committees etc. These apply when the Ethics and Standards Committee considers the following:

Information relating to a particular chief officer, former chief officer or applicant to become a chief officer of a local probation board within the meaning of the Criminal Justice and Court Services Act 2000.

Information which is subject to any obligation of confidentiality.

Information which relates in any way to matters concerning national security.

### Declarations of Interest - Guidance Note

#### Code of Conduct

Members are reminded that under the Code of Conduct it is the responsibility of individual Members to declare any personal or personal and prejudicial interest in any item on this agenda. A Member who declares a personal interest may take part in the meeting and vote, unless the interest is also prejudicial. If the interest is prejudicial, as defined in the Code, the Member must leave the room. However, Members with a prejudicial interest can still participate if a prescribed exception applies or a dispensation has been granted.

#### Section 106 of the Local Government Finance Act 1992

If any Member is two months or more in arrears with a Council Tax payment, they may not vote on any matter which might affect the calculation of the Council Tax, any limitation of it, its administration or related penalties or enforcement.

### For further information:

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Louisa Bright, Democratic Services Officer, Civic Centre, Stourport-on-Severn. Telephone: 01562 732763 or email [louisa.bright@wyreforestdc.gov.uk](mailto:louisa.bright@wyreforestdc.gov.uk)

Wyre Forest District Council

Licensing and Environmental Committee

Monday, 1st August 2011

The Council Chamber, Civic Centre, Stourport-On-Severn

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
<b>1.</b>	<b>Apologies for Absence</b>	
<b>2.</b>	<b>Appointment of Substitute Members</b>  To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Director of Legal & Corporate Services, together with the name of the Councillor for whom he/she is acting.	
<b>3.</b>	<b>Declarations of Interest</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any personal or personal and prejudicial interests in the following agenda items. Members should indicate the action they will be taking when the item is considered.  Members are also invited to make any declaration in relation to Section 106 of the Local Government Finance Act 1992.  (See guidance note on cover.)	
<b>4.</b>	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 21st April 2011.	5
<b>5.</b>	<b>Application for a Street Amenity Licence: Penny Black, 14-18 Bull Ring, Kidderminster DY10 2AZ</b>  To consider a report from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council, to determine an application to grant a Street Amenity Licence to J D Wetherspoon Plc for the Penny Black, 14-18 Bull Ring, Kidderminster DY10 2AZ.	9

6.	<b>To consider any other business, details of which have been communicated to the Director of Legal and Corporate Services before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	
7.	<p><b>Exclusion of the Press and Public</b></p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in the paragraph 1 of Part 1 of Schedule 12A to the Act”.</p>	

Part 2

Not open to the Press and Public

8.	<b>To consider any other business, details of which have been communicated to the Director of Legal and Corporate Services before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	
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WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

THE COUNCIL CHAMBER, CIVIC CENTRE, STOURPORT-ON-SEVERN

THURSDAY, 21ST APRIL 2011 (10.30AM)

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**Present:**

Councillors: J Baker (Chairman), P V Hayward (Vice-Chairman), A J Buckley, B T Glass, J Greener, P B Harrison, M B Kelly, M Price and D R Sheppard.

**Observers:**

There were no members present as observers.

**LIC.70 Apologies for Absence**

Apologies for absence were received from Councillor H E Dyke.

**LIC.71 Appointment of Substitutes**

No substitutes were appointed.

**LIC.72 Declaration of Interests**

No declarations of interest were made.

**LIC.73 Minutes**

**Decision: The minutes of the meeting held on 7th January 2011 be confirmed as a correct record and signed by the Chairman.**

**LIC.74 Application for a new Private Hire Vehicle Licence beyond the Council's Adopted Policy of Age Criteria**

A report was considered from the Director of Worcestershire Regulatory Service regarding an application for a new private hire vehicle licence from Mr Terry Phillips for a vehicle which now fell outside of the Age Criteria set by the Council in 2007.

Members were advised that vehicles were required to be under two years of age from the date of first registration. Mr Phillips' vehicle was first registered on 19<sup>th</sup> March 2009. An application had been received by Wyre Forest District Council from Mr Phillips for vehicle registration number V009 VKJP on 5<sup>th</sup> April 2011. The vehicle had been previously licensed by Wyre Forest District Council as a new Private Hire Vehicle on 1<sup>st</sup> April 2009 and was due to be relicensed on the licence renewal date of 31<sup>st</sup> July 2009. However, on 3<sup>rd</sup> June the vehicle was stolen and not recovered, subsequently Mr Phillips was unable to present the vehicle for relicensing. The Committee was therefore advised that the vehicle was two years and four days old since the date of first registration and it did not meet the Council's age limit policy for

#### **Agenda Item No. 4**

new vehicles. However, due to the extenuating circumstances Mr Phillips had asked that the matter be considered by the Council's Licensing and Environmental Committee.

Mr Phillips was in attendance at the Committee meeting and circulated a letter to all Members which outlined the reasons why he was asking the committee to consider granting him a licence for his minibus. He also advised Members that safety was a major concern to him and advised Members that the car had only done 20,000 whereas he would have expected a vehicle that was used for private hire to have travelled approximately 60 to 70,000 miles per annum.

Officers advised Members that every case should be decided on its merits and drew Members' attention to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 which gave the Council discretionary powers in relation to Private Hire Vehicle Licences.

Members of the Committee left the Council Chamber to inspect vehicle registration number V009 VKP.

Members of the Committee, the Solicitor and Principal Committee Officer returned to the meeting to deliberate their decision. Mr Phillips and the Licensing Officers remained outside whilst the Committee reached their decision.

**Decision: Having carefully considered the application to grant a Private Hire Vehicle Licence in respect of vehicle registration number V009 VKP, the Committee has decided that a Private Hire Vehicle Licence for vehicle registration number V009 VKP be granted for the period 21 April 2011 to 31 July 2011.**

**The reasons for the decision are as follows:**

- 1. The good condition of the vehicle as shown by the inspection of it by the Committee on the day.**
- 2. The extenuating circumstances due to the vehicle being stolen 2 months after it was originally licensed by the Council, not recovered by the applicant until March 2011 and not within his control during the intervening period.**
- 3. The low mileage of the vehicle, 20,000 miles, for a minibus of this age (just over 2 years old) in use as a taxi.**

#### **LIC.75 Hackney Carriage and Private Hire Vehicle Testing**

A report was considered from the Director of Worcestershire Regulatory Service regarding a proposed change to the current licensing conditions relating to the number of annual mechanical inspections of taxis operating within the district of Wyre Forest.

The Licensing Officer reported that a request had been received from Members of the Taxi Trade and also from the Council's Fleet Depot to change the Council's existing policy of requiring every taxi to be tested every four months as it was

#### **Agenda Item No. 4**

causing operational problems to both the taxi trade and the Council's testing station. It was therefore proposed that the number of tests be reduced to two per annum rather than 3 plus an M.O.T. test. Such arrangements would be consistent with other Councils in the district. Further, it was proposed that the cost of an M.O.T. test be reduced to £10 and taxi owners could represent their vehicles on any day to ensure that they were operational.

The proposal would not mean less licensing income for the Council and Members noted that the annual fee for licensing would remain the same but there would be additional income generated at the Council's testing centre. Members were advised that a consultation exercise had been conducted with the taxi trade and positive responses had been received.

**Recommended to Council: To change the current system of mechanical Taxi inspections from the requirement to have 3 annual inspections carried out by the Council's testing station at Green Street and an M.O.T. carried out by an external testing station to 2 annual inspections and an M.O.T. test carried out by the Council's testing station.**

#### **LIC.76 Scheme of Delegation**

A report was considered from the Director of Planning and Regulatory Services that asked the Committee to consider and comment upon a revised scheme of delegation for incorporation into the Constitution as part of the review of the Constitution which was due to be considered by Council on 18<sup>th</sup> May 2011.

Members of the Committee were advised that the Council's Transformation Board had been considering proposals to amend and streamline the current constitution. As part of the review of the constitution responsibilities and delegation were considered and this had highlighted the need to review the scheme of delegation for the regulatory committees. Further it was noted that the scheme of delegation for the Licensing and Environmental Committee was currently an 'inclusive' scheme and it was proposed that the scheme of delegation for licensing be amended to an 'exclusive' scheme to mirror the scheme of delegations for dealing with planning applications. The proposed scheme of delegation would mean that officers were enabled to exercise authority in a variety of decision making capacities, including refusing and approving applications under various pieces of legislation except in the circumstances listed in the report to the Committee. Exceptions would be dealt with by the Licensing and Environmental Committee.

**Recommended to Council: The Proposed scheme of delegation contained in Appendix 1 of the report to the Licensing and Environmental Committee be incorporated into the Council's Constitution.**

#### **LIC.77 Increase of Hackney Carriage/Private Hire Licensing Fees and Charges for 2011/2012**

A report was considered from the Director of Worcestershire Regulatory Services that asked the Committee to consider an objection received by the Licensing Office from Members of the Wyre Forest Taxi Trade relating to the proposed increase in Hackney Carriage/Private Hire Licensing Fees and Charges for 2011/2012.

## **Agenda Item No. 4**

Mrs Camptrell, a member of the taxi trade was present at the Committee meeting and addressed Members. She asked that reconsideration be given to the proposed 3% increase in fees. She advised Members that the Wyre Forest's charges were the highest in Worcestershire and thus the taxi trade found it difficult to compete with other firms in Worcestershire for work from the County Council associated with education. She highlighted the differences in the charges such as the fees for a CRB check and the admin charge.

In response the Licensing Officer advised Members that Wyre Forest's charges were not the highest in Worcestershire but agreed there were differences in the charges. He clarified that some Councils did not recharge for their costs like Wyre Forest did and this explained the disparity. However, it was likely that there would be a review of admin charges in the near future.

### **Decision:**

- 1. The objections received in response to the public notice dated 10<sup>th</sup> March 2010 be noted.**
- 2. The Committee endorses the increase of 3% in Hackney Carriage and Private Hire licensing fees and charges and also agreed that the increase will take effect on 26<sup>th</sup> April 2011.**

The meeting ended at 11.20 am.



