

Open

Licensing Sub Committee

Agenda

**10.30am
Tuesday, 28th May 2019
Kidderminster/Rock Room
Wyre Forest House
Finepoint Way
Kidderminster**



Licensing Sub Committee

Members of Committee:

**Councillor I Hardiman
Councillor M Rayner**

Councillor F Oborski MBE

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

Wyre Forest District Council

Licensing Sub Committee

Tuesday, 28th May 2019

Kidderminster/Rock Room, 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.	Application for the Grant of a Premises Licence To receive a report from the Head of Worcestershire Regulatory Services which asks the Committee to consider and determine an application for grant of a premises licence in respect of The Retreat, 3 Load Street, Bewdley, DY12 2AF.	4

WYRE FOREST DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

TUESDAY 28TH MAY 2019

LICENSING ACT 2003

APPLICATION FOR THE GRANT OF A PREMISES LICENCE

THE RETREAT

PUBLIC HEARING	
Director:	Head of Worcestershire Regulatory Services
Contact Officer:	Sarah Deeley Technical Officer (Licensing) 01562 822799 enquiries@worcsregservices.gov.uk
Ward(s) affected:	Bewdley And Rock
Appendices:	List of appendices Appendix 1 – Application Form Appendix 2 – Plan Appendix 3 – Previous Premises Licence Appendix 4 – Representations from other parties

1. PURPOSE OF REPORT

- 1.1 To consider and determine an application for grant of a premises licence in respect of

**The Retreat
3 Load Street
Bewdley
Worcestershire
DY12 2AF**

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

2. BACKGROUND

2.1 On 29 March 2019 an application was received from The Retreat (Bewdley) Ltd for grant of a premises licence in respect of

The Retreat
3 Load Street
Bewdley
Worcestershire
DY12 2AF

2.2 The application contained all the requisite documentation including the fee and a plan of the premises, **Appendix 2**.

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

2.4 The applicant is applying for the following licensable activities:

Activity	Days	From	To	Indoors/Outdoors
Sale of Alcohol	Thursday	12:00	- 00:00	
Sale of Alcohol	Friday	12:00	- 00:00	
Sale of Alcohol	Saturday	10:00	- 00:00	
Sale of Alcohol	Sunday	10:00	- 23:00	
Sale of Alcohol	Monday to Wednesday	12:00	- 23:00	

2.5 The designated premises supervisor identified in the application is Julie Goode.

2.6 The premises has previously operated as bar, which traded as “The Loft Lounge”. The licence granted to this premises at the time permitted the following licensable activities:

Activity	Days	From	To	Indoors/Outdoors
Late Night Refreshment	Everyday	23:00	- 00:00	Indoors
Sale of Alcohol	Everyday	09:00	- 00:00	N/A

2.7 On the 23 March 2018, this premises licence was surrendered by the then licence holder and the business ceased trading.

- 2.8 A copy of the previous premises licence is attached at **Appendix 3**.

3. REPRESENTATIONS

Responsible Authorities

- 3.1 All of the responsible authorities have been consulted directly and during the consultation period no representations were received from any of the responsible authorities in relation to this application.

Other Persons

- 3.2 In response to the public notices and during the consultation period a total of 3 representations were received from other persons. A copy of the representations are attached at **Appendix 4**.

4. LOCAL POLICY CONSIDERATIONS

- 4.1 The Sub-Committee should have regard to the Council's Statement of Licensing Policy under the Licensing Act 2003.

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

- 4.3 The Sub-Committee's attention should be drawn to the following **Paragraphs 5.3 - 5.6** of the Council's Statement of Licensing Policy in respect of this application generally:

(5.3) The licensing authority will aim to carry out its licensing functions in a way that promotes tourism, increases leisure and culture provision and encourages economic development within the District.

(5.4) However the licensing authority will also always try and balance the needs of the wider community, local community and commercial premises, against the needs of those whose quality of life may be adversely affected by the carrying on of licensable activities, particularly within residential areas.

(5.5) In particular the licensing authority will attempt to control any potential negative impacts from the carrying on of licensable activities, such as increased crime and disorder, anti-social behaviour, noise, nuisance, risks to public safety and harm to children.

(5.6) The licensing authority's aim is to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents."

