

Open

Licensing and Environmental Committee

Agenda

10.30am
Monday, 11th June 2018
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Licensing and Environmental Committee

Members of Committee:

Chairman: Councillor J Baker
Vice-Chairman: Councillor P Harrison

Councillor M Cheeseman
Councillor I Hardiman
Councillor K Henderson
Councillor F M Oborski MBE
Councillor R J Vale

Councillor P Dyke
Councillor J A Hart
Councillor V Higgs
Councillor M Rayner
Councillor R Wilson

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.

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct ("the Code") requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members' Code of Conduct as set out in Section 14 of this constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI's and ODI's are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council's Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

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, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF.
Telephone: 01562 732763 or email louisa.bright@wyreforestdc.gov.uk

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At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

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By entering the meeting room and using the public seating area, you are consenting to be filmed and to the possible use of those images and sound recordings for webcasting and or training purposes.

If members of the public do not wish to have their image captured they should sit in the Stourport and Bewdley Room where they can still view the meeting.

If any attendee is under the age of 18 the written consent of his or her parent or guardian is required before access to the meeting room is permitted. Persons under 18 are welcome to view the meeting from the Stourport and Bewdley Room.

If you have any queries regarding this, please speak with the Council's Legal Officer at the meeting.

* Unless there are no items in the open session

Wyre Forest District Council

Licensing and Environmental Committee

Monday, 11th June 2018

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 9th April 2018.	6
5.	Application for the Grant of a Street Amenity Licence at The Courtyard, Bewdley To determine an application to grant a Street Amenity Licence to The Courtyard 3 – 4 Severnside South, Bewdley DY12 2DX	8
6.	Application for the grant of a Street Amenity Licence at Archers Bar, Bewdley To determine an application to grant a Street Amenity Licence to Archers Bar, 1 Severn Side South, Bewdley, Worcestershire DY12 2DX	45
7.	To consider any other business, details of which have been communicated to the Solicitor to the Council 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.	

8.	<p>Exclusion of the Press and Public</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>	
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Part 2

Not open to the Press and Public

9.	<p>Application for the Grant of a Hackney Carriage/Private Hire Driver’s Licence</p> <p>To receive a report from the Corporate Director: Economic Prosperity and Place which asks the Committee to consider an application for the grant of a Hackney Carriage/Private Hire Driver’s Licence.</p>	-
10.	<p>Application for the Grant of a Hackney Carriage/Private Hire Driver’s Licence</p> <p>To receive a report from the Corporate Director: Economic Prosperity and Place which asks the Committee to consider an application for the grant of a Hackney Carriage/Private Hire Driver’s Licence.</p>	-
11.	<p>To consider any other business, details of which have been communicated to the Solicitor to the Council 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.</p>	

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

9TH APRIL 2018 (10.30AM)

Present:

Councillors: J A Hart (Chairman), J Baker (Vice-Chairman), J Aston, J R Desmond, I Hardiman, V Higgs, F M Oborski MBE, M Rayner, J D Smith, R J Vale and R Wilson.

Observers:

There were no members present as observers.

LIC.33 Apologies for Absence

Apologies for absence were received from Councillor R Bishop.

LIC.34 Appointment of Substitutes

No substitutes were appointed.

LIC.35 Declaration of Interests

No declarations of interest were made.

LIC.36 Minutes

Decision: The minutes of the meeting held on 5th February 2018 be confirmed as a correct record and signed by the Chairman.

LIC.37 Consultation on the Review of the Gambling Act 2005 Revised Statement of Principles

The Committee received a report from the Head of Worcestershire Regulatory Services (WRS) on behalf of Wyre Forest District Council which sought approval of the revised Gambling Statement of Principles 2019–22 for the purpose of consultation with relevant parties, as part of the statutory triennial review in accordance with Section 349 of the Gambling Act 2005.

The Senior Practitioner – Licensing (WRS) led Members through the report and advised that each licensing authority was required before each successive three year period to prepare and publish a statement of the principles that they proposed to apply in exercising their functions under the Act during that period. He added that the Council's current Statement of Principles came into effect on 31st January 2016, therefore a new Statement of Principles was required to be prepared and published ready to take effect on 31st January 2019.

Agenda Item No. 4

The Senior Practitioner reported that there had been no significant amendments to the provisions of the Gambling Act 2005 since the last Statement of Principles took effect. He added that changes had been made to the Gambling Commission's Licence Conditions and Code of Practice (LCCP) that licensed operators had to comply with, and it had also updated its Guidance to Licensing Authorities (GLA). He added that all changes had been taken into account by Officers when preparing the revised Statement of Principles.

The Committee considered the revised document. In response to concerns raised by Members surrounding gambling-related harm, the Senior Practitioner confirmed that the final published Statement of Principles would contain a Local Area Profile which would be available for gambling operators to have regard to when carrying out their own local risk assessments. He also advised that the draft Statement contained a section recognising the links between Public Health and gambling-related harms and how the authority would like to work together in partnership with the local Public Health team to gain a better understanding and address gambling-related harms within the district.

In relation to on-line gambling, Members were advised that it was the responsibility of the Gambling Commission to regulate this activity.

The Chairman advised that the results of the consultation would be brought back to a future meeting of the Committee and reminded Members to submit any responses to the consultation within the consultation period.

Agreed: The revised Gambling Statement of Principles at Appendix 1 of the report, for the purpose of consultation with relevant parties be approved.

There being no further business, the meeting ended at 10.50am.

WYRE FOREST DISTRICT COUNCIL**LICENSING AND ENVIRONMENTAL COMMITTEE****11 June 2018****Application for the grant a Street Amenity Licence at The Courtyard, Bewdley**

OPEN	
DIRECTOR:	Head of Worcestershire Regulatory Services on behalf of Wyre Forest District Council
CONTACT OFFICER:	Natalie Graham – 01905 822799 natalie.graham@wocregservices.gov.uk
APPENDICES:	Appendix 1 – Premises Licence Appendix 2 – Application Appendix 3 – Policy Appendix 4 – Objections from Members of the Public Appendix 5 – Representation from the Town Council

1. PURPOSE OF REPORT

To determine an application to grant a Street Amenity Licence to The Courtyard 3-4 Severnside South, Bewdley, DY12 2DX.

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 Courtyard is located on the river side within Bewdley Town Centre.

3.2 The premises hold a Premises Licence granted under the Licensing Act 2003 to conduct business as a restaurant, bar and guest house. (*Appendix 1*)

4. KEY ISSUES

The Application (*Appendix 2*)

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

- 6 Tables and 24 Chairs between the hours of 07.00-23.30.
- The furniture will be situated on the river side pedestrian area in front of the premises.

Members should note that the times requested by the application fall outside the times of 09.00 – 22.00 normally allowed within the policy;

Agenda Item No. 5

“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.”

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 (*Appendix 3*).

4.3 Public notice was posted on the premises.

Objection

4.4 Representations have been made by seven members of the public on the following grounds (*Appendix 4*):

- The furniture will cause an obstruction to pedestrians and vehicles which could lead to safety issues for both.
- Over crowding and encroachment of a Civic space
- Noise nuisance
- Safety of staff, customers and vehicles with people having to cross the highway to reach the seating area.
- Disturbance of the view and negative impact on the conservation area.

4.5 The Civic Society made a recommendation that the licence be considered with a reduction in hours from 10.00-22.00 to reduce the possibility of any nuisance being caused. (*Appendix 4*)

4.6 An objection was raised under Section 115E(2) of the Highways Act, 1980 in terms of obtaining consent from the owners of the frontages. Members are reminded that this is not applicable as under Section 115E(7) frontages are not involved in this matter.

Relevant Representations

4.7 In response to the consultation in accordance with the Policy for the Control of Street Furniture a representation was received from Bewdley Town Council. The Town Council wish to object to the proposals on the basis that the area is covered by the Town Councils' Premises Licence and is used on a twice monthly basis for the Market. (*Appendix 5*)

4.8 Members should note that the policy makes allowance for the market days in that;

“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.”

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising from this report.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The Sub-Committee is obliged to determine this application in accordance with the Highways Act, 1980 and the Wyre Forest District Council Public Realm and Streetscene (Control of Street Furniture) Policy and Conditions for Highways Amenities Licences.
- 6.2 In making its decision the Licensing Committee must have regard to the Council's Policy for Control of Street Furniture. (*Appendix 3*)
- 6.3 The Sub-Committee must also have regard to the representations made and the evidence it hears.
- 6.4 Members are reminded that under the terms of the Policy failure of the proposal to meet any of the specific criteria set down in the Policy will result in refusal of the proposal. The power to issue Highway Amenity Licences is delegated to Wyre Forest District Council by Worcestershire County Council and must be exercised within the terms of the Policy. As such any approval outside of the Policy would require an approval from Worcestershire County Council.
- 6.5 Members are further reminded that some areas of the District may be more appropriate for street furniture than others and that each application should be considered on its own merits in accordance with the Policy.
- 6.6 When Considering the application Members are reminded that the Policy states 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.
- 6.7 The Sub-Committee must take one of the following steps as it considers appropriate:
 - (a) Allow the application to be granted
 - (b) Refuse the application
- 6.8 All parties to the hearing will be notified of the Sub-Committee's decision in writing within five working days of the conclusion of the hearing.
- 6.9 Neither the Highways Act 1980 nor the Policy provide a right to appeal against the decision of the Committee in these matters.
- 6.10 The hearing should be conducted in accordance with the agreed procedure for Licensing Committees.

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 objections from the members of the public, the recommendation of Bewdley Civic Society and the representation of the Town Council.

10. CONSULTEES

- 10.1 Solicitor to the Council, Legal Services.