**WYRE FOREST DISTRICT COUNCIL**

**LICENSING AND ENVIRONMENTAL COMMITTEE**

**1<sup>st</sup> August 2011**

**Application for a Street Amenity Licence: Penny Black, 14-18 Bull Ring, Kidderminster DY10 2AZ**

<b>OPEN</b>	
<b>DIRECTOR:</b>	Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council
<b>CONTACT OFFICER:</b>	John Bulmer, Ext. 2595 <a href="mailto:john.bulmer@worcestershire.gov.uk">john.bulmer@worcestershire.gov.uk</a>
<b>APPENDICES</b>	<p>Appendix 1 Premises Plan Penny Black</p> <p>Appendix 2 Existing Premises Licence</p> <p>Appendix 3 Application for a Street Amenity Licence</p> <p>Appendix 4 Public Notice</p> <p>Appendix 5 Objection from Chairman of Kidderminster Retail Initiative &amp; Security Partnership</p> <p>Appendix 6 Objection from Swan Shopping Centre Manager</p> <p>Appendix 7 Representation from Worcestershire County Council Development and Control Environmental Services</p> <p>Appendix 8 Representation from the Planning &amp; Regulatory Services Directorate</p> <p>Appendix 9 Representation from the Environmental Maintenance Team</p> <p>Appendix 10 Representation from the Police</p> <p>Appendix 11 Confirmation of mediation from JD Wetherspoon Plc</p> <p>Appendix 12 Wyre Forest District Council Public Realm and Streetscene (Control of Street Furniture) Policy</p>

**1. PURPOSE OF REPORT**

- 1.1 To determine an application to grant a Street Amenity Licence to J D Wetherspoon Plc for the Penny Black, 14-18 Bull Ring, Kidderminster DY10 2AZ.

2. **RECOMMENDATION**

The Committee is asked to **DECIDE**:

2.1 **Whether or not to grant a Street Amenity Licence in the terms applied for.**

3. **BACKGROUND**

3.1 The Penny Black is a town centre premises located in a commercial area of Kidderminster. A copy of the building plan is attached. (*Appendix 1*)

3.2 The premises hold a Premises Licence granted under the Licensing Act 2003 to conduct business as a public house. (*Appendix 2*)

4. **KEY ISSUES**

**The Application** (*Appendix 3*)

4.1 The application to grant a Street Amenity Licence seeks to permit:

- Usage of 5 tables and 20 chairs each day from 08.00 until 18.00.
- All seating to be located on the pavement to the front of the premises.

**Public Notice**

4.2 Notice of the licence application has been submitted to all responsible authorities in accordance with Wyre Forest District Council Public Realm and Streetscene (Control of Street Furniture) Policy.

4.3 A public notice was posted on the premises. (*Appendix 4*)

**Objection**

4.4 Representation has been made by the Chairman of Kidderminster Retail Initiative and Security Partnership who is objecting to the application on the grounds that it contains insufficient information on how the application will be monitored, there is a lack of attention paid to the disabled access to the highway, lack of attention paid to the fact that there is disabled parking on the road to the frontage of the Penny Black and that there is a need to have enough room to transfer from car to highway and the reverse. (*Appendix 5*)

4.5 Representation has been made by the Manager of the Swan Shopping Centre, Kidderminster who is objecting to the application on the grounds that the planning permission granted in 1998 was never implemented, and therefore there is no planning permission in place, that the placing of tables and chairs outside the building would make it harder for the Police and Security to manage any violent incidents taking into account pedestrians using the highway, and also that there is a need for adequate space for disabled users to transfer to and from vehicles on to the pavement outside of the premises. (*Appendix 6*)

**Relevant Representations**

- 4.6 As a result of the consultation to the Street Amenity Licence, Worcestershire County Council Development and Control Environmental Services have made a recommendation that the Application is to be granted but limited to 3 tables and 2 chairs per table. (*Appendix 7*)
- 4.7 The Planning & Regulatory Services Directorate made a recommendation that a new planning application will be required for the change of use of the land as it appears that the 1998 permission was never implemented. (*Appendix 8*)
- 4.8 The Environmental Maintenance Team have made the comments that if the application was granted it could impact on the service of the Team with regard to possible extra litter and cigarette ends being dropped, that it may narrow the footpath to the front of the premises which could cause problems for disabled drivers getting in and out of their vehicles, that pedestrian footfall could be restricted. They also question what facilities would be in place to remove the tables, chairs and any barriers at night and what measures will be taken to ensure the area is litter free with no food being left on the ground which could encourage vermin. They are concerned as to whose responsibility it will be to cleanse the area. (*Appendix 9*)
- 4.9 The Police have responded stating they have no objection to the application. (*Appendix 10*).

**5. FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications arising from this report.

**6. LEGAL AND POLICY CONSIDERATIONS**

- 6.1 As a result of mediation with JD Wetherspoon Plc there are now no relevant Legal and Policy Considerations. JD Wetherspoon Plc have stated they are agreeable to a commencement time of 09.00 which now complies with the Wyre Forest District Council Public Realm and Streetscene (Control of Street Furniture) Policy. JD Wetherspoon Plc are also agreeable to the reduction in the number of tables to 3 and the number of chairs to 2 per table (*Appendix 11*). This now meets the recommendation of Worcestershire County Council Development and Control Environmental Services.

**7. RISK MANAGEMENT**

7.1 There are no risk management issues arising from this report.

**8. EQUALITY IMPACT ASSESSMENT**

8.1 There are no equality impact assessment issues arising from this report.

**9. CONCLUSION**

9.1 It is for the Committee to decide whether or not to grant a Street Amenity Licence taking into account the objection from the Chairman of Kidderminster Retail Initiative and Security Partnership, the objection from the Manager of the Swan Shopping Centre, the representation from the Environmental Maintenance Team and the recommendation of the Planning and Regulatory Services Directorate.

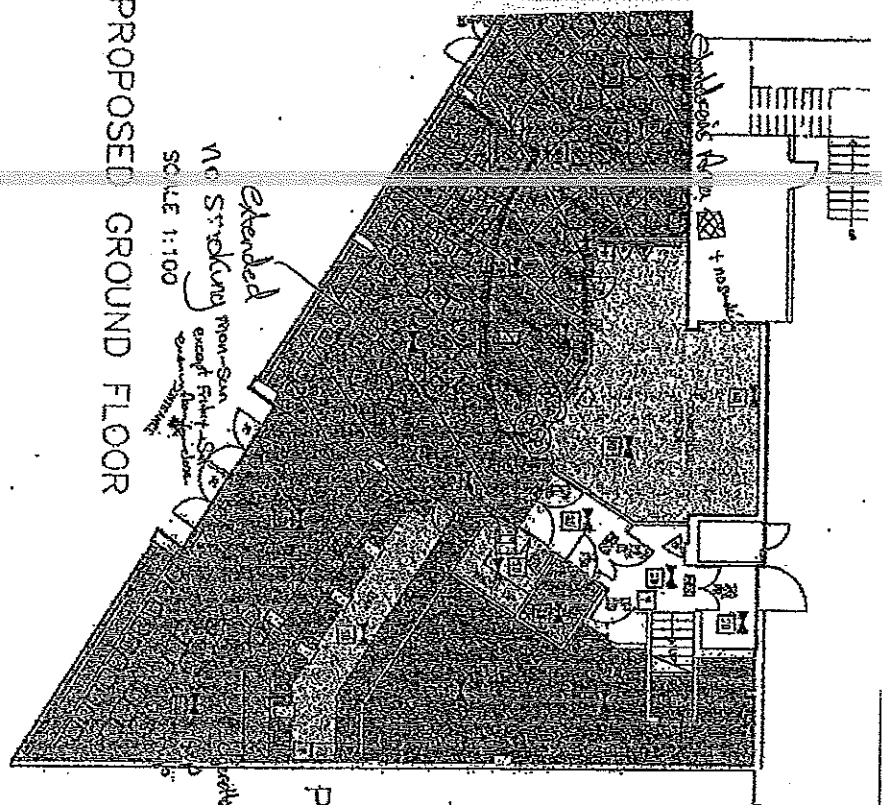
**10. CONSULTEES**

10.1 Director of Legal and Corporate Services.

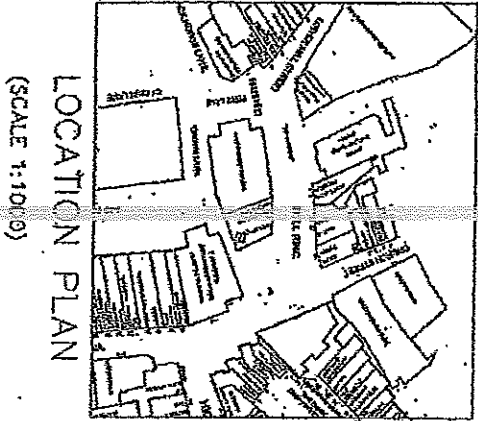
**11. BACKGROUND PAPERS**

11.1 Wyre Forest District Council Public Realm and Streetscene (Control of Street Furniture) Policy. (*Appendix 12*)

APPENDIX 1



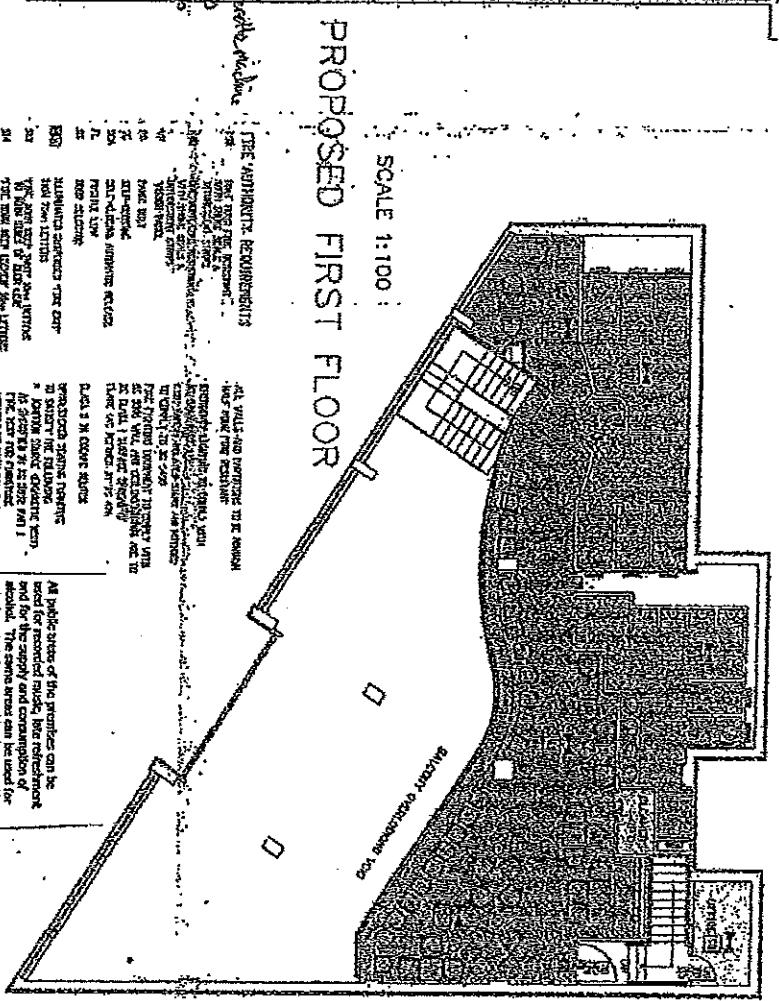
PROPOSED GROUND FLOOR



LOCATION PLAN  
(SCALE 1:1000)

**LICENCE KEY**

[Pattern]	AREA OF UNSTABLE FLOORING
[Pattern]	COURTYARD AREA
[Pattern]	NO DESIGN AREA
[Pattern]	UNDER STAIRS AND BSB COVERTS
[Pattern]	STAIRWAY & STAIR AREA
[Pattern]	TRAVEL & PASSAGE WAY



PROPOSED FIRST FLOOR

- THE APPOINTMENT REQUIREMENTS**
- 1. THE APPOINTMENT SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE BUILDING REGULATIONS 2000.
  - 2. THE APPOINTMENT SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE BUILDING REGULATIONS 2000.
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  - 10. THE APPOINTMENT SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE BUILDING REGULATIONS 2000.