5. LICENSING OBJECTIVES

5.1 The representations received objecting to the grant of the variation application raise concerns about the prevention of "Crime and Disorder", the prevention of "Public Nuisance" and the "Protection of Children from Harm" licensing objectives.

Crime and Disorder

5.2 **Paragraph 2.1** of the s182 Guidance (April 2018) states: "Licensing authorities should look to the police as the main source of advice on crime and disorder".

5.3 In addition to **Paragraph 2.1** of the s182 Guidance referred to above and the subsequent paragraphs of that section, the Sub-Committee's attention is also drawn to **Paragraphs 6.11 - 6.19** of the Council's Statement of Licensing Policy relating to the Prevention of **Crime and Disorder** in respect of this application.

Public Nuisance

5.4 **Paragraph 2.15** of the s182 Guidance (April 2018) states:

"The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter."

5.5 In addition to **Paragraph 2.15** of the s182 Guidance referred to above and the subsequent paragraphs of that section, the Sub-Committee's attention is also drawn to **Paragraphs 6.24 - 6.29** of the Council's Statement of Licensing Policy relating to the Prevention of Public Nuisance in respect of this application.

- 5.6 The Sub-Committee's attention is further drawn to **Paragraph 8** of the Council's Statement of Licensing Policy relating to Licensing Hours. The Sub-Committee will see, at Paragraph 8.3, that:

"Consideration may be taken to imposing stricter restrictions on licensing hours when it is appropriate to control noise and disturbance from particular licensed premises, such as those in mainly residential areas".

Protection of children from harm

- 5.7 **Paragraph 2.22** of the s182 Guidance (April 2018) states: The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

- 5.8 The Sub-Committee's attention is further drawn to **Paragraph 6** of the Council's Statement of Licensing Policy relating the Protection of Children from Harm. The Sub-Committee will see, at Paragraph 6.31 that:

"The Licensing Act 2003 does not prevent children having free access to any licensed premises. The licensing authority recognises that limitations may have to be considered where it is deemed necessary to protect children from harm".

6. LEGAL IMPLICATIONS

- 6.1 The Sub-Committee is obliged to determine this application with a view to the promotion of the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

- 6.2 In making its decision, the Sub-Committee is also obliged to have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.

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

- 6.4 The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- (a) Grant the application as requested
 - (b) Modify the conditions of the licence, by altering or omitting or adding to them.
 - (c) Reject the application in whole or in part.
- 6.5 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.
- 6.6 All parties to the hearing will be notified of the Sub-Committee's decision in writing within five working days of the conclusion of the hearing.
- 6.7 Any party aggrieved by a decision taken by the Sub-Committee may appeal against the decision to a Magistrates' Court within 21 days of being notified of the decision in writing.
- 6.8 The hearing should be conducted in accordance with the agreed procedure.
- 7 FOR DECISION**
- 7.1 The Sub-Committee must consider and determine the application.

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

~~We~~ LEE DUDLEY & JENNY DUDLEY
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and ~~we~~ are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
THE RETREAT 3 LOAD STREET			
Post town	BEWDLEY	Postcode	DY12 2AF
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Nationality					
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 the 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 RETREAT (BEWDLEY) LTD.
Address	BEWDLEY WORCESTERSHIRE
Registered number (where applicable)	11893286
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY
Telephone number (if any)	
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	05	2019

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
1	1	1

Please give a general description of the premises (please read guidance note 1)

AN EXISTING 2 STOREY BAR WITH ASSOCIATED BEER GARDEN/
COURTYARD. SITUATED ON LOAD STREET, BENDLEY ABOVE BELLE
PIZZA TAKEAWAY.
RE-USE OF EXISTING FIRST FLOOR BAR & INTRODUCTION OF BAR
SERVERY WITHIN BEER GARDEN.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 4)	
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
			State any seasonal variations for the performance of live music (please read guidance note 5)			
Wed						
Thur						
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)			
Fri						
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)		On the premises	<input checked="" type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)			
Mon	12.00	23.00	N/A.			
Tue	12.00	23.00				
Wed	12.00	23.00				
Thur	12.00	00.00				
Fri	12.00	00.00				
Sat	10.00	00.00				
Sun	10.00	23.00				
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)			
			N/A			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name		JULIE ELIZABETH GOODE	
Date of birth			
Address			
Postcode			
Personal licence number (if known)			
Issuing licensing authority (if known)		WYRE FOREST D.C.	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	12.00	23.00	N/A
Tue	12.00	23.00	
Wed	12.00	23.00	
Thur	12.00	00.00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Fri	12.00	00.00	
Sat	10.00	00.00	
Sun	10.00	00.00	
	10.00	23.00	N/A