11. BACKGROUND PAPERS

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



Licensing Act 2003 Record of Licence

Premises Licence Number

18/00283/PREMLI

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

The Courtyard
3-4 Severn Side South
Bewdley
Worcestershire
DY12 2DX

Where the licence is time limited, the dates

Not applicable

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

Activity	Days	From	To	Indoors/Outdoors
Late Night Refreshment	Everyday	23:00	- 00:00	Both
Playing of Recorded Music	Everyday	11:00	- 00:00	Indoors
Sale of Alcohol	Everyday	11:00	- 00:00	

Non-standard timings

The opening hours of the premises

Days	From	To
Everyday	11:00	- 00:00

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

Alcohol is supplied for consumption both on and off the premises

Name of premises licence holder

Antony Jarvis

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

Antony Jarvis

Mandatory conditions attached to the licence

The making and authorisation of alcohol sales

No supply of alcohol may be made under the premises licence—

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

Irresponsible alcohol promotions

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

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

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

Provision of free potable water

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

Age verification policy for the sale or supply of alcohol

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

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

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

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

Availability of small measures of alcohol

The responsible person must ensure that—

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

Permitted price of alcohol

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

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

where—

P is the permitted price,

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

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

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

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

Security activity

Where individuals are at the premises to carry out a security activity, as defined by the Private Security Industry Act 2001, each such individual must be authorised to carry out that activity by a licence granted under that Act or be entitled to carry out that activity by virtue of section 4 of that Act.

Conditions attached to the licence consistent with the relevant Operating Schedule

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

In order to promote all four licensing objectives we will have robust management and staff training to ensure everybody

understands the premises licence. We will pay particular attention to ensure there is; no sale of alcohol to underage

customers, no drunk and disorderly conduct, prevention of use of illegal drugs on the premises and no harm to children.

We will operate 'Challenge 25'. CCTV will be installed to cover key areas inside and outside of the premises with recording.

We will keep operating schedule including hours of operation and the activities during the hours.

We are committed to working with all relevant agencies and the local community.

b) The prevention of crime and disorder:

CCTV will cover both inside and outside of the premises.

We will only use door supervisors who are SIA registered, when required

Staff will be trained with how to deal with customers in a calming manner and not to engage in confrontation.

No sale of alcohol to intoxicated customers.

Promotion of vigilance to prevent the use of illegal drugs.

Staff will be trained to ask customers to use the premises in an orderly manner.

c) Public safety:

Staff will be well trained to adhere to environmental health requirements.

Emergency systems and lighting installed.

Recording or logging all relevant information relating to public safety will be kept on site and be made available for

inspection.

All vessels and kitchen ware used to serve customers will be safe and suitable for use.

Seating and tables will be safe and suitable for use, they will be positioned to leave ample room for access.

Fire exits will remain clear, as will access for emergency vehicles.

First aid kit will be available on site.

All staff handling food will be trained in line with current standards to ensure highest levels of hygiene.

Relevant cleaning procedures in place for all parts of the premises.

All areas, equipment and fittings will be kept well maintained.

d) The prevention of public nuisance:

There will be signage and staff will be trained to remind customers to exit the premises in a respectful manner to not

disrupt local residents.

Staff working early morning or late at night will keep noise to a minimum.

Deliveries will be scheduled at times to cause as least disruption where possible.

We will ensure any exterior lighting is causes no affect to neighbors.

e) The protection of children from harm:

'Challenge 25' for anyone purchasing alcohol

Staff will be well trained in checking acceptable forms of ID.

Staff will be well trained and vigilant to promote safety of children.

Other operating conditions attached to the licence (if any)

Conditions Agreed with West Mercia Police - 24 January 2018

The premises licence holder must ensure that :

- a. CCTV cameras are located within the premises to cover all public areas including all entrances and exits
- b. The system records clear images permitting the identification of individuals.
- c. The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- d. The CCTV system operates at all times while the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation.
- e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e.password protected.
- f. There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

Conditions attached to the licence after a hearing by the licensing authority

All external doors and windows must be kept closed after 11:30pm, other than for access and egress, in all rooms where amplified music or speech is taking place.

The signage to be provided by the applicant pursuant Section 18 d) of the application shall also include a statement reminding customers not to park inconsiderately and to abide to the parking restrictions.

All sales of alcohol for consumption off the premises shall be in sealed containers or served with a meal order from the premises.

Cheque No: 15/2/18 £351

Agenda Item No. 5 Appendix 2



Wyre Forest District Council

WYRE FOREST DISTRICT COUNCIL

Wyre Forest House, Finepoint Way,
Kidderminster, DY11 7WF

Tel: 01905 822799

Email: enquiries@worcsregservices.gov.uk

WORCESTERSHIRE REGULATORY
SERVICES

20 FEB 2018

Application for Grant/Renewal of a Street Amenity Permission

Highways Act 1980 Section 115F

SECTION A

(Please Tick ✓)

Application Type:

New

Renewal

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description

3-4 SEVERN SIDE SOUTH

Post town

BEWOLEY

Post code

DY12 2DX

Telephone number at premises (if any)

Part 2 - Applicant Details

Please state whether you are applying for a Street Amenity licence as

Please tick ✓

a) an individual or individuals*

please complete section
(A)

b) a person other than an individual*

i. as a limited company

please complete section
(B)

ii. as a partnership

please complete section
(B)

iii. as an unincorporated association or

please complete section
(B)

iv. other (for example a statutory corporation)

please complete section
(B)

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

First names

Please tick ✓

I am 18 years old or over

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

First names

Please tick ✓ **Yes**

I am 18 years old or over

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	THE COURTYARD BEWOLEY LTD
Address	3-4 SEVERN SIDE SOUTH BEWOLEY DY12 2DX
Registered number (where applicable)	11010571
Description of applicant (for example, partnership, company, unincorporated association etc.)	LTD COMPANY
Telephone number (if any)	
E-mail address (optional)	ANTONY@THECOURTYARDBEWOLEY.CO.UK

Nature of Business : (Please give full description on what you intend to use the area for)	RESTAURANT & GUEST HOUSE. TABLES + CHAIRS FOR FOOD + DRINKS
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Area of Highway to which application relates: (A plan showing the exact area of highway, indicating the position of the tables and chairs, must accompany this application)	FOOTPATH AS SHOWN ON MAP. THERE ARE 3 FOOTWAYS PAST THE PREMISES.
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Number of Tables: 6.....

Number of Chairs: 24.....

Width of footway available for public to pass: 5.8M + 1.9M OUTSIDE BUILDING

Day(s) and times for which Application is made	<input checked="" type="checkbox"/> Monday	from	7 AM	until	11.30pm	hours
	<input checked="" type="checkbox"/> Tuesday	from	7 AM	until	11.30pm	hours
	<input checked="" type="checkbox"/> Wednesday	from	7 AM	until	11.30pm	hours
	<input checked="" type="checkbox"/> Thursday	from	7 AM	until	11.30pm	hours
	<input checked="" type="checkbox"/> Friday	from	7 AM	until	11.30pm	hours
	<input checked="" type="checkbox"/> Saturday	from	7 AM	until	11.30pm	hours
	<input checked="" type="checkbox"/> Sunday	from	7 AM	until	11.30pm	hours

Purpose of tables and chairs
(eg eating/ drinking)

...EATING & DRINKING.....

If alcohol is to be served, is there an appropriate licence

in force for the area in question?

Yes

No

Premise Licence Number: 123456789

NB The applicant will be expected to provide the council with an indemnity in respect of any loss or damage caused by the placing of tables and chairs on the highway.

This application and the appropriate supporting documentation should be forwarded to the Licensing Section at the above address.

Please read the policy and guidance notes that accompany this application form. Failure to comply with the application procedure could result in a permission not being granted.

The following are required with this form before we can proceed with your application:

Please tick the boxes below ✓ to confirm you have sent them

- Application form (all sections completed)
- Licence fee and form sent to Licensing authority
- Plan showing the exact area of highway, indicating positions of tables & chairs
- Certificate of public liability to £5 million.
- Photos of chairs/Tables and barriers that will be used

Cash or card payments can be made with the application at the above address. Applications by post must be accompanied with the payment in the form of a cheque made payable to Wyre Forest District Council.

The process of consideration and determination of your application will normally take between four and six weeks. If the application is referred to Licensing Committee the process is likely to take longer.

SECTION B

I/We confirm that the contents of this application are true and correct.

I/We agree that if permission is granted by Wyre Forest District Council to place tables and chairs on the highway, that I/We will comply with all Acts, Bylaws, Regulations and conditions relating thereto and for the time being in force.

I/We understand that non-compliance with any relevant Acts, Bylaws, Regulations and conditions will prejudice the continuance of any permission granted.

I/We understand that the council may utilise the information contained herein for internal purposes and may disclose the information to persons or organisations in accordance with the council's registration under the Data protection act 1998.

I/We, the undersigned, hereby apply for permission to place tables and chairs on the highway within the district of Wyre Forest and I/We declare that to the best of my/our knowledge and belief the foregoing statements are true and correct.