All public areas of the premises can be used for recording music, their reproduction and for the supply and consumption of food or drink. The premises shall be available for the local authority to be used for the purposes of Entertainment (Amendment) Act 1957.

<p>structural design &amp; project management                  tel - 0181 519 2222                  fax - 0181 519 2223                  email - info@jodwick.com</p>	<p>                 J D WETHERSON PLC                  project PENNY BLAIC                  WETHERSONS, BROADWAY, THE                  BULL BUNG, KODDERMINSTER, WORCS                  client</p>	<p>                 J D WETHERSON PLC                  drawing no. 98027/103                  date 1/100                  NOV 99</p>
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**APPENDIX 2**

Duke House, Clensmore Street, Kidderminster, Worcs. DY10 2AZ  
Tel: 01562 732598 Fax: 01562 732556

**PREMISES LICENCE**

**Premises Licence Number**                      **WF/201005298**

**Granted to**    **JD Wetherspoon Plc**

**Postal address of premises**                      **Penny Black, 14 – 18 Bull Ring Kidderminster DY10 2AZ**

**Licensable activities authorised by the Licence – Dates Unlimited – INDOORS:**

- Alcohol Sales
- Recorded Music
- Provision of Late Night Refreshment

**The times the Licence authorises Alcohol Sales to be carried out in ALL PUBLIC AREAS:**

**Standard days & timings:**

Sunday to Thursday: 09.00 to 00.30, Friday & Saturday: 09.00 to 01.00

Good Friday & Christmas Day are included within standard times

On New Year's Eve Alcohol Sales may continue until the start of trading hours on New Year's Day

**Non-standard days & timings:**

Christmas Eve & Boxing Day: 09.00 to 02.00

For an additional hour to the finish times on:

Burns Night – 25<sup>th</sup> January, Australia Day – 26<sup>th</sup> January, St David's Day – 1<sup>st</sup> March, St Patrick's Day – 17<sup>th</sup> March, St George's Day – 23<sup>rd</sup> April, St Andrew's Day – 30<sup>th</sup> November

For an additional 30 minutes to the finish times on:

Thursday preceding Easter and Sunday preceding a Bank Holiday

From 06.00 until the beginning of standard hours or until 03.00 as follows:

On no more than 15 occasions per calendar year. These extensions for Alcohol Sales can only take place if at least 14 days notice is provided to the Police and the Licensing Authority and only if the Police give their consent

**The times the Licence authorises Recorded Music to be carried out in ALL PUBLIC AREAS:**

**Standard days & timings:**

Sunday to Thursday: 07.00 to 01.30, Friday & Saturday: 07.00 to 02.00

Good Friday & Christmas Day are included within standard times

On New Year's Eve Alcohol Sales may continue until the start of trading hours on New Year's Day

**Non-standard days & timings:**

Christmas Eve & Boxing Day: 07.00 to 02.00

For an additional hour to the finish times on:

Burns Night – 25<sup>th</sup> January, Australia Day – 26<sup>th</sup> January, St David's Day – 1<sup>st</sup> March, St Patrick's Day – 17<sup>th</sup> March, St George's Day – 23<sup>rd</sup> April, St Andrew's Day – 30<sup>th</sup> November

For an additional 30 minutes to the finish times on:

Thursday preceding Easter and Sunday preceding a Bank Holiday

From 06.00 until the beginning of standard hours or until 03.00 as follows:

On no more than 15 occasions per calendar year. These extensions can only take place if at least 14 days notice is provided to the Police and the Licensing Authority and only if the Police give their consent

**The times the Licence authorises the Provision of Late Night Refreshment to be carried out in ALL PUBLIC AREAS:**

**Standard days & timings:**

Sunday to Thursday: 23.00 to 00.30, Friday & Saturday: 23.00 to 01.00

Good Friday & Christmas Day are included within standard times

On New Year's Eve Alcohol Sales may continue until the start of trading hours on New Year's Day

**Non-standard days & timings:**

Christmas Eve & Boxing Day: 23.00 to 02.00

For an additional hour to the finish times on:

Burns Night – 25<sup>th</sup> January, Australia Day – 26<sup>th</sup> January, St David's Day – 1<sup>st</sup> March, St Patrick's Day – 17<sup>th</sup> March, St George's Day – 23<sup>rd</sup> April, St Andrew's Day – 30<sup>th</sup> November

For an additional 30 minutes to the finish times on:

Thursday preceding Easter and Sunday preceding a Bank Holiday

From 06.00 until the beginning of standard hours or until 03.00 as follows:

On no more than 15 occasions per calendar year. These extensions can only take place if at least 14 days notice is provided to the Police and the Licensing Authority and only if the Police give their consent

**Hours premises are open to the public - ALL PUBLIC AREAS:**

**Standard days & timings:**

Sunday to Thursday: 07.00 to 01.30, Friday & Saturday: 07.00 to 02.00

Good Friday & Christmas Day are included within standard times

On New Year's Eve Alcohol Sales may continue until the start of trading hours on New Year's Day

**Non-standard days & timings:**

Christmas Eve & Boxing Day: 07.00 to 03.00

For an additional hour to the finish times on:

Burns Night – 25<sup>th</sup> January, Australia Day – 26<sup>th</sup> January, St David's Day – 1<sup>st</sup> March, St Patrick's Day – 17<sup>th</sup> March, St George's Day – 23<sup>rd</sup> April, St Andrew's Day – 30<sup>th</sup> November

For an additional 30 minutes to the finish times on:

Thursday preceding Easter and Sunday preceding a Bank Holiday

From 06.00 until the beginning of standard hours or until 03.00 as follows:

On no more than 15 occasions per calendar year. These extensions can only take place if at least 14 days notice is provided to the Police and the Licensing Authority and only if the Police give their consent

**Name of Designated Premises Supervisor, Personal Licence Number, issuing Authority**

Angela Jane Bonas    WF/020064638                      Wyre Forest District Council

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

None

**Name (registered address) holder of premises licence**

JD Wetherspoon Plc, PO Box 616, Watford, WD24 4QU

**CHILDREN WILL BE REQUIRED TO VACATE THE PREMISES BY 21.00 HRS UNLESS THEY ARE EATING, IN WHICH CASE THEY WILL BE REQUIRED TO VACATE THE PREMISES BY 21.30 HRS**

Signed.....Date Granted: 19<sup>TH</sup> October 2010  
Environmental Services Manager

**ANNEX 1 - MANDATORY CONDITIONS**

**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
- (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended
- (c) every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence

**Door Supervisors –**

Any individual on the premises to carry out a security activity must be licensed by the Security Industry Authority

**Exhibition of Films**

- (1) where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body
- (3) where –
  - (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section –
  - “children” means persons aged under 18; and
  - “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

This licence has been issued by:

Wyre Forest District Council  
Duke House  
Clensmore Street  
Kidderminster  
Worcs  
DY10 2JX



**ANNEX 1 (Sheet 2) - MANDATORY CONDITIONS**

**WITH EFFECT FROM 6<sup>TH</sup> APRIL 2010**

1(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

1(2) 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

1(2)(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);

1(2)(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

1(2)(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;

1(2)(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

1(2)(e) 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.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Wyre Forest District Council  
Duke House  
Clensmore Street  
Kidderminster  
Worcs  
DY10 2JX

**ANNEX 1 (Sheet 3) – MANDATORY CONDITIONS**

**WITH EFFECT FROM 1<sup>ST</sup> OCTOBER 2010**

4(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

4(2) 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 a holographic mark.

5. The responsible person shall 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; and

(b) customers are made aware of the availability of these measures.

Wyre Forest District Council  
Duke House  
Clensmore Street  
Kidderminster  
Worcs  
DY10 2JX

ANNEX 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

- The restrictions and effects of Section 168, 168A and Section 171 of the Licensing Act 1964 are removed so as to allow the provisions under the Licensing Act 2003 to apply in relation to children
- The restrictions relating to permitted hours as set out in Section 609 of the Licensing Act 1964 are removed with the exception of New Year's Eve
- The restrictions on consumption of alcohol as set out in Section 63 (1) Licensing Act 1964 are removed (i.e. drinking up time)
- The restrictions on credit sales imposed by Section 166 of the Licensing Act 1964 are removed
- On nights when door staff are used they will remain at the premises until 30 minutes after alcohol ceases to be served
- CCTV will continue to be used at the premises
- JDW will give 14 days notice if using 15 non-standard timings to the Police and Licensing Authority and will only operate if the Police give their consent
- No adult entertainment or service activity, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children may be provided
- Children will be required to vacate the premises by 21.00 hrs, unless they are eating, in which case they will be required to vacate the premises by 21.30 hrs

This licence has been issued by:

Wyre Forest District Council  
Duke House  
Clensmore Street  
Kidderminster  
Worcs  
DY10 2JX

ANNEX 3

---

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

This licence has been issued by:

Wyre Forest District Council  
Duke House  
Clensmore Street  
Kidderminster  
Worcs  
DY10 2JX

**ANNEX 4**

**PLANS**

Copy Attached

---

This licence has been issued by:

Wyre Forest District Council  
Duke House  
Clensmore Street  
Kidderminster  
Worcs  
DY10 2JX

Duke House, Clensmore Street, Kidderminster, Worcs. DY10 2JX  
Tel: 01562 732594 Fax: 01562 732556

**PREMISES LICENCE SUMMARY**

**Premises Licence Number** WF/201005298  
**Granted to** JD Wetherspoon Plc  
**Postal address of premises** Penny Black, 14 – 18 Bull Ring Kidderminster DY10 2AZ