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

- PROVIDE A COMFORTABLE & SAFE ENVIRONMENT FOR ALL CUSTOMERS.
- CONTINUOUS CONSIDERATION TO NEIGHBOURING BUSINESSES & RESIDENTS.
- ADHERE TO AGREED LICENSING TERMS/STIPULATIONS .

b) The prevention of crime and disorder

- CCTV INSTALLATION
- REDUCED LICENSING HOURS AS NOTED WITHIN APPLICATION
- STAFF WALKIE TALKIES .
- BEWDELY PUB WATCH AFFILIATION
- MEMBERS OF BEWDELY TOWN SOCIAL MEDIA SITES .
- STAFF TRAINING

c) Public safety

- AUTOMATIC FIRE DETECTION SYSTEM TO RELEVANT BRITISH STANDARD (NEW)
- NEW EMERGENCY LIGHTING & ESCAPE SIGNAGE TO RELEVANT B. S.
- CCTV INSTALLATION .
- COMPLETE NEW ELECTRICAL INSTALLATION TO COMPLY WITH CURRENT REQS.
- STAFF WALKIE TALKIES
- BEWDELY PUB WATCH MEMBERSHIP
- MEMBERS OF BEWDELY SOCIAL MEDIA SITES ◦ STAFF TRAINING

d) The prevention of public nuisance

- CCTV INSTALLATION
- REDUCED LICENSING HOURS AS NOTED WITHIN APPLICATION
- STAFF WALKIE TALKIES
- BEWDELY PUB WATCH MEMBERSHIP
- NEIGHBOURHOOD RELATIONS AND LIASON
- MEMBERS OF BEWDELY SOCIAL MEDIA SITES
- STAFF TRAINING .

e) The protection of children from harm

- CCTV INSTALLATION
- STRICT ID/AGE CHECKS .
- STAFF TRAINING ON PROOF OF AGE SCHEME/ PROCEDURES .
- CLEAR SIGNAGE DISPLAYED FOR PROOF OF AGE REQUIREMENT.
- BEWDELY PUB WATCH MEMBERSHIP .
- MEMBERS OF BEWDELY SOCIAL MEDIA SITES
- STAFF TRAINING .

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	28-03-2019
Capacity	DIRECTOR.