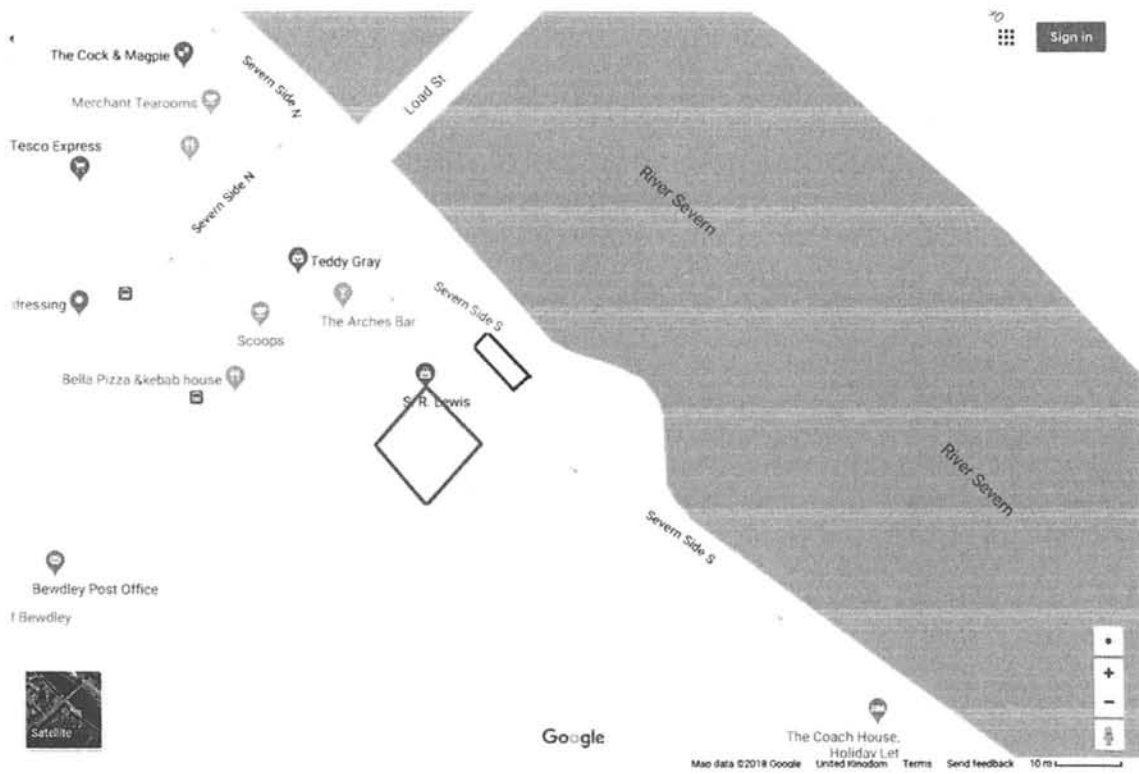
I/We understand that the permission will expire 1 year after it has first been granted and a renewal application form will need to be submitted to the local authority by the date given in the renewal reminder letter, together with the fee current at that time.

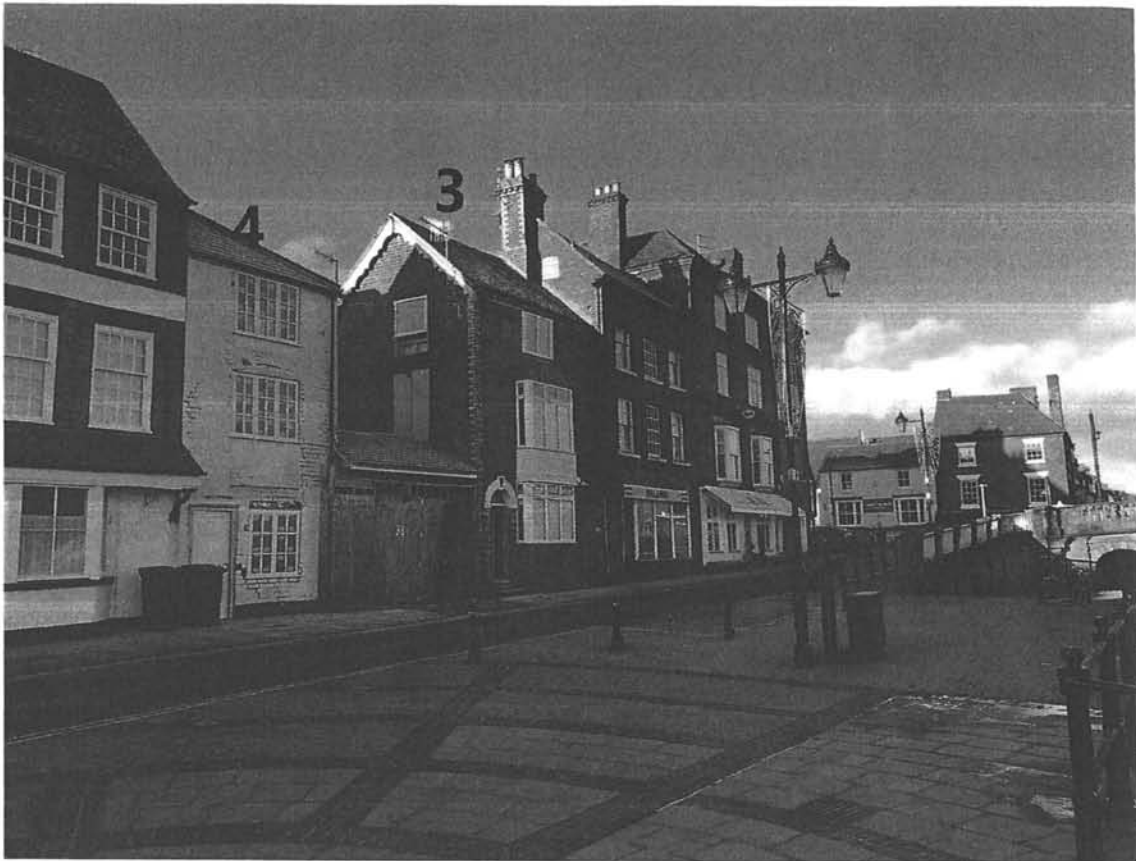
Signature of applicant(s) ANTHONY JARVIS

Name(s) in BLOCK CAPITALS

Capacity in which application is signed Company Director

Date 15/2/18





We propose 2 rows of 3 tables with 4 seats at each in the highlighted area. The area is directly in front of the 2 occupied premises.

The property is currently undergoing renovation which is set to be completed in March 2018. Please see Public Liability Quote to be taken prior to business opening. Premises licence for the sale of alcohol has been applied for.

Photos of proposed seating is provided and when are open to suggestions on whether barriers would be required/beneficial.





**Professionals
New Business Quotation Summary**

WORCESTERSHIRE REGULATORY
SERVICES
20 FEB 2018

Quotation Reference	47994896
Date of Issue	11 th February 2018
Quotation Valid Until	13 th March 2018
Proposers Name	The Courtyard Bewdley Ltd

Quote Premium	
Insurance Premium Tax	
TOTAL AMOUNT CHARGEABLE	

Business	Catering - Licensed
-----------------	---------------------

SECTION 1 : PUBLIC LIABILITY **Included**

Section Endorsements

TA03S - Excluding Mobile Snack/Catering Vans

We will not be liable in respect of any claim arising out of the use of anymobile snack vans or mobile catering vans

TA06S - Catering Exclusion

We will not be liable in respect of:

- a. the manufacture or preparation of food or drink for wholesale purposes;
- b. the supply of food or drink other than by You; or
- c. the preparation or cooking of food or drink from premises other than from a private dwelling

Indemnity Limit £5,000,000

DESCRIPTION	NO OF PEOPLE
Workers	10
Excess	Amount
Excess	£250

SECTION 2 : EMPLOYERS LIABILITY **Included**

Section Endorsements

TA03S - Excluding Mobile Snack/Catering Vans



Professionals New Business Quotation Summary

We will not be liable in respect of any claim arising out of the use of any mobile snack vans or mobile catering vans

TA06S - Catering Exclusion

We will not be liable in respect of:

- a. the manufacture or preparation of food or drink for wholesale purposes;
- b. the supply of food or drink other than by You; or
- c. the preparation or cooking of food or drink from premises other than from a private dwelling

Indemnity Limit £10,000,000

DESCRIPTION	NO OF PEOPLE
Workers	10

SECTION 3 : MONEY **Included**

DESCRIPTION	LIMIT
Money in Transit or in Bank Night Safe	£5,000
Money in Private Dwellings	£1,000

SECTION 4 : TOOLS AND BUSINESS EQUIPMENT **Not Included**

SECTION 5 : BUSINESS STOCK **Not Included**

SECTION 6 : PERSONAL ACCIDENT **Not Included**

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 needs 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 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.
- 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.