**Licensable activities authorised by the Licence – Dates Unlimited – INDOORS:**

- Alcohol Sales
- Recorded Music
- Provision of Late Night Refreshment

**The times the Licence authorises Alcohol Sales to be carried out in ALL PUBLIC AREAS:**

**Standard days & timings:**

Sunday to Thursday: 09.00 to 00.30, Friday & Saturday: 09.00 to 01.00

Good Friday & Christmas Day are included within standard times

On New Year's Eve Alcohol Sales may continue until the start of trading hours on New Year's Day

**Non-standard days & timings:**

Christmas Eve & Boxing Day: 09.00 to 02.00

For an additional hour to the finish times on:

Burns Night – 25<sup>th</sup> January, Australia Day – 26<sup>th</sup> January, St David's Day – 1<sup>st</sup> March, St Patrick's Day

– 17<sup>th</sup> March, St George's Day – 23<sup>rd</sup> April, St Andrew's Day – 30<sup>th</sup> November

For an additional 30 minutes to the finish times on:

Thursday preceding Easter and Sunday preceding a Bank Holiday

From 06.00 until the beginning of standard hours or until 03.00 as follows:

On no more than 15 occasions per calendar year. These extensions for Alcohol Sales can only take place if at least 14 days notice is provided to the Police and the Licensing Authority and only if the Police give their consent

**The times the Licence authorises Recorded Music to be carried out in ALL PUBLIC AREAS:**

**Standard days & timings:**

Sunday to Thursday: 07.00 to 01.30, Friday & Saturday: 07.00 to 02.00

Good Friday & Christmas Day are included within standard times

On New Year's Eve Alcohol Sales may continue until the start of trading hours on New Year's Day

**Non-standard days & timings:**

Christmas Eve & Boxing Day: 07.00 to 02.00

For an additional hour to the finish times on:

Burns Night – 25<sup>th</sup> January, Australia Day – 26<sup>th</sup> January, St David's Day – 1<sup>st</sup> March, St Patrick's Day

– 17<sup>th</sup> March, St George's Day – 23<sup>rd</sup> April, St Andrew's Day – 30<sup>th</sup> November

For an additional 30 minutes to the finish times on:

Thursday preceding Easter and Sunday preceding a Bank Holiday

From 06.00 until the beginning of standard hours or until 03.00 as follows:

On no more than 15 occasions per calendar year. These extensions can only take place if at least 14 days notice is provided to the Police and the Licensing Authority and only if the Police give their consent

**The times the Licence authorises the Provision of Late Night Refreshment to be carried out in ALL PUBLIC AREAS:**

**Standard days & timings:**

Sunday to Thursday: 23.00 to 00.30, Friday & Saturday: 23.00 to 01.00

Good Friday & Christmas Day are included within standard times

On New Year's Eve Alcohol Sales may continue until the start of trading hours on New Year's Day

**Non-standard days & timings:**

Christmas Eve & Boxing Day: 23.00 to 02.00

For an additional hour to the finish times on:

Burns Night – 25<sup>th</sup> January, Australia Day – 26<sup>th</sup> January, St David's Day – 1<sup>st</sup> March, St Patrick's Day

–  
17<sup>th</sup> March, St George's Day – 23<sup>rd</sup> April, St Andrew's Day – 30<sup>th</sup> November

For an additional 30 minutes to the finish times on:

Thursday preceding Easter and Sunday preceding a Bank Holiday

From 06.00 until the beginning of standard hours or until 03.00 as follows:

On no more than 15 occasions per calendar year. These extensions can only take place if at least 14 days notice is provided to the Police and the Licensing Authority and only if the Police give their consent

**Hours premises are open to the public - ALL PUBLIC AREAS:**

**Standard days & timings:**

Sunday to Thursday: 07.00 to 01.30, Friday & Saturday: 07.00 to 02.00

Good Friday & Christmas Day are included within standard times

On New Year's Eve Alcohol Sales may continue until the start of trading hours on New Year's Day

**Non-standard days & timings:**

Christmas Eve & Boxing Day: 07.00 to 03.00

For an additional hour to the finish times on:

Burns Night – 25<sup>th</sup> January, Australia Day – 26<sup>th</sup> January, St David's Day – 1<sup>st</sup> March, St Patrick's Day

–  
17<sup>th</sup> March, St George's Day – 23<sup>rd</sup> April, St Andrew's Day – 30<sup>th</sup> November

For an additional 30 minutes to the finish times on:

Thursday preceding Easter and Sunday preceding a Bank Holiday

From 06.00 until the beginning of standard hours or until 03.00 as follows:

On no more than 15 occasions per calendar year. These extensions can only take place if at least 14 days notice is provided to the Police and the Licensing Authority and only if the Police give their consent

**Name of Designated Premises Supervisor, Personal Licence Number, issuing Authority**

Angela Jane Bonas    WF/020064638                      Wyre Forest District Council

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

None

**CHILDREN WILL BE REQUIRED TO VACATE THE PREMISES BY 21.00 HRS UNLESS THEY ARE EATING, IN WHICH CASE THEY WILL BE REQUIRED TO VACATE THE PREMISES BY 21.30 HRS**

Signed.....Date Granted: 19<sup>TH</sup> October 2010  
Environmental Services Manager

APPENDIX 3



Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE  
 Duke House, Clensmore Street, Kidderminster, Worcs. DY10 2JX  
 Tel. 01562 732928 Fax. 01562 732556

**STREET AMENITY LICENCE APPLICATION FORM**

P & R S D  
 17 JUN 2011

Section One – General Details

1. Applicant's Name ... J.D. WETHERSPOON PLC
2. Name of Business ... PENNY BLACK
3. Address of Business ... 14-18 THE BULLRING, KIDDERMINSTER,  
 ... DY10 2JZ
4. Tel. Number Day ..... 5. Mobile Number.....
6. Tel. Number Evening..... 7. Fax Number.....
8. E-mail address.....
9. Address for correspondence (if different from above).....  
 EMMA FALLON, J.D. WETHERSPOON, REES CRESCENT,  
 WATFORD, HEARTS, WD24 4OL
10. Precise Location of Area/Pavement Café to be Licensed and Dimensions – include map  
 ... ALONG FRONTAGE OF THE PENNY BLACK. PLAN ENCLOSED
11. Proposed Number of Tables ..... 5
12. Proposed Number of Chairs ..... 20
13. Proposed Times of Operation ... 0800 hrs ... until ... 1800 hrs
14. Proposed Days of Operation ..... MONDAY TO SUNDAY
15. Proposed Other Items of Furniture/Equipment ... POST AND CANVAS BARRIER



.....  
.....  
**Section Two – Details of Furniture, Means of Enclosure and Other Proposed Items**

*[for renewals of existing licences a brief description is adequate]*

**Notes:** Applicants are requested to supply as much detail as possible, for all items proposed. Photographs, sketches, clear photocopies and technical details (dimensions/colours/materials, etc) are welcomed.

16. Details of Proposed Street Furniture

*Please give brief description, photographs and supplier/technical details where appropriate of proposed furniture (please see notes on furniture types in information pack)*

..... ENCLOSED .....  
.....  
.....

17. Details of Means of Enclosure

*Please give brief description and supplier/technical details where appropriate of proposed barriers (please see note on enclosures in information pack)*

..... ENCLOSED .....  
.....  
.....

18. Details of Any Other Items To Be Included Within Enclosed Area, e.g.

*Umbrellas, Menu Boards, Gas Heaters, etc:*

*Please give brief description and supplier/technical details where appropriate of proposed items*

..... N/A .....  
.....  
.....

**Section Three – Additional Details Required**

- 19. Location/Site Plan  
This will be completed at a site meeting with a Wyre Forest District Council Officer and you or your representative. You will normally be contacted in due course to arrange this.
  
- 20. Insurance  
Please supply a certificate of proof for Public Liability Insurance to the value of £5,000,000 for this additional area of trading.
  
- 21. Payment  
***You will be advised of the fee payable on approval of your application.***

Signed .....

Dated ...10.6.2011.....

**Proposed External Seating Area – Penny Black, Bull Ring**

**Operating Schedule**

1. Temporary barriers to be in situ at all times the external seating area is in use.
2. No vertical drinking will be permitted in the external seating area.
3. At least one member of staff will supervise the outside area at all times that it is in use.
4. CCTV cameras will operate in the outside area, and footage from these cameras will be retained for 30 days and will be made available to the Police upon request.
5. Emergency routes from adjacent buildings and our own will not be obstructed by the pavement café.
6. A clear pedestrian route will be maintained for those walking past the premises.
7. All food and drink to be consumed in the pavement café must be purchased at the bar.
8. All meals will be delivered to the table by a member of staff. Tables will be promptly cleared once meals have been consumed.
9. All empty vessels will be regularly cleared away from the outside area by a member of staff.
10. Children under the age of 16 must always be accompanied by an adult who will be required to maintain supervision of them.
11. All furniture will be removed from the outside area when not in use.
12. The outside area will be kept clean and litter free. It will be regularly cleaned; including sweeping and washing of floors and furniture as required.
13. The playing of amplified music will not be permitted within the pavement café.