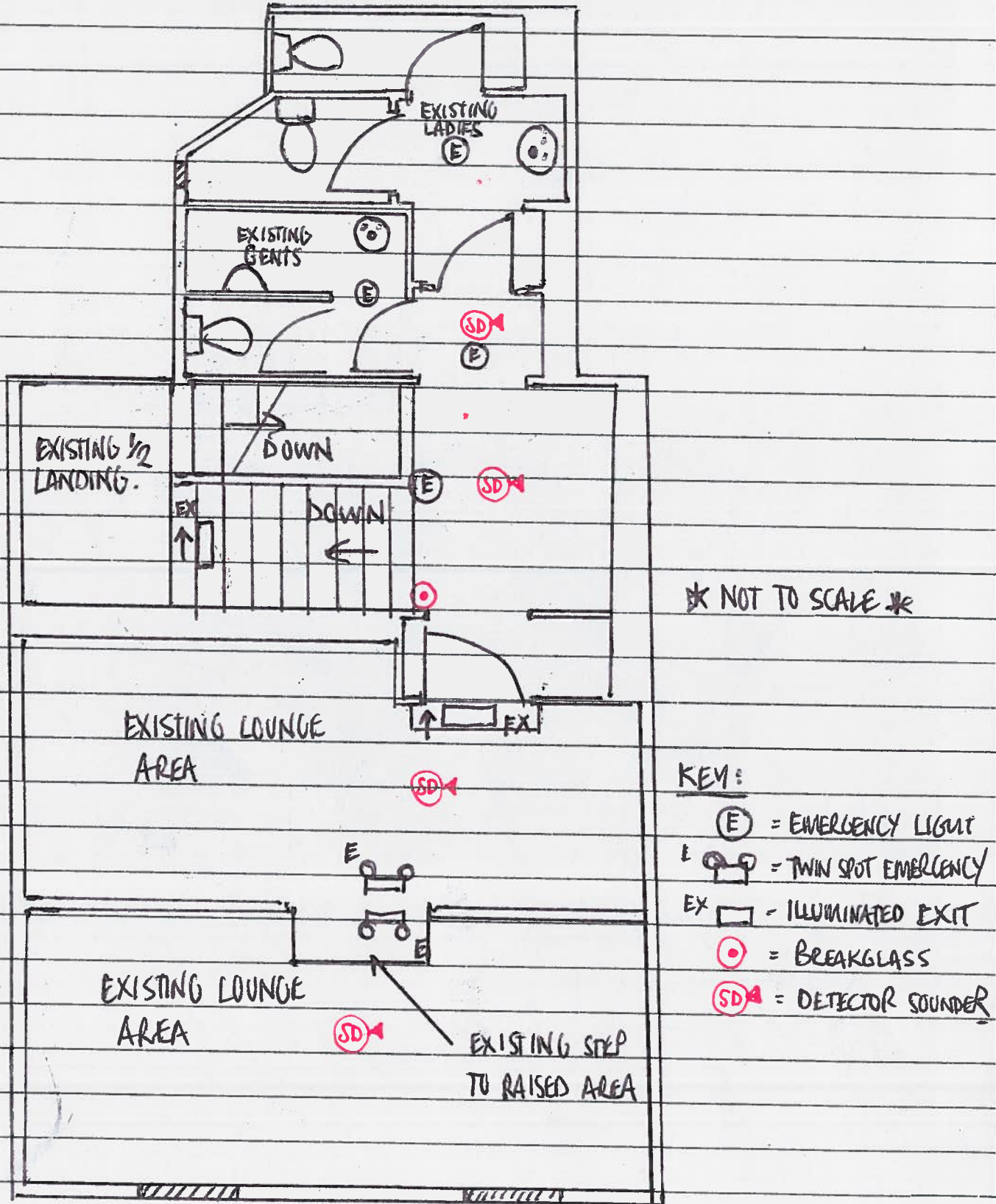
For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