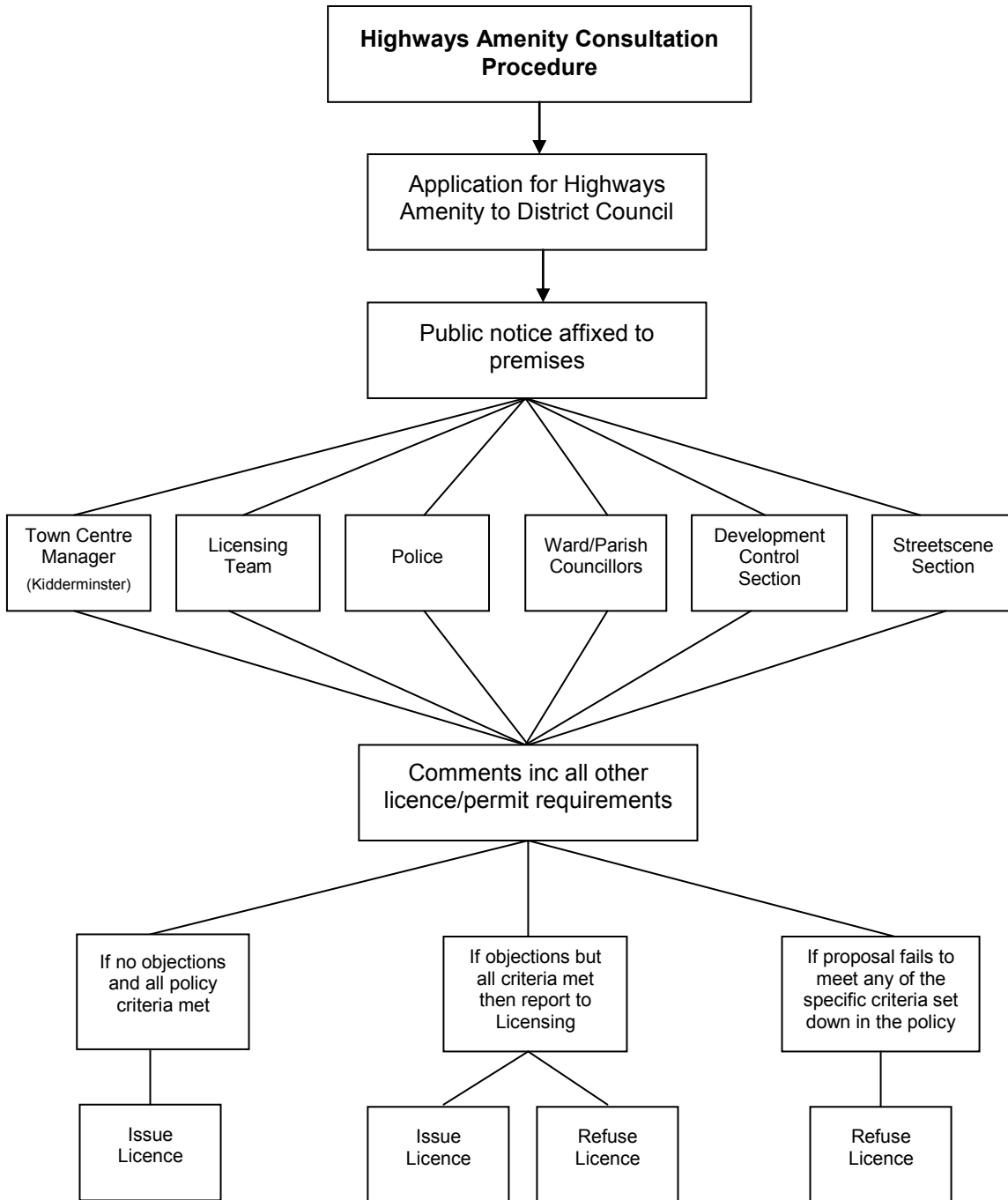
Means of Enclosure

- 25. When in use the pavement café area will normally need to be enclosed by temporary barriers to demarcate the licensed area which contains the tables and chairs. These temporary barriers should be of such design/colour, making the licensed area distinguishable for other pavement users, and particularly to assist blind and visually impaired pedestrians.
- 26. Temporary barriers should be permitted on a case by case basis. In some cases they may not be suitable.
- 27. Such temporary barriers shall be removed outside the licensed period or when the pavement café is not intending to operate within the licensed period. The materials used for such barriers should therefore be lightweight in construction and portable, but stable enough to prevent collapse if accidentally walked/stumbled into. They must also be capable of withstanding those wind conditions existing in the licensed area. Above all, such barriers should be capable of being quickly dismantled to allow access for the emergency services, if required.

28. The design of the temporary barriers should also complement the character of the surrounding area and in any event must have solid bars/elements at around 100mm and 1000mm above ground level. Rope barriers are not considered suitable, as they are not readily identifiable by the partially sighted.
29. Planters can be particularly attractive and can be used as part of the means of enclosure, but must be removed from the highway outside of licensed period.
30. In certain circumstances existing street railings may be utilised as a suitable means of enclosure.

General

31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. Any objections need to be resolved prior to the Licence being issued.
39. 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.
40. 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.



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

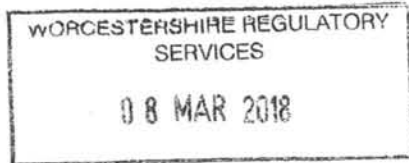
purpose must take out at the Holder(s) expense a policy of insurance approved by the Council in the sum of at least £5,000,000 in respect of any one event and must produce to the Council on request current receipts for premium payments and confirmation of annual renewals of the policy.

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.



March 2nd 2018

Re: The application for a Street Amenity License by The Courtyard Bewdley Ltd.

Dear Sir / Madam,

My wife and I are the owners of F Saracen House, 5 Severn Side South, Bewdley. We spend 3 or 4 months per year living in the flat, mostly in the summer months. We have owned the flat for 18 years. The Courtyard is at 3-4 Severn Side South.

The Courtyard wishes to place 6 tables and 24 chairs on the public highway from 7 a.m. until 11:30 p.m. seven days per week. We wish to object to this on the following grounds :

1. Severn Side South is a busy public highway for both motorised and pedestrian traffic. Placing tables and chairs in the actual road is obviously impossible. Putting them on the pavement will cause pedestrians to have to walk in the road to get by. This will prove dangerous to pedestrians. Placing 6 more tables and 24 chairs in, or next to, the area already used by 'Arches' will cause overcrowding, encroachment onto the Civic Area and increased cross street pedestrian traffic.
2. Severn Side South is a residential street. Residents in the vicinity of The Courtyard already have to put up with late night noise from customers of 'Arches' which often goes on past midnight on weekends and holidays. Allowing 24 customers of The Courtyard to sit outside, eating and drinking until 11:30 p.m. nightly, will only exacerbate the problem.
3. On consulting the Licensing Act of 2003 I find that this application raises serious concerns in the Section on Public Safety (Paras. 6.20 and 6.22) and the Section on Prevention of Public Nuisance (Paras. 6.24 and 6.28 subparas. iii, iv, viii and ix).

Thank you for considering this matter.

Yours sincerely,



Licensing,
Worcestershire Regulatory Services,
Wyre Forest House,
Finepoint Way,
Kidderminster,
DY11 7WF

From: [REDACTED]
Sent: 09 March 2018 09:25
To: WRS Enquiries
Subject: 3-4 Severnside South Bewdley
Categories: Hayley

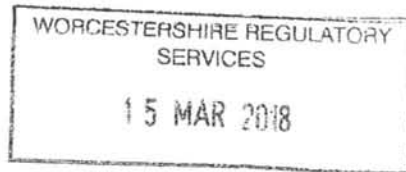
CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

We note the proposal for 6 tables and 24 chairs on the riverside at this venue. Whilst we have no objection in principle please ensure that the civic space remains a public place and the street furniture does not encroach. The bar at Arches also puts out tables and chairs on this space and our concern is for them(Arches) taking over what is a public open space.

Yours sincerely

[REDACTED]
Severnside South
Bewdley
DY12 2DX

Sent from Mail for Windows 10



High Street
Bewdley
Worcs.
DY12 2DJ

14th March 2018

Dear Sirs,

Application for Street Amenity Licence for 3-4 Severnside South B

I am one of the owners of flats at Saracen House 5 Severnside Bewdley which adjoins the property.

I oppose the application for the siting of 6 tables and 24 chairs on public land on the riverside at Severnside 7am and 11.30pm for the following reasons:

1. Severnside South is a public highway which carries considerable road and pedestrian traffic as it leads to the major car parks in the town.

Waiting staff would need to negotiate the traffic and this raises significant safety issues.

2. The area is already in use by Arches a bar on Severnside and by stalls when Bewdley has its regular street

3. Severnside is a residential area and further use of this public area will cause noise and nuisance to the residents of the area and particularly Saracen House who would be most directly affected.

Experience of Arches use of the area shows that it would be at least 30mins after service had finished before the area was cleared and the tables and chairs would then have to be removed and stored overnight and it is not clear where these items could be accommodated within the building at 3-4 Severnside.

Yours sincerely

Address

Worcestershire Regulatory Services
Wyre Forest House
Finepoint Way
Kidderminster
DY11 7WF



Bewdley
Worcestershire
DY10 1BN

12/03/2018

Licensing
Worcestershire Regulatory Services
Wyre Forest House
Finepoint Way
Kidderminster
Worcestershire
DY11 7WF

Re: The application for a Street Amenity License by The Courtyard Bewdley Ltd.

Dear Sir/Madam,

I am the owner of Flat [redacted] aracen House, 5 Severn Side South, Bewdley and have been for 30 years. The Courtyard is next door at 3-4 Severn Side South.

The Courtyard wishes to place 6 tables with 24 chairs on the public highway from 7:00am to 11:30pm seven days a week. I would like to object to this on the following grounds;

1. Severn Side South is a busy public highway for both motorised and pedestrian traffic. Placing tables and chairs in the actual road is impossible. Putting them on the pavement will mean pedestrians will have to walk in the road in order to get by. Placing 6 more tables and 24 chairs in, or next to the area already used by 'Arches' will cause overcrowding, encroachment onto the Civic Area and increased cross street pedestrian traffic.
2. Severn Side South is a residential street. Residents in the vicinity of The Courtyard already have to put up with late night noise from customers of 'Arches' which often goes on past midnight on weekends and holidays. Allowing 24 customers of The Courtyard to sit outside, eating and drinking until 11:30pm nightly will only exacerbate this problem.
3. On consulting the Licensing Act of 2003 I find that this application raise serious concerns in the Section on Public Safety (Paras 6.20 and 6.22) and the Section on Prevention of Public Nuisance (Paras 6.24 and 6.28 subparas iii, iv, viii and ix)

Thank you for your time and considering this matter.

Yours sincerely

WORCESTERSHIRE REGULATORY
SERVICES
15 MAR 2018

High Street
BEWDLEY
DY12 2DN

14th March 2018

Licensing
Worcestershire Regulatory Services
Wyre Forest House
Finepoint Way
KIDDERMINSTER
DY11 7WF

Dear Sirs,

Street Amenity License Application – The Courtyard, 3-4 Severn Side South, Bewdley, DY12 2DX

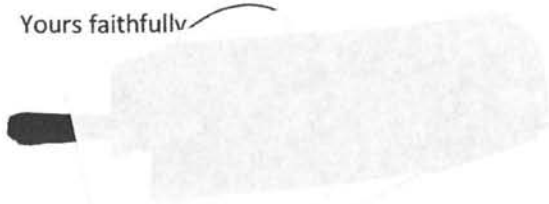
I write with reference to the application by a newly licensed premises on Severnside South, Bewdley, (which will be known as 'The Courtyard') for the use of the highway and associated amenity hardstanding as a part and extension of their premises, on which the applicant proposes to place a significant number of tables and chairs for the use of their customers.

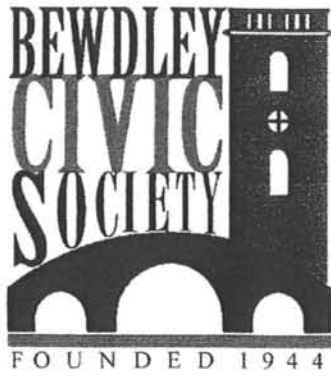
The businesses on Severnside North have used this opportunity to the point where they have come to rely on it financially. There, it is an irritant at busy times, just falling short of being a nuisance, but the same dispensation on the Southside, where both 'The Arches' and the new business open directly on to a thoroughfare which carries a significant weight of motor traffic, constitutes a threat, which will be aggravated because these two businesses will, in effect, be in competition to annexe as much as possible of what is essentially a public good for their peculiar advantage in areas which, for all practical purposes, are unsupervised. This has the potential to create disagreement and even possible conflict.