30<sup>th</sup> July 2010

To Whom It May Concern

Telephone +44 (01473) 223000  
 Fax +44 (01473)223746  
 Website www.williscs.com

Our reference: PP17/CRS/LP

Direct Line +44 (01473) 222624  
 Direct Fax +44 (01473) 223746  
 E-mail Liam.payne@willis.com

**DETAILS OF INSURANCE  
 FOR  
 JD WETHERSPOON PLC**

*We act as insurance brokers to JD Wetherspoon plc and confirm that they hold the following insurance through our agency.*

- ◆ Type of Policy : Public and Products Liability
- ◆ Period of Insurance: 31 July 2010 to 30 July 2011 both dates inclusive
- ◆ Limit of Liability: **Public Liability**  
 GBP10,000,000 any one occurrence  
  
**Products Liability**  
 GBP10,000,000 any one occurrence and in the aggregate
- ◆ Insurers: CNA Insurance Company Limited
- ◆ Policy Number: CA0003396

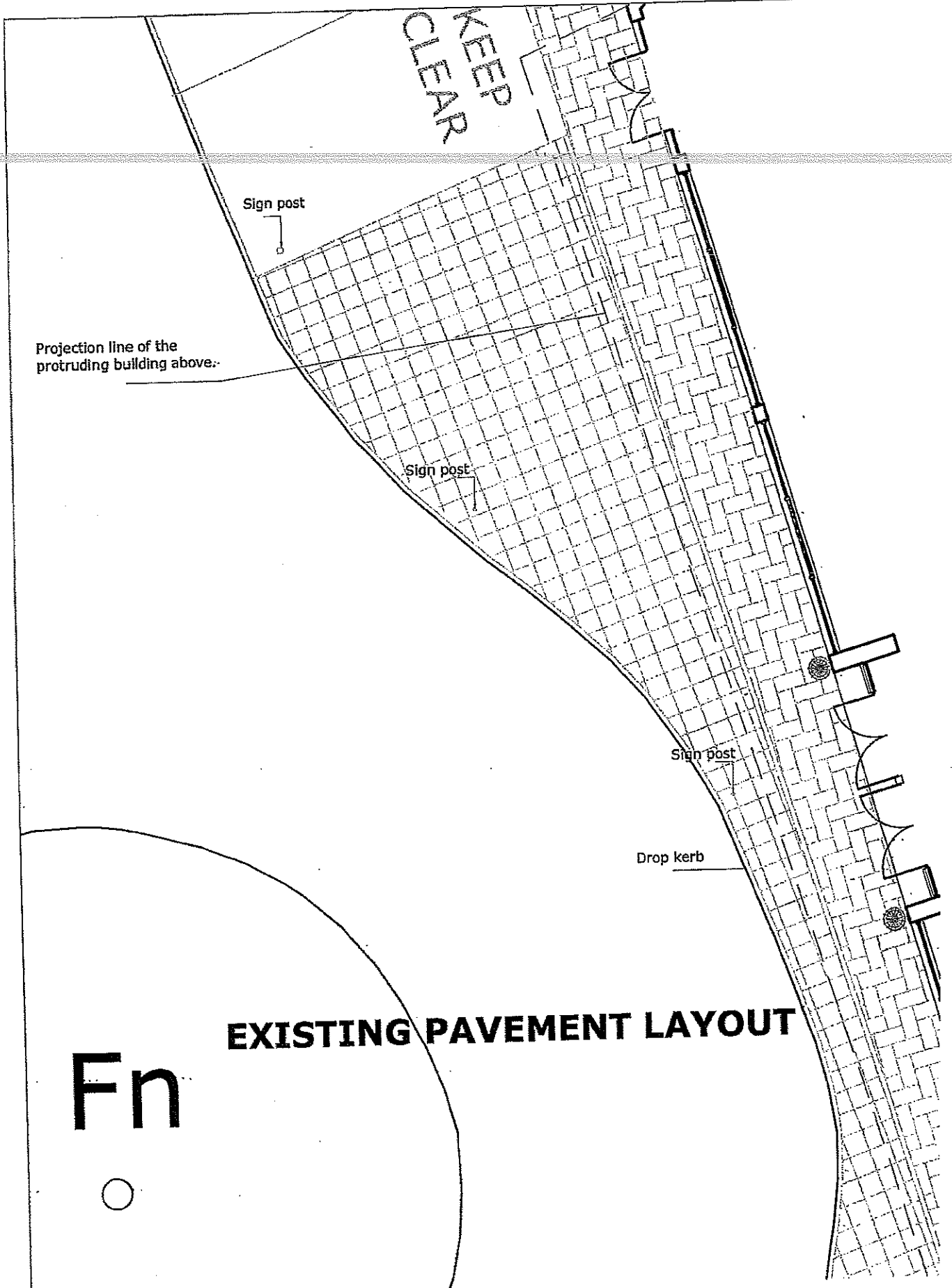
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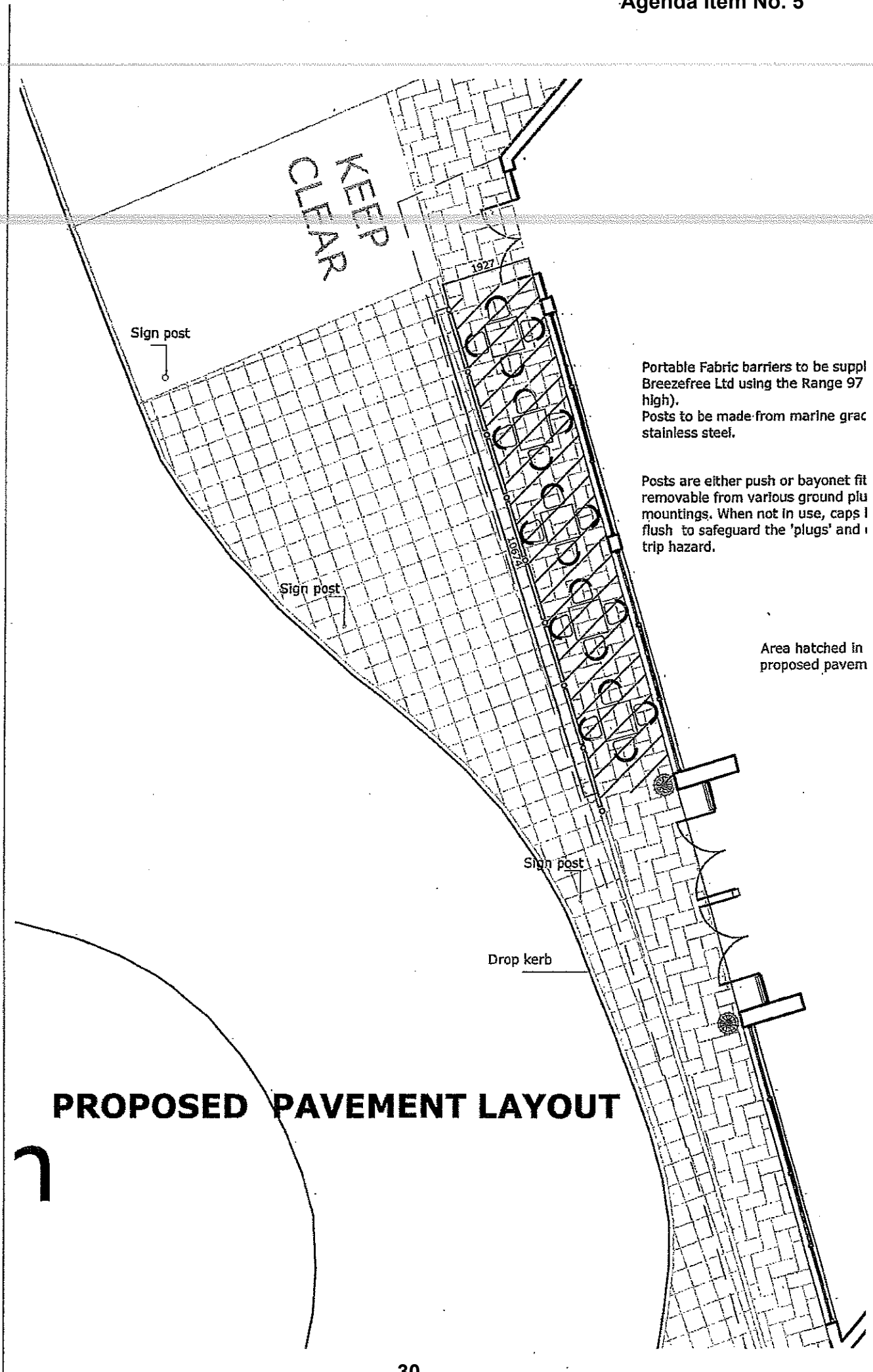
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KEEP CLEAR

Sign post

Sign post

Sign post

Drop kerb

Portable Fabric barriers to be supplied Breezefree Ltd using the Range 97 (high). Posts to be made from marine grade stainless steel.

Posts are either push or bayonet fit removable from various ground plug mountings. When not in use, caps flush to safeguard the 'plugs' and trip hazard.

Area hatched in proposed pavement

# PROPOSED PAVEMENT LAYOUT





DIRECTORATE OF PLANNING AND LAW  
PLANNING DIVISION  
Land Oak House, Chester Road North, Kidderminster, Worcs. DY10 1TA  
Tel. 01562 820505 Fax. 01562 748378

**PLANNING PERMISSION**

Town and Country Planning Act 1990  
Town and Country Planning (General Development Procedure) Order 1995  
(Important - This communication affects your property)

APPLICATION NO. WF.210/98

On behalf of:

To:  
Oscars Café Bar  
14-18 The Bull Ring  
KIDDERMINSTER  
Worcs.

In pursuance of its powers under the above mentioned Act and Order, the WYRE FOREST DISTRICT COUNCIL, as Local Planning Authority, hereby PERMITS in Full the:-

**Change of use of land along boundary frontage to allow positioning of tables and chairs for outdoor use at 14-18 The Bull Ring, Kidderminster**

in accordance with the application received by the Council on 20<sup>th</sup> March 1998 subject to the following condition(s):-

- 1. The development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of this permission.

Conditions and Reasons 2. & 3. attached

The reasons for the Council's decision to grant permission for the development subject to compliance with the attached condition(s) are:-

- 1. Condition 1 is imposed pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990

DATED 21st day of April 1998.

(Signed) .....  
J. BERRIMAN, Head of Development and Building Control

WF.210/98 continued

Conditions and Reasons continued

2. The development hereby approved shall be carried out strictly in accordance with the following plans:-

Location Plan and Drawing Number AD10 insofar as it relates to the four tables with chairs on the Church Street side of the main entrance doors submitted and date stamped at the Council offices on the 20<sup>th</sup> March 1998

unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

Reason

In the interests of clarity and in order to define the permission.

3. This Permission gives no consent whatsoever to any tables or chairs on the south side (i.e. in the direction of High Street) of the main entrance doors.

Reason

For the avoidance of doubt and to define the permission as the footway in this area is too restricted and pedestrian movement would otherwise be obstructed.

NOTES

- A The Highway Authority has stated that no tables or chairs shall be placed on the public highway before a Licence is obtained under the provisions of Section 115 of the Highways Act 1980.
- B The Environmental Health Division has stated that care should be taken when positioning the chairs to discourage the public from leaning against glass.



**Section 115  
Highways Act 1980**

**APPENDIX 4**

**Notice of Intention to apply for a variation of the  
Grant of Public Realm  
And Streetscene**

**Street Amenity Licence**

We J D Wetherspoon plc, hereby give notice that we have applied to Wyre Forest District Council for the grant of a new Street Amenity Licence in respect of Penny Black, 14-18 The Bullring, Kidderminster, DY10 2AZ.

To place at the Penny Black 5 tables together with 20 chairs from 0800hrs to 1800hrs each day of the week Monday to Sunday as detailed in the application.

Any person who wishes to make any representations regarding this application should submit their comments in writing to : Licensing Section, Worcestershire Regulatory Services, Duke House, Clensmore Street, Kidderminster, Worcestershire DY10 2JX. Tel : 01562 732928 no later than 20<sup>th</sup> July 2011.