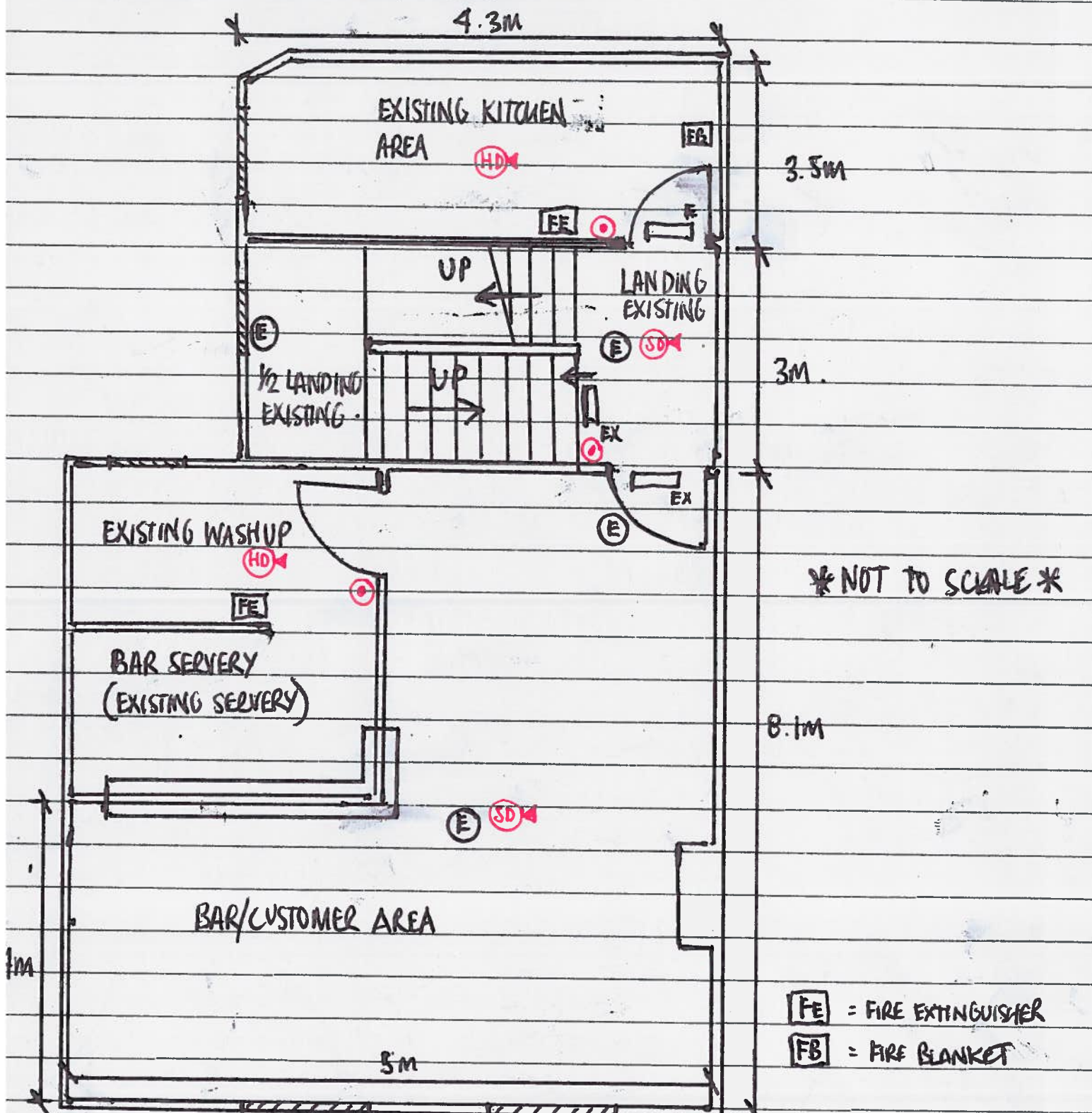
THE RETREAT, BENDLEY 'PROPOSED LICENSING PLAN' 2ND FLOOR - CUSTOMER TOILETS & LOUNGE AREA.