I would suggest that these expensively-created amenity areas, which now constitute a public space, should never be gifted in this way, and that if businesses need those areas to be profitable, they should be licensed at some cost for the privilege of using them. It appears that the license to operate in this way is currently subject to approval and the payment of a one-off fee, though it has been suggested that the 'Arches' bar has never formally followed this procedure. Many of the surfaces in this area have deteriorated and are in need of repair, so some subventions from the businesses involved would be welcome.

I would add that the practise of blocking the pavements on the pavement opposite the Arches, next to the Bridge balustrade with tables and chairs is dangerous and illegal, and should not be allowed under any circumstances.

Yours faithfully





[REDACTED]
BEWDLEY DY12 2HA
Tel: 01299 405939
Email: [REDACTED]

[REDACTED]
BEWDLEY DY12 2JY
Tel: [REDACTED]
Email: [REDACTED]

[REDACTED]
High St BEWDLEY DY12 2DN
Tel: 01299 403939
Email: [REDACTED]



14th March, 2018

Licensing
Worcestershire Regulatory Services
Wyre Forest House
Finepoint Way
KIDDERMINSTER
DY11 7WF

Dear Sirs

The Courtyard Bewdley Ltd, 3-4 Severn Side South, Bewdley, DY12 2DX
Application for a Street Amenity License to be Granted for 6 Tables and 24 Chairs
Everyday between 07:00 hrs and 23:30 hrs

I am writing on behalf of Bewdley Civic Society to object to the granting of the above license between the hours for which it has been applied.

The site in question is in a residential area with both houses and apartments immediately overlooking the amenity area and the noise generated from a crowd of 24 people at unsocial hours would cause residents severe disturbance. The Civic Society is of the view that 10:00 hrs to 22:00 hrs would be more reasonable for the use of outdoor tables in such an area.

Yours faithfully
BEWDLEY CIVIC SOCIETY

[REDACTED]
[REDACTED]
Hon Secretary




Registered Charity No. 700898

Reference Number: 18/01019/STREAM

'The Courtyard', 3-4 Severnside South, Bewdley, DY12 2DX.

Dear Regulatory Services, Worcester.


Saracen House,
5 Severnside South,
Bewdley,
Worcestershire.

I very strongly object to the Street Amenities License that is being being proposed for 'The Courtyard', 3-4 Severnside South, Bewdley.

After inspection of the plan regarding this License, **the plan is not clearly defined!** -- **there are no building numbers indicated on this plan.** So I can not clearly understand whether these tables and chairs will be placed in-front of my building (5 Severnside South). From the plan, it is evident that these amenities will be placed on the river side of the Severnside South Highway.

'The Arches' restaurant has tables and chairs on the river side of the highway and in-front of 'The Courtyard' already! How are they both to be accommodated without The Courtyard's proposed Amenities ending up in front of my property? I have enquired with your Council and I was informed that The Arches does not have a Street Amenities License! Why is this allowed to happen?

After consulting, the Street Amenities Licensing web page for Wyre Forest District Council <http://www.wyreforestdc.gov.uk/business-and-work/licensing/street-amenities.aspx> and Part VIIA - Provision of Amenities on Certain Highways, Highways Act 1980 <http://www.legislation.gov.uk/ukpga/1980/66/part/VIIA>

It is clear that **permission has to be obtained from adjacent premises/affected frontages before this Street Amenities License can granted!**

Part VIIA - Provision of Amenities on Certain Highways, Highways Act 1980.

115E Execution of works and use of objects etc. by persons other than councils.

(2)A council may not grant a person permission under subsection (1)(a) above to place an object or structure on, in or over a highway to which this Part of this Act applies—

(a)for a purpose which will result in the production of income; or

(b)for the purpose of providing a centre for advice or information,unless they have first obtained the consent

of the frontagers with an interest—

(i)to the placing of the object or structure;

(ii)to the purpose for which it would be placed; and

(iii)to the proposed grant of permission.

where **"frontagers"** is defined in **115A (7)** as follows:

115A

(7)In this Part of this Act "frontagers" means the owners and occupiers of any premises adjoining the part of a highway on, in or over which an object or structure would be placed or on which

Agenda Item No. 5 Appendix 4

facilities for recreation or refreshment or both have been, are being or would be provided; but frontagers have an interest under this Part of this Act only in proposals to place objects or structures or provide or operate facilities wholly or partly between their premises and the centre of the highway.

I obviously object and do not give willing consent for these amenities (tables and chairs) to be placed in my view and in front of my building, 5 Severnside South.

I have bought my property and **I do not consider it is fair for my view of the river to be blighted by another properties tables and chairs.**

I understand that consideration has to be given to **ensure that adequate space is available for the safe and free movement of all highway users**, and that consideration is given to **the location of the amenity in terms of possible noise disturbance for local residents and nearby shops and offices.**

I feel that tables and chairs placed in-front of my property would cause a noise disturbance to my residential building.

I feel that **waiters carrying food and drinks across the road to the tables would endanger highway safety.** I understand this license being granted on the same side of the highway as 'The Courtyard', if there was adequate available space (which is not the case), but the license being granted for the other side of the highway is clearly stupid and dangerous.

This amenity would adversely affect highway safety and would significantly reduce residential amenity.

I believe, the **placement of this amenity would not preserve or enhance the character or appearance of this conservation area along the River Severn in Bewdley Town and this is extremely close to the Grade 1 listed bridge.**

I believe this amenity would cause litter to be directly deposited into the river itself and this would be visible from the listed bridge.


As a general summary of the related Highway Amenity law:

(1) The Licensing Authority does not consider any planning permissions in issuing these permits as Licensing and Planning are two separate regimes. To place the tables and chairs legally on the highway, you should have both these permissions in place.

(2) As well as a Highways Amenities License, separate and Full Planning Permission is required in most cases for the use of the highway for the stationing of tables and chairs and other facilities.

(3) Where any of the proposed furniture includes advertisements (e.g. advertisements on parasols), separate advertisement consent is likely to be required from the Local Planning Authority.

I do not believe, either the Planning Permission or the Street Amenities License should be granted without first consulting Bewdley Town Councillors.

With regards 

John Davies

From: Bewdley Town Clerk
Sent: 21 February 2018 15:06
To: John Davies
Subject: RE: The Courtyard Street Amenity Application

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

Dear John

The area proposed for this street amenity license is covered by the Town Council's premises license for the town centre and is used for the town's twice monthly market.

On this basis, the Town Council object to this application.


Kind regards

Town Clerk




25(A) Load Street, Bewdley, DY12 2AE
Tel: 01299 400157
www.bewdleytowncouncil.org

Bewdley Town Clerk

 Please don't print this email unless you need to.

From: [REDACTED]
Sent: Wednesday, February 21, 2018 2:48 PM
To: [REDACTED]
Subject: The Courtyard Street Amenity Application

[REDACTED]
Wyre Forest District Council
01562 732763
Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire, DY11 7WF
Louisa.Bright@wyreforestdc.gov.uk

 Please don't print this email unless you need to.

From: John Davies

The Courtyard
3-4 Severn Side South
Bewdley
DY12 2DX

The attached is an application for street amenity permissions at the above location.
Should you wish to comment or make a representation the determination period ends on 15th March 2018.

John Davies

Technical Officer

Tel: 01905 822799

Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire, DY11 7WF

Fax: 01562 745516

E-mail: John.Davies@worcsregservices.gov.uk

Web: <http://www.worcsregservices.gov.uk/>

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WYRE FOREST DISTRICT COUNCIL**LICENSING AND ENVIRONMENTAL COMMITTEE****11 June 2018****Application for the grant of a Street Amenity Licence at Archers Bar, Bewdley.**

OPEN	
DIRECTOR:	Head of Worcestershire Regulatory Services on behalf of Wyre Forest District Council
CONTACT OFFICER:	Natalie Graham – 01905 822799 natalie.graham@worcestershire.gov.uk
APPENDICES:	Appendix 1 – Premises Licence Appendix 2 – Application Appendix 3 – Objections from Public Appendix 4 – Representation Place Co-Ordinator Appendix 5 – Representation Town Council Appendix 6 – Representation Conservation Officer Appendix 7 – Representation Historic England Appendix 8 - Policy

1. PURPOSE OF REPORT

To determine an application to grant a Street Amenity Licence to Archers Bar, 1 Severn Side South, Bewdley, Worcestershire, DY12 2DX.

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 Archers bar is located on the riverside in Bewdley Town Centre.

3.2 The premises hold a Premises Licence granted under the Licensing Act 2003 to conduct business as a public house. (*Appendix 1*)

3.3 A public notice was posted on the premises.

4. **KEY ISSUES**

The Application (*Appendix 2*)

- 4.1 The application to grant a Street Amenity Licence seeks to permit:
- 15 Tables and up to 44 benches that will sit up to a total of 72 people between the hours of 00.00 – 00.00
 - All furniture will be located at the front of the premises and a distance of 1.5 metres will be left on the pavement for pedestrians.

Members should be aware that a number of features of this application fall outside policy namely;

- The proposed times as per point 35 of the Policy (*Appendix 8*)
 - The fixed benches as per point 19 of the Policy (*Appendix 8*)
 - Type of barrier suggested are not suitable as per point 27 (*Appendix 8*)
- 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 In September 2017 a complaint was received that the premises were placing chair on either side of the footpath. Advice was issued in relation to this and no further complaints are recorded.

Objection

- 4.4 Representations have been made by three members of the public on the following grounds (*Appendix 3*):
- Loss of public amenity
 - Safety hazard due to close proximity of a corner where vehicles are faced with pedestrians crossing with drinks and/or drinking in the road.
 - Obstruction of walkway

Relevant Representations

- 4.5 Representation has been made by the Wyre Forest District Council Place Co-Ordinator on the grounds of increased litter and potential for smashed glass in the footpath area. A request was made that the premises sought additional bin capacity, implemented a cleansing regime and measures to avoid broken glass on the footpath (*Appendix 4*)
- 4.6 As a result of the consultation to the Street amenity application Bewdley Town Council have made the recommendation that chairs and tables are not placed on the footway as planned for highway safety reasons and that the remaining tables and chairs on the riverside would be removed at 9.00pm. (*Appendix 5*)
- 4.7 The Development Manager at Wyre Forest District Council passed on responses from both Wyre Forest District Council's Conservation Officer and Historic England. The Conservation Officer makes the following comments (*Appendix 6*):
- Views of the bridge would become obscured.
 - The tables and seating would introduce alien features to the conservation area that will harm the appreciation of the setting.
 - Access for maintenance and cleaning would be prevented.