Full details of the application can be viewed at the Council Offices at Clensmore Street, Kidderminster, DY10 2JX during normal office hours.

## APPENDIX 5

From: <John.Buimer@wyreforestdc.gov.uk>  
 To: <Paul.Round@wyreforestdc.gov.uk>  
 CC: <Paul.Round@wyreforestdc.gov.uk>  
 Date: 7/19/2011 3:24 pm  
 Subject: Application for a Street Amenity Licence for Penny Black, 14-18 Bull Ring Kidderminster

Dear Mr Buimer

I would like to object to the above application in my capacity as Chairman of the Kidderminster Town Centre Shop Watch Scheme (Kidderminster Retail Initiative and Security Partnership). This organisation represents over 40 Retail Operations and Businesses within Kidderminster Town Centre.

Firstly although Planning Permission was given for a similar project in 1998 I believe that the granted permission was never implemented and has since expired therefore creating the need for a new Planning Application in this case. I would welcome your comments on this as I think this application should be deferred until this matter has been fully investigated.

Under the Operating Schedule I would like to raise the following points to support my objection -

No Vertical drinking will be permitted in the external seating area - how will this be enforced because if it isn't this could lead to anti-social incidents / alcohol related incidents taking place.

At least one member of staff will supervise the outside area at all times it is in use- Can the Penny Black demonstrate that they have enough staff to be able to do this?

A clear pedestrian route will be maintained for those walking past the premises - The Bull Ring has limited parking for people with disabilities and their vehicles, this also includes the need to have room to be able to transfer from vehicle to wheelchair and from wheelchair to vehicle, has this application taken this into account as I see no mention of it.

All furniture will be removed from the outside area when not in use - where will this be stored for safety as no extra storage space has been allocated by the Swan Centre

All of the items listed in the Operating Schedule require constant staff supervision, how will this be monitored and enforced if permission is granted? The view of KRISP Members is that this application should be refused due to lack of sufficient information submitted of how this application will be monitored if granted, lack of attention paid in the application to the disabled access to highway, lack of attention paid to the fact that there is disabled parking on the road to the frontage of the Penny Black and that there is a need to have enough room to transfer from car to highway and the reverse. None of these aspects seem to have been covered by this application.

Regards

Reply
 Reply to all
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The sen

[Click here to send a receipt.](#)

**APPENDIX 6**

Sent: Tue 19/07/2011 17:01

From: mark kay  
 To: john bulmer  
 Cc: john bulmer

Subject: Application for a Street Amenity Licence from the Penny Black 14-18 Bull Ring Kidderminster

Attachments:

Dear Mr Kay and Mr Bulmer

I am contacting you to object to the application as listed in the subject of this email.

I see the original planning application for tables and chairs to be sited outside the Penny Black was granted in 1998, I have worked in the Management Office of the Swan Centre for over 10 years and have never seen this application implemented. The original applicant was the owner of Oscars (which is now Penny Blacks), his application was submitted and granted just before he left the premises therefore did not have time to implement the decision. I would imagine that due to this the Licensing Administrator of Wetherspoon would also need to apply for planning permission for this application as the implementation time line has expired.

I also have serious concerns that if this licence was granted the Penny Black would appear to have to be self-monitoring on all the measures they have listed to enable them to comply with the guide lines. There have been alcohol related incidents that have occurred within and outside the premises before which the police or our security guards have managed to contain. Should these type of incidents happen in the future with tables and chairs outside the building they would be harder to manage especially with pedestrians using the highway at the same time.

There is no mention that the Bull Ring area outside the Penny Black is designated for disabled parking which by its nature involves the need for adequate space for wheelchairs and people with disabilities especially for room to transfer from pavement to car and car to pavement. Has this been taken into consideration by highways?

I would formally like to register my objection to this application on the grounds covered above.

Anne Dyer - RE: Application for a Street Amenity Licence

APPENDIX 7

From  
To: "Anne Dyer" <Anne.Dyer@wyreforestdc.gov.uk>  
Date: 05/07/2011 14:09  
Subject: RE: Application for a Street Amenity Licence

Dear Anne

The County Council has no objection in principle for tables and chairs being put outside Penny Black but do object to the number requested due conflict with pedestrians and potentially causing obstruction. We would recommend 3 tables with 2 sets of chairs per table.

Regards

---

**From:** Anne Dyer [mailto:Anne.Dyer@wyreforestdc.gov.uk]  
**Sent:** 22 June 2011 14:07  
**To:** Graham Ballinger; JohnBaggott; Luff, Nicky (ES); Paul Bott; Paul Harrison; Susan Winmill; Tim Ingham  
**Cc:** John Bulmer  
**Subject:** Application for a Street Amenity Licence

Ladies & Gentlemen,  
The Licensing section has received an application for a Street Amenity Licence in respect of the **Penny Black, 14-18 Bull Ring, Kidderminster**.  
The application is attached, and the consultation period ends **Wednesday 20th July 2011**.  
If you require any further information please do not hesitate to contact me.  
Yours sincerely,

Anne Dyer  
Technical Support Officer Licensing  
Worcestershire Regulatory Services  
Duke House  
Clensmore Street  
Kidderminster  
Worcs  
DY10 2JX

**APPENDIX 8**

John

Thank you for the consultation.

I can confirm that from a planning perspective I have no objection subject to compliance with the approved plan from 1998. A new planning application will be required for the change of use of the land as it appears the 1998 permission was never implemented.

I would also suggest that consultation is undertaken with the highway authority.

Kind regards

Paul;

**Paul Round**  
Senior Development Control Officer  
Planning & Regulatory Services Directorate  
Wyre Forest District Council

Direct Line (01562) 73 2516  
Fax (01562) 73 2556



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**Anne Dyer - Re: Application for a Street Amenity Licence****APPENDIX 9**

**From:** Susan Winmill  
**To:** Anne Dyer  
**Date:** 20/07/2011 13:25  
**Subject:** Re: Application for a Street Amenity Licence

Hi Anne,

The comments from the Environmental Maintenance Team are:

There might impact on service inc possible extra litter/cigarette ends being dropped.

It may narrow the footpath area as you approach the main entrance of the Penny Black this could cause problems for disabled drivers when getting in and out of their vehicles, particular if they are getting straight in to a wheel chair or mobility scooter (Disabled parking around the Bullring/Penny Black). The room they would need could restrict pedestrian footfall.

What facilities are being put in place to put the tables, chairs and barriers away at night if any, will they make sure the area is litter free and no food is left on the ground which then encourage vermin.

Impact on cleansing the pavement and access to this area if furniture is not put away during the evening - will they be responsible for keeping the area cleansed?

Kind Regards,

Sue

Environmental Maintenance Manager  
Parking Services/Street Scene  
Green Street  
01562 732962  
07912 774806  
[susan.winmill@wyreforestdc.gov.uk](mailto:susan.winmill@wyreforestdc.gov.uk)



Please don't print this e-mail unless you really need to.

>>> Anne Dyer 22/06/2011 14:06 >>>

Ladies & Gentlemen,

The Licensing section has received an application for a Street Amenity Licence in respect of the **Penny Black, 14-18 Bull Ring, Kidderminster.**

The application is attached, and the consultation period ends **Wednesday 20th July 2011.**

If you require any further information please do not hesitate to contact me.

Yours sincerely,

Anne Dyer  
Technical Support Officer Licensing  
Worcestershire Regulatory Services

**Anne Dyer - RE: Application for a Street Amenity Licence**

---

**APPENDIX 10**

**From:** "Bott,Paul" <paul.bott@westmercia.pnn.police.uk>  
**To:** <Anne.Dyer@wyreforestdc.gov.uk>  
**Date:** 06/07/2011 11:42  
**Subject:** RE: Application for a Street Amenity Licence

---

Anne,

No problems with with this from our perspective.

Paul

Paul Bott  
Licensing Officer D Div'  
West Mercia Police  
Kidderminster Police Station  
Habberley Road  
Kidderminster  
DY11 6AN

0300 333 3000 ext 3090  
01562 826090  
07866 369757

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**From:** Bott,Paul  
**Sent:** 23 June 2011 14:22  
**To:** Bott,Paul  
**Subject:** FW: Application for a Street Amenity Licence

Paul Bott  
Licensing Officer D Div'  
West Mercia Police  
Kidderminster Police Station  
Habberley Road  
Kidderminster  
DY11 6AN

0300 333 3000 ext 3090  
01562 826090  
07866 369757

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**From:** Anne Dyer [mailto:Anne.Dyer@wyreforestdc.gov.uk]  
**Sent:** 22 June 2011 14:07  
**To:** Graham Ballinger; JohnBaggott; Nluff@worcestershire.gov.uk; Bott,Paul; Paul Harrison; Susan Winmill; Tim Ingham  
**Cc:** John Bulmer  
**Subject:** Application for a Street Amenity Licence

Ladies & Gentlemen,

The Licensing section has received an application for a Street Amenity Licence in respect of the **Penny Black, 14-18 Bull Ring, Kidderminster.**

The application is attached, and the consultation period ends **Wednesday 20th July 2011.**

If you require any further information please do not hesitate to contact me.

Yours sincerely,

Anne Dyer  
Technical Support Officer Licensing  
Worcestershire Regulatory Services  
Duke House  
Clensmore Street  
Kidderminster  
Worcs  
DY10 2JX  
01562 732594



From 1st June 2010 the County and District Council functions of Trading Standards, Environmental Health and Licensing have been combined into a single Worcestershire Regulatory Service hosted by Bromsgrove District Council. All the existing functions are being maintained or enhanced, and are currently being delivered from the same locations. At this stage please continue to send any correspondence to this current address but I would ask you to note that the title of this Service will change on future correspondence

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Thank you for your co-operation.

West Mercia Police 0300 333 3000



**Anne Dyer - FW: Application for a Street Amenity Licence Penny Black 14-18 BullRing Kidderminster**

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**From:** "Laura Kennedy" <lkennedy@jdwetherspoon.co.uk>  
**To:** <Anne.Dyer@wyreforestdc.gov.uk>  
**Date:** 22/07/2011 10:49  
**Subject:** FW: Application for a Street Amenity Licence Penny Black 14-18 BullRing Kidderminster  
**Attachments:** penny black reps..pdf

**APPENDIX 11**

Dear Anne

My colleague Emma Fallon who manages Pavement Licences is on annual leave at present.

As discussed when we spoke a moment ago, the 9am start time and reduction in the proposed amount of furniture to 3 tables and 6 chairs can be agreed.




I understand that there is an issue over the validity of the Planning Permission and note your comment that a Street Amenity Licence may still be granted but cannot be used until a valid Planning Permission is in place.