DATE: 25.03.19.



THE RETREAT, BENDLEY
'PROPOSED LICENSING PLAN'
1ST FLOOR - KITCHEN & BAR AREA

DATE: 25.03.19.



* NOT TO SCALE *

FE = FIRE EXTINGUISHER
FB = FIRE BLANKET

KEY:

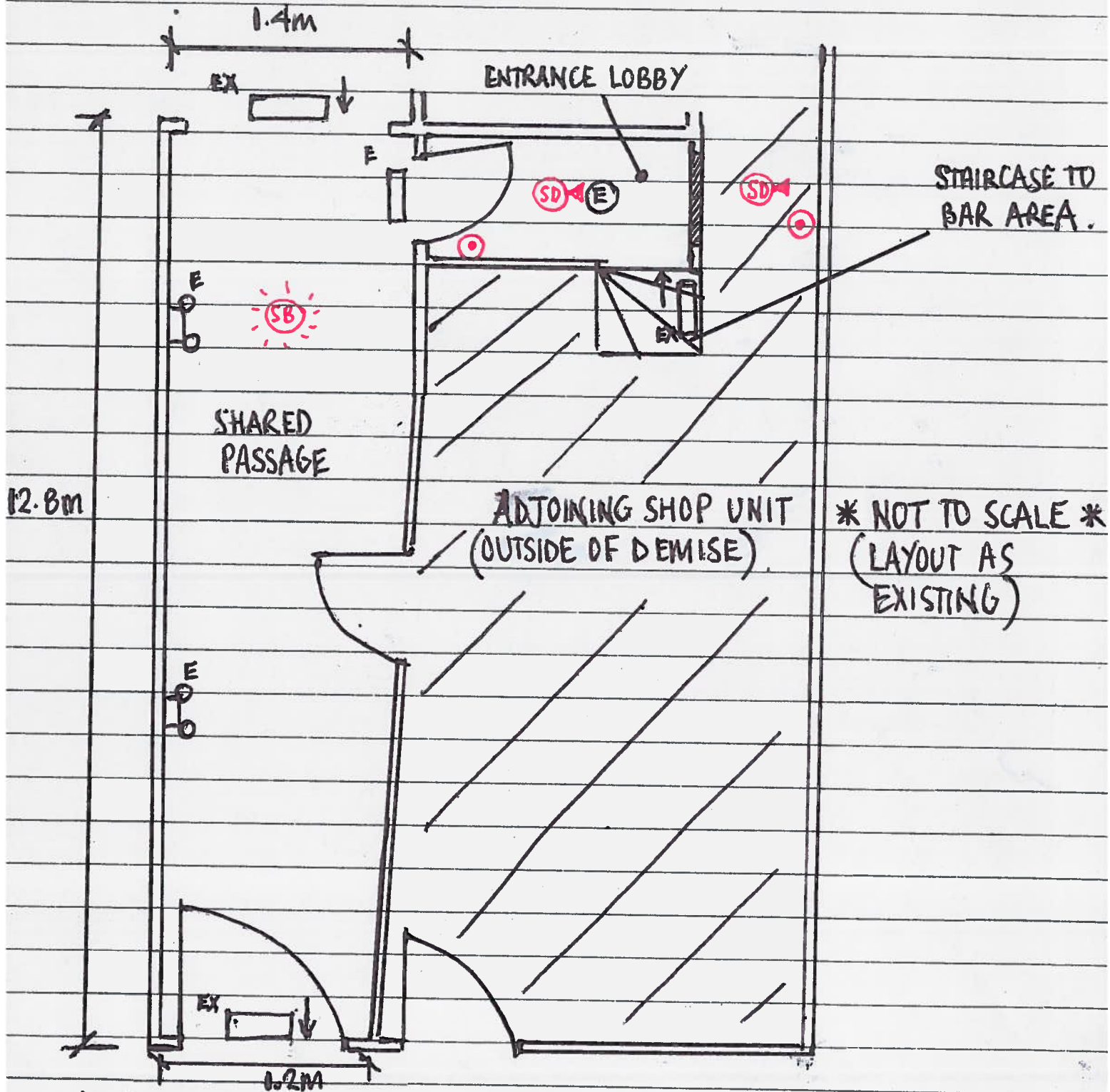
- (E) = RECESSED EMERGENCY LIGHT
- EX [] = ILLUMINATED EXIT SIGN
- [] = EMERGENCY LIGHT.
- (●) = BREAKGLASS
- (SD) [] = SMOKE DETECTOR SOUNDER
- (HD) [] = HEAT DETECTOR SOUNDER.

THE RETREAT, BENDLEY.








DATE: 25.03.19.

'PROPOSED LICENSING PLAN'

GROUND FLOOR - SHARE PASSAGE & ENTRANCE LOBBY.