- The stone above the seating area is eroded to such an extent there may be safety risk from falling stone and vehicles.

4.8 The comments of the Conservation Officer were supported by Historic England, who also feel that this part of the bridge is severely eroded and that proposed protective barrier is not suitable for the setting of this bridge. They are of the opinion that the scheme could cause serious harm to the setting and significance of the bridge. (*Appendix 7*)

4.9 No comments were received from the Police or Worcestershire County Council Highways Department.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising from this report.

6. LEGAL AND POLICY IMPLICATIONS

6.1 The Sub-Committee is obliged to determine this application in accordance with the Highways Act, 1980 and the Wyre Forest District Council Public Realm and Streetscene (Control of Street Furniture) Policy and Conditions for Highways Amenities Licences.

6.2 In making its decision the Licensing Committee must have regard to the Councils Policy for Control of Street Furniture. (*Appendix 8*)

6.3 The Sub-Committee must also have regard to the representations made and the evidence it hears.

6.4 Members are reminded that under the terms of the Policy failure of the proposal to meet any of the specific criteria set down in the Policy will result in refusal of the proposal. The power to issue Highway Amenity Licences is delegated to Wyre Forest District Council by Worcestershire County Council and must be exercised within the terms of the Policy. As such any approval outside of the Policy would require an approval from Worcestershire County Council.

6.5 Members are further reminded that some areas of the District may be more appropriate for street furniture than others and that each application should be considered on its own merits in accordance with the Policy.

6.6 When Considering the application Members are reminded that the Policy states 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.

6.7 The Sub-Committee must take such of the following steps as it considers appropriate:

- (a) Allow the application to be granted
- (b) Refuse the application

6.8 All parties to the hearing will be notified of the Sub-Committee's decision in writing within five working days of the conclusion of the hearing.

- 6.9 Neither the Highways Act 1980 nor the Policy provide a right to appeal against the decision of the Committee in these matters.
- 6.10 The hearing should be conducted in accordance with the agreed procedure for Licensing Committees.

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 objections from the Place Co-Ordinator, Historic England, Wyre Forest District Council's Conservation Officer, members of the public and the recommendation of Bewdley Town Council.

10. CONSULTEES

- 10.1 Solicitor to the Council, Legal Services.

11. BACKGROUND PAPERS

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



Licensing Act 2003 Record of Licence

Premises Licence Number

WK/201001021

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

The Arches
1 Severn Side South
Bewdley
Worcestershire
DY12 2DX

Where the licence is time limited, the dates

Not applicable

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

Activity	Days	From	To	Indoors/Outdoors
Playing of Recorded Music	Everyday	09:00	- 01:00	Indoors
Sale of Alcohol	Everyday	09:00	- 01:00	

Non-standard timings

Hours extended from start of permitted hours New Year's Eve to end of permitted hours New Year's Day.

The opening hours of the premises

Days	From	To
Everyday	08:00	- 01:30

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

Alcohol is supplied for consumption on the premises

Name of premises licence holder

Grenadier Holdings

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

Alan Preece

Mandatory conditions attached to the licence

The making and authorisation of alcohol sales

No supply of alcohol may be made under the premises licence—

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

Irresponsible alcohol promotions

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

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

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

Provision of free potable water

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

Age verification policy for the sale or supply of alcohol

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

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

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

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

Availability of small measures of alcohol

The responsible person must ensure that—

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

Permitted price of alcohol

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

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

where—

P is the permitted price,

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

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

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

Agenda Item No. 6 Appendix 1

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

Conditions attached to the licence consistent with the relevant Operating Schedule

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

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

CCTV fitted to all public areas including outside.

c) **Public safety:**

d) **The prevention of public nuisance:**

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

Other operating conditions attached to the licence (if any)

Conditions attached to the licence after a hearing by the licensing authority



WYRE FOREST DISTRICT COUNCIL
 Wyre Forest House, Finepoint Way,
 Kidderminster, DY11 7WF
 Tel: 01905 822799
 Email: enquiries@worcsregservices.gov.uk

**Application for Grant/Renewal of a
 Street Amenity Permission**
 Highways Act 1980 Section 115F

SECTION A

(Please Tick ✓)

Application Type:

New Renewal

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

ARCHES BAR.
 1 SEVEN SIDE SOUTH
 BEWOLLY 1

Post town BEWOLLY.

Post code DY12 2DX

Telephone number at premises (if any)

07500 754 143.

Part 2 – Applicant Details

Please state whether you are applying for a Street Amenity licence as

Please tick ✓

a) an individual or individuals*

please complete section (A)

b) a person other than an individual*

i. as a limited company

please complete section (B)

ii. as a partnership

please complete section (B)

iii. as an unincorporated association or

please complete section (B)

iv. other (for example a statutory corporation)

please complete section (B)

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

First names

Please tick ✓

I am 18 years old or over

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

First names

Please tick ✓ **Yes**

I am 18 years old or over

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Nature of Business : (Please give full description on what you intend to use the area for)	
--	--

Area of Highway to which application relates: (A plan showing the exact area of highway, indicating the position of the tables and chairs, must accompany this application)	
---	--

Number of Tables:15..... **Number of Chairs:**

Width of footway available for public to pass:1200mm:.....

Day(s) and times for which	<input checked="" type="checkbox"/>	Monday	from		until		hours
Application is made	<input checked="" type="checkbox"/>	Tuesday	from		until		hours
	<input checked="" type="checkbox"/>	Wednesday	from		until		hours
	<input checked="" type="checkbox"/>	Thursday	from	24 HRS	until	24 HRS	hours
	<input checked="" type="checkbox"/>	Friday	from		until		hours
	<input checked="" type="checkbox"/>	Saturday	from		until		hours
	<input checked="" type="checkbox"/>	Sunday	from		until		hours

Purpose of tables and chairs
(eg eating/ drinking)

..... DRINKING

If alcohol is to be served, is there an appropriate licence in force for the area in question?

Yes No Premise Licence Number:.....

NB The applicant will be expected to provide the council with an indemnity in respect of any loss or damage caused by the placing of tables and chairs on the highway.

This application and the appropriate supporting documentation should be forwarded to the Licensing Section at the above address.

Please read the policy and guidance notes that accompany this application form. Failure to comply with the application procedure could result in a permission not being granted.

The following are required with this form before we can proceed with your application:

Please tick the boxes below ✓ to confirm you have sent them

- Application form (all sections completed)
- Licence fee and form sent to Licensing authority
- Plan showing the exact area of highway, indicating positions of tables & chairs
- Certificate of public liability to £5 million.
- Photos of chairs/Tables and barriers that will be used

Cash or card payments can be made with the application at the above address. Applications by post must be accompanied with the payment in the form of a cheque made payable to Wyre Forest District Council.

The process of consideration and determination of your application will normally take between four and six weeks. If the application is referred to Licensing Committee the process is likely to take longer.

SECTION B

I/We confirm that the contents of this application are true and correct.

I/We agree that if permission is granted by Wyre Forest District Council to place tables and chairs on the highway, that I/We will comply with all Acts, Bylaws, Regulations and conditions relating thereto and for the time being in force.

I/We understand that non-compliance with any relevant Acts, Bylaws, Regulations and conditions will prejudice the continuance of any permission granted.

I/We understand that the council may utilise the information contained herein for internal purposes and may disclose the information to persons or organisations in accordance with the council's registration under the Data protection act 1998.

I/We, the undersigned, hereby apply for permission to place tables and chairs on the highway within the district of Wyre Forest and I/We declare that to the best of my/our knowledge and belief the foregoing statements are true and correct.

I/We understand that the permission will expire 1 year after it has first been granted and a renewal application form will need to be submitted to the local authority by the date given in the renewal reminder letter, together with the fee current at that time.

Signature of applicant(s)