I am reviewing the representations that you sent through to Emma. Should you require our comments ahead of the Committee Hearing on 1 August, please let me know. I will attend the Committee Hearing on 1 August and will have a company representative with me (name to be confirmed).

Should you require any additional information, please let me know.

Many thanks

**Laura Kennedy**  
**Solicitor**  
**JD Wetherspoon Plc**

 Tel: 01923 477807  
 Fax: 01923 219815  
 Email: [lkennedy@jdwetherspoon.co.uk](mailto:lkennedy@jdwetherspoon.co.uk)

 Please consider the environment before printing this email.

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**From:** Anne Dyer [mailto:Anne.Dyer@wyreforestdc.gov.uk]  
**Sent:** 21 July 2011 15:31  
**To:** Nigel Connor  
**Subject:** Application for a Street Amenity Licence Penny Black 14-18 BullRing Kidderminster

Dear Sir,

I am contacting you in the absence of Emma Fallon.

I am writing with respect to the application Emma Fallon has submitted for a Street Amenity Licence in respect of the **Penny Black, Bull Ring, Kidderminster**.

I advised Emma that we had received representation from Highways that they were not happy with the application for 5 tables and 20 chairs. Their recommendation is for 3 tables with 2 chairs per table. Emma did respond that she was happy to agree with the recommendation regarding the tables but wanted confirmation of the amount of chairs. I contacted her with the number, but have heard nothing further from her.

There is also an issue I understand regarding the lack of any Planning Permission for the change of use of the land. Planning permission was applied for and granted, as I understand it, in 1998, however, this was never implemented, and has therefore lapsed. I suggested that Emma contact the planning officer, Paul

Round, who is dealing with this issue.

Representations to the application have been received from 3 sources, copies of which I forwarded to Emma asking for her comments, however, I have heard nothing further.

I attach copies for your information of all documents which I have forwarded to Emma.

I advised Emma via e mail on 20th July 2011, that the application was to be put before the Licensing and Environmental Health Committee on Monday 1st August 2011 at 10.30 am in the Council Chamber at the Civic Centre, Stourport-on-Severn, DY13 8UJ, asking if she would be attending and bringing a representative with her. I have heard nothing further.

I have now received advice from our Legal Department. The application requests a commencement time of 08.00. This start time is outside of the Policy which states a start time of 09.00 and also states that if an application fails to meet any of the specific criteria it must be refused, and furthermore there is no provision for an Appeal. Our Legal Department therefore advise that the application as it stands is to be refused on the grounds that it is outside of our Policy. However, if the application is amended to a start time of 09.00, and a reduction is made regarding the amount of tables and chairs to accommodate the recommendation made by Highways to 3 tables and 6 chairs it can then be considered.

Due to the representations which were received within the consultation period, however, the application will still have to be put before the Committee.

Perhaps you would contact me regarding this matter at your earliest convenience.

Yours faithfully,  
Anne Dyer

Anne Dyer  
Technical Officer Licensing  
Worcestershire Regulatory Services  
Duke House  
Clensmore Street  
Kidderminster  
Worcs  
DY10 2JX  
01562 732594



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\*\*\*\*\*

JD Wetherspoon plc,

Company registered in England number: 1709784

Registered Office:

Wetherspoon House, Reeds Crescent, Watford, Herts, WD24 4QL

Please note that we do not have visitor parking available and you may need to allow some extra time to walk to our offices. For further assistance please refer to the contact us section of our web site at <http://www.jdwetherspoon.co.uk/>

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J D Wetherspoon plc does not accept responsibility for changes made to this message, after it was sent.

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**WYRE FOREST DISTRICT COUNCIL**  
**PUBLIC REALM AND STREETSCENE**  
**(CONTROL OF STREET FURNITURE) POLICY**  
**AND**  
**LICENCE CONDITIONS FOR HIGHWAYS**  
**AMENITY LICENCES**

**POLICY**

1. The Wyre Forest towns of Kidderminster, Stourport on Severn and Bewdley have much to offer by the way of creating an ambiance that makes the area attractive to visitors and residents alike.
2. It is the Council's aim to have, weather permitting, good quality pavement cafes, pubs and restaurants, contributing to a relaxed and sociable style of eating and drinking.
3. The purpose of this policy is twofold:
  - To highlight the requirements and standards expected of pavement cafés, pub and restaurant operations in the town centre
  - To guide those wishing to establish and/or operate pavement cafes, pubs and restaurants, through the licensing process
4. The Council licenses street cafes which are not situated on privately owned land, by the granting of a Highways Amenity Licence. The Licence is renewable annually.
5. A Licence Fee will be charged by the Council on an annual basis to include all inspections and monitoring. The fee will be set annually by the Council as part of its review of fees and charges.
6. The Licence application process involves specific procedures following the guidance in this policy. There is an application form which need to be completed by all applicants.
7. It will not normally be necessary to obtain planning permission for outdoor street cafes on the public highway, provided that the main existing premises have the appropriate planning permission and all facilities are portable.

8. Upon receipt of an application, it should normally take two months for the application to be determined, using the process described in the diagram shown in the Appendix.
9. Some areas in the town centres of Kidderminster, Stourport on Severn, and Bewdley may be appropriate for street furniture, others may not; however each individual application has to be considered on its own merits using the criteria set out in this document.
10. The Council therefore reserves the right to refuse applications if they are considered to be inappropriate.
11. The Licence will relate purely to the use of the public adopted Highway land in relation to the premises that is the subject of the Licence. It specifically does not relate to the use of any other external areas which may be within the ownership and / or control of the Licence holder.

### **The Criteria for Considering Applications**

#### **Size and Layout**

12. Ancillary street furniture will only be allowed outside the premises with which it is associated. Every application will be considered on its merits inclusive of road safety and health and safety, and will be at the discretion of the Licensing Officer and the Highway Authority.
13. Furniture must not impede access and egress associated with other needs in the immediate vicinity, e.g. kerbside parking, bus stops, taxi ranks and pedestrian crossings. Visibility must not be obstructed.
14. The layout of furniture will only be approved if provision has been made for customers with disabilities. There should be a gradient of no steeper than 1:9 of the remaining footway to ensure that it is compliant with the Disability Discrimination Act.
15. All emergency exits and routes must be kept clear.
16. Furniture must be located directly outside the premises with which it is associated. Consideration must be given to the operational requirements of neighbouring premises and their view will be sought on any applications made.

#### **Furniture**

17. The furniture should be of a high quality and uniform style within the licensed area, appropriate for outdoor use. Plastic and/or picnic tables will not be approved.
18. Where umbrellas are used, these must be of a high quality and uniform style. Umbrellas are to be positioned so as to avoid overhanging outside or impairing vehicle sight lines.

19. All items need to be portable enough to be brought in at the end of the licensed period of each working day, for street cleansing purposes, or in the event of an emergency.

#### **Environmental and Other Requirements**

20. All pavement café operations must comply with the relevant food safety requirements. Enquiries to [Foodhealthandsafety@wyreforestdc.gov.uk](mailto:Foodhealthandsafety@wyreforestdc.gov.uk)
21. Litterbins, of an approved type, for the deposit of cartons, wrappers, containers and similar discarded items, shall be provided to ensure the area is kept clean and tidy at all times.
22. The bins will be emptied, by the applicant, daily and more often when required.
23. It shall be the duty of the person to whom the permission is granted, to clean the section of the highway in respect of which permission is granted, to a standard to be determined by the Head of Property and Operational Services.
24. When in use the pavement café area will demarcate the licensed area which contains the tables and chairs, thus making it distinguishable from other pavement users, and particularly to assist blind and visually impaired pedestrians.