Name(s) in BLOCK CAPITALS ALAN PREECE

Capacity in which application is signed LICENCEE

Date 17.4.18

DUPLICATE
WYRE FOREST DC
EVENTS

ICC

SALE AMOUNT	£369.00
TOTAL	£369.00

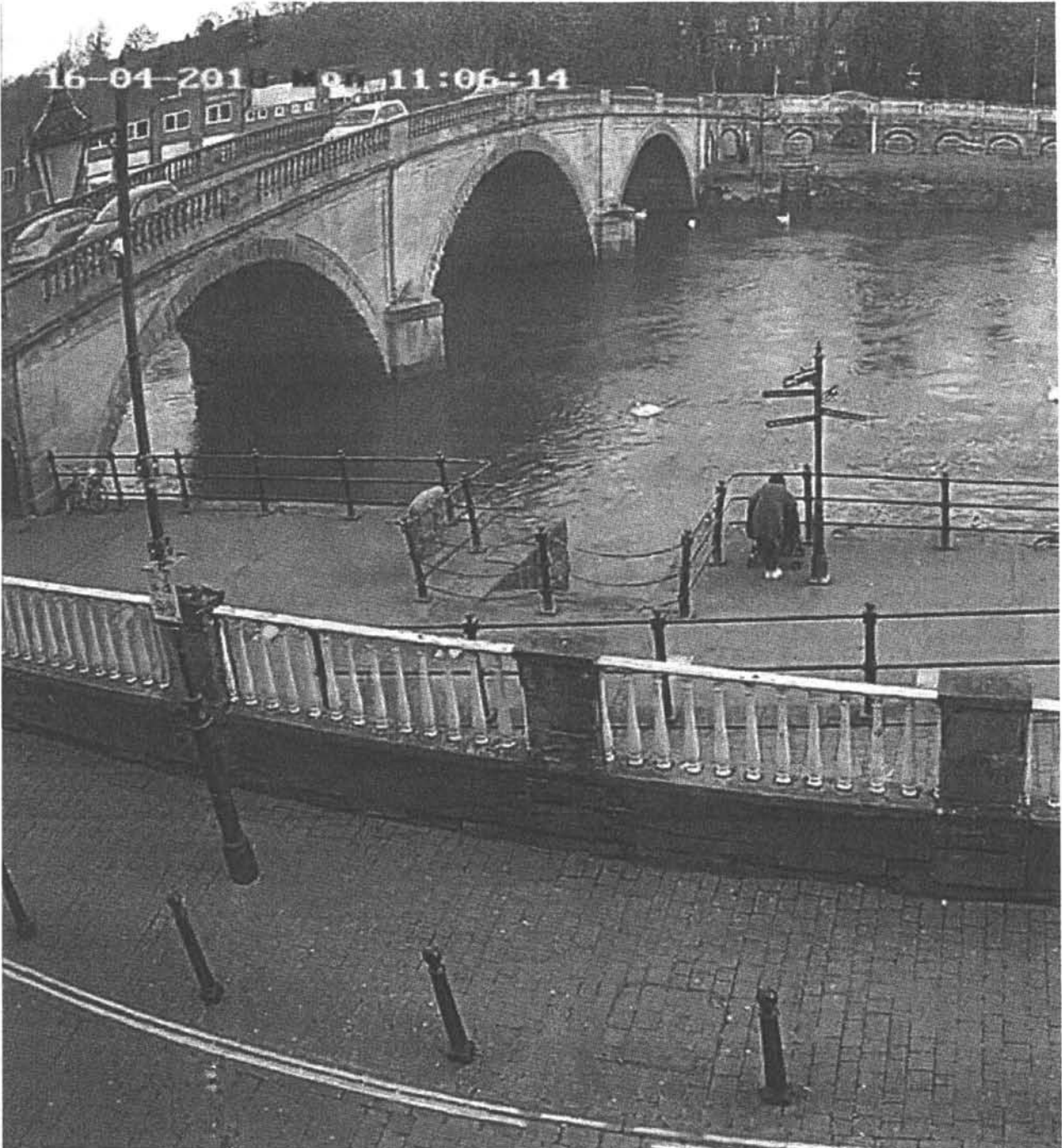
PIN VERIFIED
Thank You

PLEASE RETAIN RECEIPT

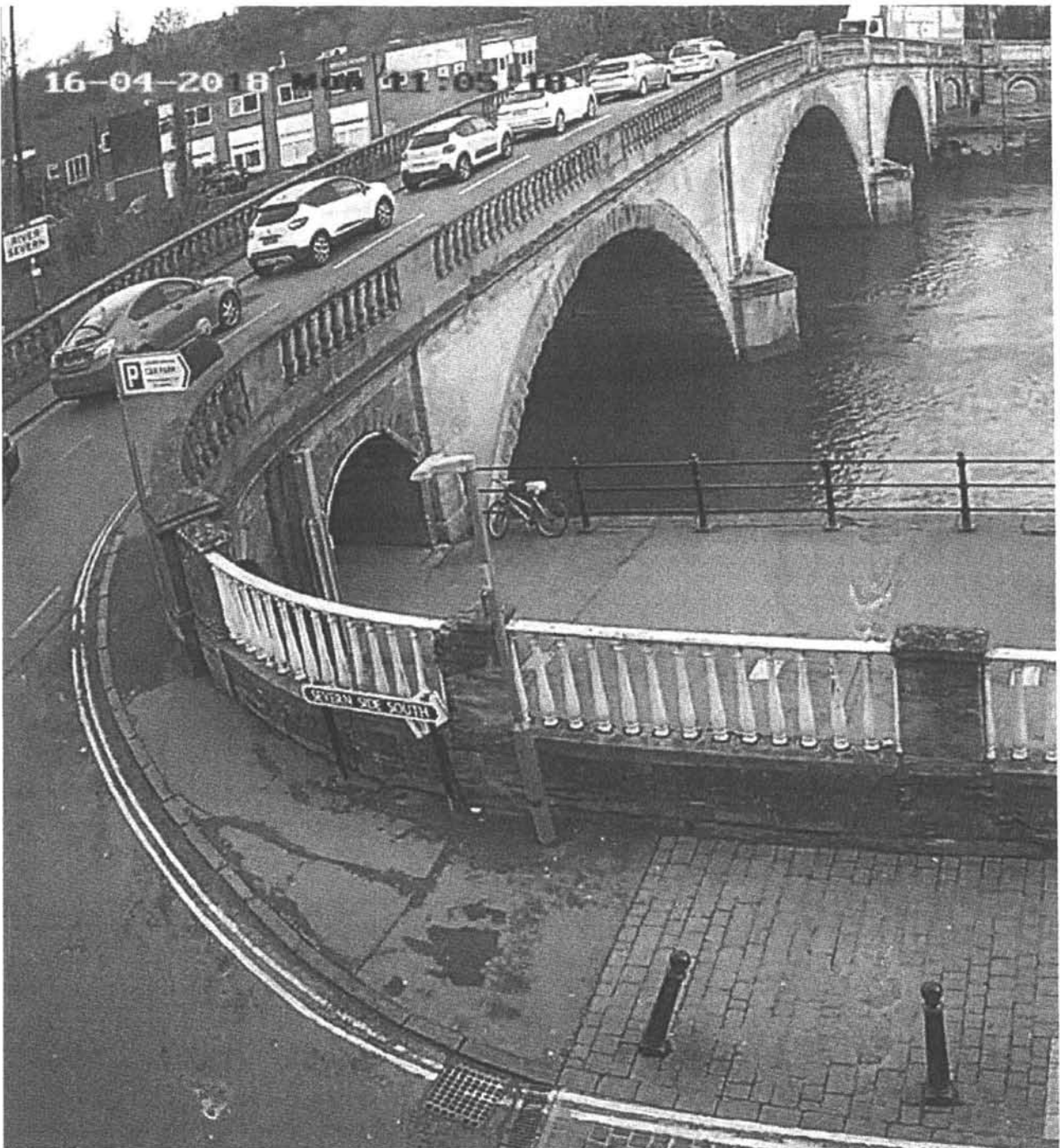
Mill House Clinics

From:
Sent: 16 April 2018 13:22
To:

uk]







Sent from my iPhone

Mill House Clinics

From:
Sent: 16 April 2018 13:36
To:



Sent from my iPhone

Mill House Clinics

From:
Sent: 16 April 2018 13:37
To:



Sent from my iPhone

Natalie Graham

From: . . .
Sent: 30 April 2018 15:57
To: WRS Enquiries
Subject: Licensing application

Categories: Licensing

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

Hello

I understand that an application has been made by the licensee of Arches bar, Severnside South, Bewdley, for placing tables and/or chairs on the pavement on the pavement in front of this bar. Can you please let me know if that is the case and, if so, how to make a formal objection? Can you also please tell me what actions would need to be taken to effect changes in any current license that allows external seating in the area of Arches and the new establishment soon to opened nearby? What can be done to effect changes in current licences?

Arches has, for too long, been placing tables and chairs on public space alongside the river on Severnside South. This represents a loss of amenity to residents and visitors who wish to enjoy the river without purchasing food or drinks from this establishment. It also create a high risk of a traffic accident as cars come round the corner, often to face customers carrying drinks, or even drinking in the street. In my view, no license should be given to allow commercial use of the public space alongside the river, whether for Arches or the new business that is soon to open there.

If Arches has applied for siting tables and/or chairs on the pavement I would wish to object strongly to this. As indicated above, this would be a loss of public amenity, as well as a severe safety hazard, not only for the customers of the bar, but also for pedestrians who try to move along the pavement and who will, inevitably, be forced on to the road. For this reason, the benches currently sited o the pavement should be removed.

Thanks and best 3ishes

Natalie Graham

From: noreply@wyreforestdc.gov.uk
Sent: 29 April 2018 10:37
To: WRS Enquiries
Subject: Licensing and Registration Contact form was submitted

Categories: Hayley, Licensing

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

Licensing and Registration Contact Form has been submitted. Please respond using the contact details below.

Please do not reply directly to this email.

Thank you.

Name:

Contact details (phone or email):

Type of licence/registration you are enquiring about:

Street furniture, Arches Severnside South Bewdley

How can we help?:

We understand that Arches is applying for a licence for the placing of tables and chairs on the footpath across the road from his premises, and also on the lower level near the bridge. The licensee has historically put tables and chairs on the footpath and this is a very dangerous practice. Anyone walking across the bridge and turning left into Severnside South must be free to negotiate the path with or without pushchairs, wheelchairs etc. Customers crossing the road with alcohol have been aggressive towards drivers turning left from the bridge. We have had our car door handle torn off by a drunk. We object strongly to street furniture on the footpath. We do not object so strongly about tables being placed on the lower level as long as he does not obstruct pedestrians. There are also 2 benches outside the premises, people sitting with feet sticking out and smoking also obstructs the walkway

Natalie Graham

From:
Sent: 30 April 2018 10:27
To: John Davies
Subject: RE: Street Amenities Application

Morning John

Yes, please treat my comments as an official representation

Regards

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

From: John Davies
Sent: 30 April 2018 09:28
To: Sarah Davis
Subject: RE: Street Amenities Application

Sarah
Thank you for your response.
Do you want us to treat your comments as an official representation.

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

From: Sarah Davis
Sent: 27 April 2018 10:08
To: John Davies
Cc: :
Subject: RE: Street Amenities Application

Morning John,

I would have concerns in relation to increased litter and potential for smashed glass in this well used footpath area, it would be good to see them looking to supply additional bin capacity and agreement from Archers Bar to provide cleansing provisions along with measures to avoid broken glass on the footpath

Regards

Place Co-ordinator
Wyre Forest District Council
01562 73
Green Street Depot, Green Street, Kidderminster, Worcestershire, DY10 1HA Sarah.Davis@wyreforestdc.gov.uk

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

From: John Davies
Sent: 24 April 2018 14:06
To: Highways Authority; Louisa Bright; Planning & Technical; Sarah Davis; Steve Brant; 'NorthWorcsLicensing@westmercia.pnn.police.uk'
Subject: Street Amenities Application

Archers Bar
1 Severn Side South

Natalie Graham

From: Bewdley Town Clerk
Sent: 14 May 2018 15:32
To: John Davies
Cc: Peter Michael
Subject: RE: Street Amenities Application

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

Dear John

The Town Council’s Planning and Licensing Committee met and discussed this application on the 2nd May 2018.

The Minute of the meeting is as follows:

Licensing

(a) An application from the Arches Bar to place tables and chairs on the riverside and on the footway opposite the premises on Severnside South was received.

It was **AGREED** that Committee would **support** the application with the following conditions:

1. That chairs and tables are **not placed on the footway** as planned for highway safety reasons;
2. That the remaining tables and chairs on the riverside would **be removed at 9.00pm** so as not to attract anti-social behaviour overnight.

The Committee also pointed out that the area is used for the town’s market on the first and third Monday in the month and on bank holidays.

I would be grateful if we could be notified if there is to be a hearing and the date of the hearing.

Town Clerk



25(A) Load Street
 Bewdley
 DY12 2AE
 01299 400157
www.bewdleytowncouncil.org

Bewdley Town Clerk

 Please don't print this email unless you need to.

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

From: John Davies

Natalie Graham

From: Paul Round
Sent: 01 May 2018 08:31
To: John Davies
Cc: Peter Bassett
Subject: FW: Street Amenities Application Bewdley Bridge
Attachments: John Davies_1333_24-04-2018.pdf; Archers Street Amenity.jpg; DSC_4730.jpg; DSC_4729.jpg
Importance: High

John

See comments below from the District Council's Conservation Officer.

Paul;

Development Manager
Wyre Forest District Council
01562
Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire, DY11 7WF
Paul.Round@wyreforestdc.gov.uk

From: Peter Bassett
Sent: 30 April 2018 17:31
To: Paul Round
Cc:
Subject: FW: Street Amenities Application Bewdley Bridge
Importance: High

Dear Paul

I have some serious reservations about this proposal.

1. The proposed seating area is immediately adjacent to the Grade I listed bridge and it will sit on the Grade II listed quay walls. Unlike the seating to the north of the bridge (which is remote due to the adjacent roadway) this proposal is place seating right underneath the bridge abutments.
2. I consider that to introduce this seating will, for the commercial gain of one licensed premises, almost permanently obscure clear views of the bridge abutments for everyone visiting Bewdley.
3. The bridge is the most significant building within the Bewdley Conservation Area. The proposal introduces features alien to its setting and will harm the appreciation of its setting. There are no public benefits to mitigate this harm.
4. The bridge is "at risk" on Historic England's Heritage at Risk Register. It is the most high profile building at risk within the District. Provision of seating so close to the bridge may prevent easy access for routine day to day maintenance and cleaning down of vegetation undertaken either by the Parish Lengthsman or the County's Contractors.

Agenda Item No. 6 Appendix 6

5. The stone balustrading piers above the proposed seating area are badly eroded. This is probably the most eroded section of the bridge. The County are aware of this and there have been numerous visits to site with Historic England to try to secure repairs to this area of the bridge in the past.
6. The balustrading is not robust: it is not immune to demolition by vehicular traffic (as exemplified recently on the corresponding north east bridge abutment). In that case a car (not a lorry or a bus) has recently completely demolished the stone balustrading and then fell onto the ground below. (see photos below).
7. The seating area in this proposal is in precisely the same trajectory for falling vehicles and/or masonry. In this specific location there is an even less robust cast-iron handrail which may offer little resistance to a vehicular collision.
8. The County Council may wish to assess the risk to anyone sitting on the proposed seating and consider whether it is thus higher than those seating areas to the north of the bridge due to the seating being in closer proximity to the bridge and the trajectory of falling vehicles/masonry/metal railings.
9. I urge the District Council to raise these matters with the County Council and specifically the Highways Department.



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Natalie Graham

From: Paul Round
Sent: 02 May 2018 15:11
To: John Davies
Subject: FW: Street Amenities Application Bewdley Bridge

Comments from Historic England below -

Paul Round
Development Manager
Wyre Forest District Council
01562 732516 / 07872 423016
Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire, DY11 7WF
Paul.Round@wyreforestdc.gov.uk

From: Byrne, Katriona [mailto:Katriona.Byrne@HistoricEngland.org.uk]
Sent: 02 May 2018 15:07
To: Peter Bassett; Paul Round
Subject: RE: Street Amenities Application Bewdley Bridge

Hi Peter

I agree with you. This part of the bridge is severely eroded and needs repair. The proposed protective barrier is not suitable for the setting of this bridge. The scheme could cause serious harm to the setting and significance of the bridge.

Regards

Katriona.

Inspector of Historic Buildings and Areas
Planning Group
Direct Line: 0121 625 6256 Mobile: 07946 34343

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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 needs 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 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.
- 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.

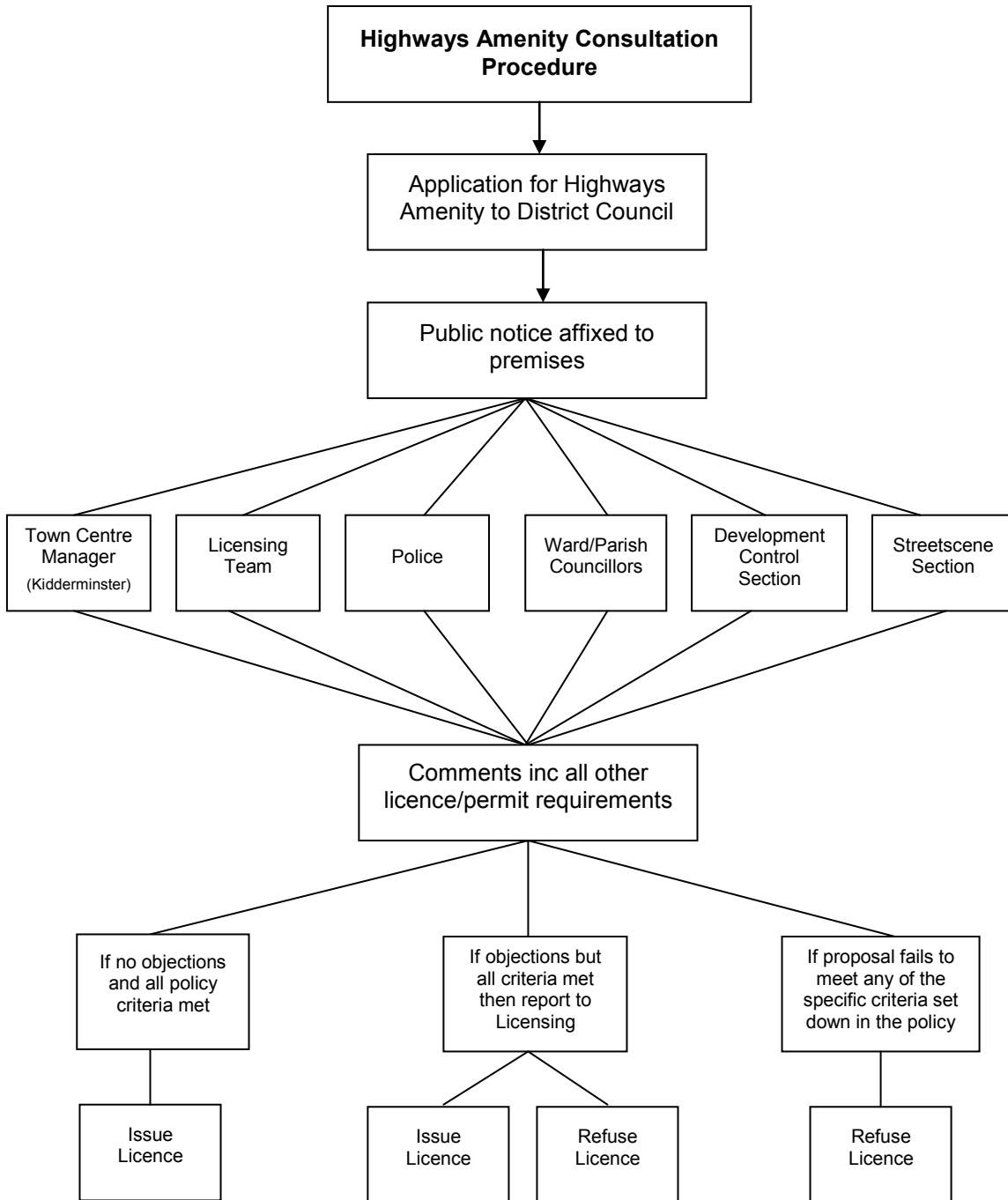
Means of Enclosure

- 25. When in use the pavement café area will normally need to be enclosed by temporary barriers to demarcate the licensed area which contains the tables and chairs. These temporary barriers should be of such design/colour, making the licensed area distinguishable for other pavement users, and particularly to assist blind and visually impaired pedestrians.
- 26. Temporary barriers should be permitted on a case by case basis. In some cases they may not be suitable.
- 27. Such temporary barriers shall be removed outside the licensed period or when the pavement café is not intending to operate within the licensed period. The materials used for such barriers should therefore be lightweight in construction and portable, but stable enough to prevent collapse if accidentally walked/stumbled into. They must also be capable of withstanding those wind conditions existing in the licensed area. Above all, such barriers should be capable of being quickly dismantled to allow access for the emergency services, if required.

28. The design of the temporary barriers should also complement the character of the surrounding area and in any event must have solid bars/elements at around 100mm and 1000mm above ground level. Rope barriers are not considered suitable, as they are not readily identifiable by the partially sighted.
29. Planters can be particularly attractive and can be used as part of the means of enclosure, but must be removed from the highway outside of licensed period.
30. In certain circumstances existing street railings may be utilised as a suitable means of enclosure.

General

31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. Any objections need to be resolved prior to the Licence being issued.
39. 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.
40. 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.



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.