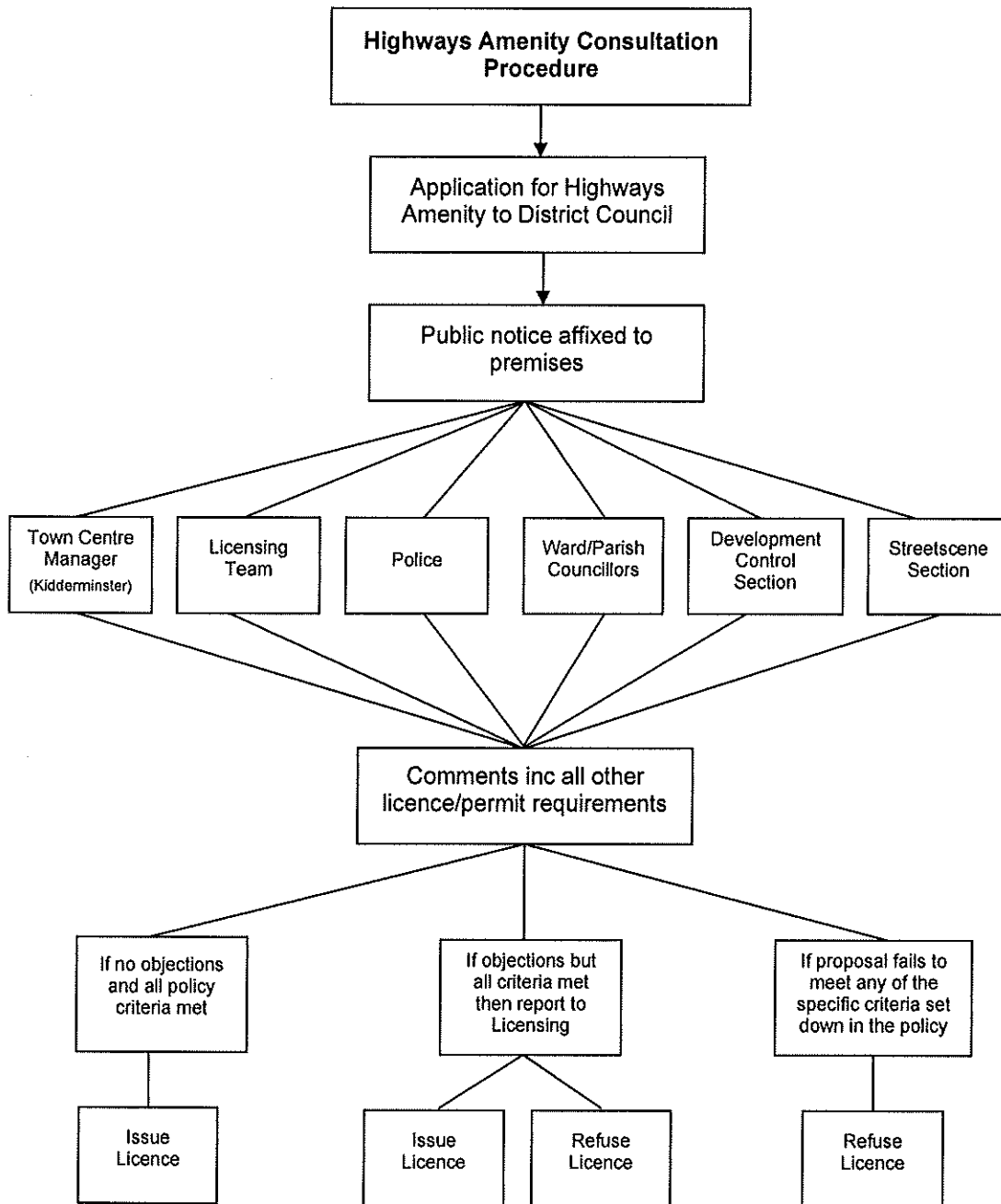
#### **General**

25. The granting of a Highways Amenity Licence applies only to the applicant in respect of the premises concerned and is outside of and in addition to a licence to sell liquor off premises, and any entertainment consents.
26. Licences have various conditions which can vary between locations. Failure to comply with the licence conditions may lead to the withdrawal of the consent or refusal to renew the licence in future years.
27. The provision of street furniture must be primarily in connection with the service of food and / or drink from the premises with which it is associated and shall not be solely for the use of smokers.
28. Any changes to any part of the pavement café operations (including furniture, other items, area or operating hours) must be agreed in writing with the Council and may need to be the subject of a new or revised licence.
29. The Highways Amenity Licence will normally operate from 9.00 a.m. to 10.00 p.m. In certain areas there may be reductions on those hours due to specific local highway requirements.
30. The Holder(s) may from time to time be notified of temporary suspension of the Licence granted to allow for street markets or other like events,

maintenance, installation works or any other lawful activity to take place. In other cases where the use of the highway alters the permit may be revoked by issue of a notice.

31. Public Liability Insurance cover to £5m will be required for the licensed area and evidence of this must be provided to the Council upon renewal and at such other times as the Council may request.
32. Any objections need to be resolved prior to the Licence being issued.
33. Where the Council is the owner of the sub-soil beneath the highway, an annual rental charge may be made on the licensed area, in addition to the license fee.
34. All Licensed areas are checked yearly by the Council to ensure the street furniture is acceptable and that the Operator/Licensees Public Liability Insurance is current.

Appendix





## LICENCE CONDITIONS

1. The Holder(s) of this Licence shall not exercise privileges granted by this Licence otherwise than strictly in accordance with this Licence. It may be necessary for a temporary cessation of the Licence when markets and other events agreed by the Wyre Forest District Council are being held.
2. The Holder(s) shall produce this Licence on demand when so required by a Police Officer or a duly authorised Officer of the Council.
3. The Holder(s) shall return this Licence to the Principal Licensing Officer immediately on revocation of this Licence.
4. The Holder(s) shall not cause any obstruction of the highways or danger to persons using it and shall not permit persons to gather so as to cause a nuisance or annoyance or danger to any persons lawfully using the highway.
5. The Holder(s) shall not use or allow to be used any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio or television receiving sets whilst exercising privileges granted by this Licence unless otherwise agreed with the Council in writing.
6. The Holder(s) shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix any equipment of any description in the said surface, unless otherwise agreed with the Council in writing.
7. The licensed area permitted must be used solely for the purpose of consuming refreshments and not for any other purpose whatsoever.
8. The Holder(s) shall not take the issue of this Licence to exclude the requirement to obtain any other licences, planning permission or consents which may be required to accommodate all of the proposals.
9. The Holder(s) shall make no claim or charge against the Council in the event of the chairs or tables or other objects being lost, stolen or damaged in any way from whatever cause.
10. Notwithstanding the specific requirements in Condition 4. above the Holder(s) shall not do or suffer anything to be done in or on the highway which in the opinion of the Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the said Council or to the owners or occupiers of any adjacent premises or to members of the public.
11. The Holder(s) shall not assign, underlet or part with any privileges given by this Licence or any part thereof but the Holder(s) may surrender it at any time.

12. The Holder(s) shall observe and comply with any directions in relation to the use of the highway given by relevant officers of the Council.
13. The Holder(s) shall maintain the licensed area as shown on the plan attached to this Licence and edged in red, and the immediate adjacent area, in a clean and tidy condition during the Permitted hours and shall leave the same in clean and tidy condition and unobstructed, which shall include (1) washing down the area, and (2) removing any refuse and litter deposited on the highway in the vicinity of the tables and chairs. This will be carried out whenever necessary and in a way which does not create a nuisance to other parties and neighbouring premises.
14. Furniture must be to an agreed standard and may be themed to match the rest of the café pub or restaurant furniture. It must be maintained in a clean and tidy condition and not placed so as to obstruct any entrance or exit to buildings.
15. The Holder(s) shall provide litter bins or similar receptacles for the deposit of cartons, wrappers, containers and similar discarded items if required and ensure that the same are emptied daily and more often when required. The area should be clean and tidy at all times, and waste from the holders' operations must not be disposed of in the litter bins provided by the Council.
16. The Holder(s) shall remove all furniture, equipment and litter bins placed on the highway at the end of each working day.
17. The Holder(s) shall indemnify the Council against all actions, proceedings, claims, demands and liability which may at any time be taken, made or incurred in consequence of the use of the chairs and tables and other objects and for this purpose must take out at the Holder(s) expense a policy of insurance approved by the Council in the sum of at least £5,000,000 in respect of any one event and must produce to the Council on request current receipts for premium payments and confirmation of annual renewals of the policy.
18. Nothing herein contained shall be construed as the granting or purported granting by the Council of any tenancy under the Landlord and Tenant Act 1954 or any permission under the Town and Country Planning Act 1990 or any statutory modification or re-enactment thereof for the time being in force.
19. No alcohol shall be consumed on the highway unless a licence has been issued by the Licensing Authority.
20. All food and drink should be served to the tables and customers discouraged from purchasing food away from the tables or standing while consuming food or drink. Signage must be displayed to this effect
21. The Holder(s) shall be responsible for any rates, taxes and other outgoings which may be charged.

22. The licence may also be revoked for non compliance with the above conditions and the Council shall not in any circumstances whatsoever be liable to pay compensation to the Holder(s) in respect of such suspension or revocation.
23. In certain circumstances the Holder(s) may be required to take immediate action to remove all facilities from the highway at the specific request of a Police Officer or duly authorised Officer of the Council.

**NOTE**

In addition with the above Conditions of Licence, your attention is drawn to the overriding requirements of Section 115k of the Highways Act, 1980.

**Failure to comply with any Conditions of Licence will require the Council to consider whether any subsequent Licences should be granted to the Holder(s) of this Licence.**

## Anne Dyer - RE: FW: Application for a Street Amenity Licence Penny Black 14-18 BullRing Kidderminster

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**From:** "Laura Kennedy" <lkenedy@jdwetherspoon.co.uk>  
**To:** <Anne.Dyer@wyreforestdc.gov.uk>  
**Date:** 28/07/2011 16:19  
**Subject:** RE: FW: Application for a Street Amenity Licence Penny Black 14-18 BullRing Kidderminster  
**CC:** "Mark Miller" <mmiller@jdwetherspoon.co.uk>, "Emma Fallon" <EFallon@jdwetherspoon.co.uk>  
**Attachments:** Southport - Pavement Cafe photo.doc

---

Dear Anne

I set out, below, comments in respect of the individual representations received, as requested. Please also find attached a photo of an existing JD Wetherspoon Pavement Cafe in operation.

### Helen Dyke

#### **1. Planning**

We agree that there is a query over the validity of the Planning Permission. We understand from Anne Dyer that the Street Amenity Licence application can still be considered and there is nothing to prevent this from being granted although it cannot be used until the Planning position has been rectified.

#### **2. 'No Vertical Drinking' be enforced**

JD Wetherspoon operates pavement cafes in approximately 210 of its 800+ premises. These pavement cafes are treated as an extension of the premises and, as such, are managed in the same way. This proposal is for a small area which, in any event, would not lend itself to groups of people congregating. Staff will monitor the area (e.g. glass collecting, CCTV covering the area, regular outside area checks) to ensure that the 'no vertical drinking' policy is adhered to.

#### **3. One member of staff to supervise the outside area**

Regular supervision is more than achievable. The outside area would be treated as an extension of the pub. There is always a member of dedicated floor staff on duty every shift and the outside area would be an addition to the existing floor space, to be supervised in the same way.

#### **4. Clear pedestrian route will be maintained**

A reduction in the proposed amount furniture has been agreed in accordance with the County Council Environmental Services representation (from 5 tables and 20 chairs to 3 tables and 6 chairs). The proposal is in accordance with Wyre Forest District Council's Policy and barriers would be in situ at all times to ensure that the pavement cafe remained within approved dimensions. The proposal allows for a minimum clear width of 2 metres (the agreed reduced area leaving a minimum of 2.5 metres clear for pedestrian passage).

#### **5. All furniture will be removed from the outside area when not in use**

JDW propose to store folding tables and stacking chairs in a storage cage at the rear of the premises.

### Ros Darby

#### **6. Planning - see 1 above**

#### **7. Alcohol related incidents / disturbances**

JDW is aware that the management of any outside area is a reflection of how the premises as a whole is managed. As set out in point 2, the outside area would be treated as an extension of the pub and managed in exactly the same way.

#### **8. Designated disabled parking**

As set out in point 4, above, a reduction in the proposed area has been agreed with the County Council Environmental, alleviating their concerns about pedestrian obstruction.





Please see below the response from myself and Helen Dyke (KRISP) to the email received this morning.

Regards

Ros Darby

In reply to the responses from Laura Kennedy I would like to raise the following issues –

**3) One Member of Staff to Supervise the Outside Area**

In the first operating schedule that accompanied the original application, Number 3 stated that “At least one member of staff will supervise the outside area at all times” which inferred that there would be a member of staff present outside at all times, I didn’t have confidence in that statement. The newest information now states that the outside area will be treated as an extension of the pub itself and would be supervised as such. These comments cannot be interpreted as having the same meaning! There will either be separate staff supervision on the outside area or there won’t, can you please clarify>

**4) Clear Pedestrian Route will be Maintained**

The picture sent by Wetherspoon of tables and chairs outside their establishment in Southport bears no resemblance to the area being looked at outside their Kidderminster establishment, would it not have been more sensible for the picture to have been of a premises more comparable to the Penny Black in Kidderminster which has a much more limited pavement area so we could see how it is expected to work here.

**5) All Furniture will be removed from the Outside Area when not in Use**

This statement needs to be clarified as no extra storage space has been asked for at the Swan Centre and the existing storage space is already in use for specified items as far as I am aware.