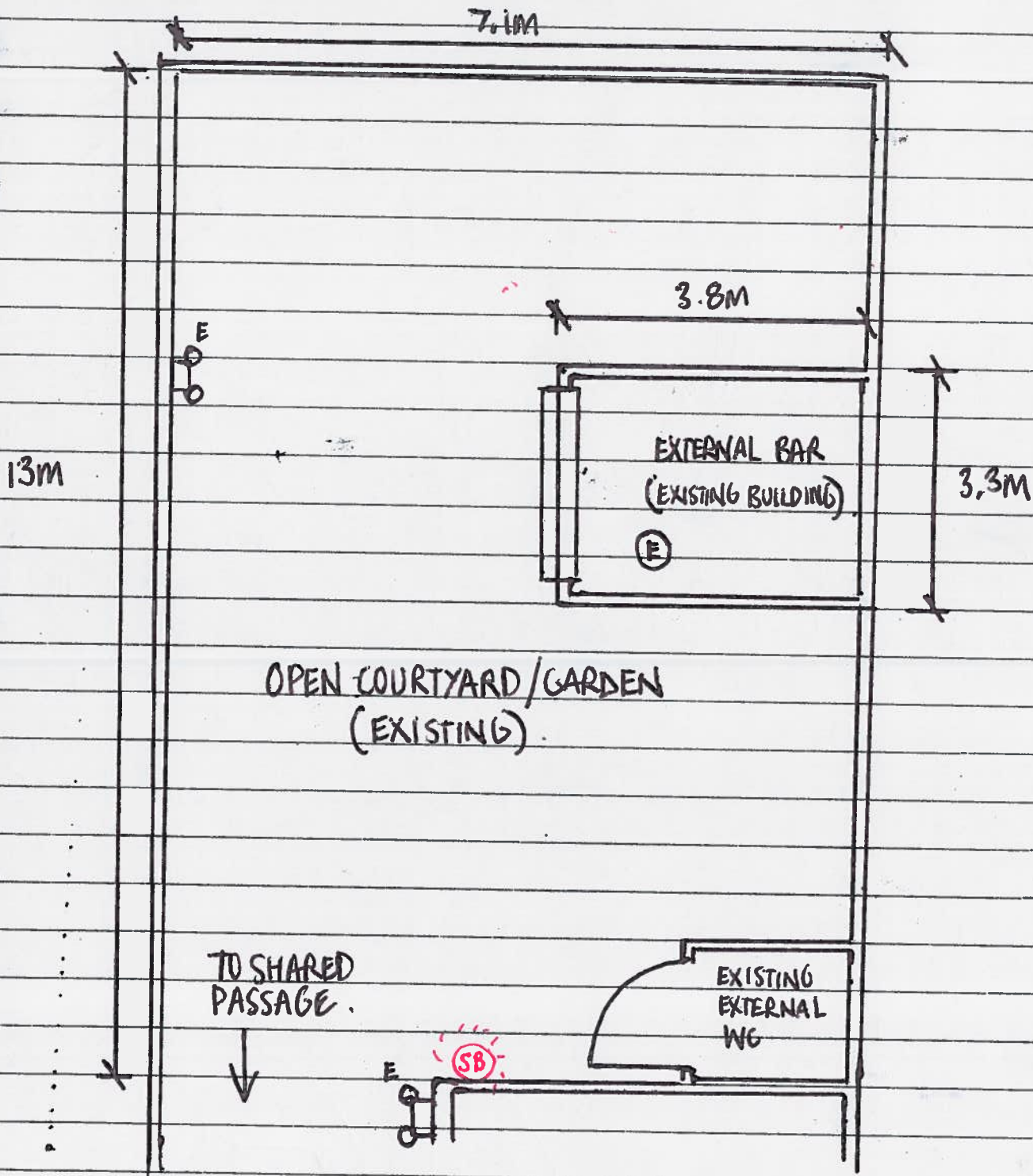


KEY:




- | | |
|---|--|
|  = TWIN SPOT EMERGENCY LIGHT |  = BREAKGLASS |
|  = ILLUMINATED EXIT SIGN |  = SMOKE DETECTOR-SOUNDER |
|  = EMERGENCY BRICK LIGHT |  = SOUNDER BEACON. |
|  = RECESSED EMERGENCY LIGHT. | |

THE RETREAT BENDLEY 'PROPOSED LICENSING PLAN' REAR COURTYARD / BEER GARDEN

DATE: 25.03.19.



KEY:

-  = TWIN SPOT EMERGENCY LIGHT
-  = EMERGENCY LIGHT FITTING
-  = SOUNDER BEACON

* NOT TO SCALE *
(LAYOUT AS EXISTING)



Licensing Act 2003 Premises Licence

Premises Licence Number

14/04432/PREMLI

Part 1 – Premises Details

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

The Loft Lounge
3 Load Street
Bewdley
Worcestershire
DY12 2AF

Telephone number 01299 489364

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	Indoors
Sale of Alcohol	Everyday	09:00	- 00:00	N/A

Non-standard timings

Sale of Alcohol permitted 09:00 to 01:00 Christmas Eve and New Years Eve

The opening hours of the premises

Days	From	To
Everyday	09:00	- 02:00

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Adam Michael Wilcox

Email Address

Telephone No.

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

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

Adam Michael Wilcox

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence No: WK/020097765

Licensing Authority: Wyre Forest District Council

AUTHORISED OFFICER

Licensing and Support Services Manager

Worcestershire Regulatory Services

On behalf of Wyre Forest District Council

Date of first issue: 25th September 2014

This version valid from: 25th September 2017

Issuing Authority: Wyre Forest District Council
Finepoint Way
Kidderminster
Worcestershire
DY11 7WF

Annex 1 – Mandatory conditions

The making and authorisation of alcohol sales

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

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

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

Irresponsible alcohol promotions

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

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

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

Provision of free potable water

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

Age verification policy for the sale or supply of alcohol

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

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

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

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

Availability of small measures of alcohol

The responsible person must ensure that—

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

Permitted price of alcohol

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

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

where—

P is the permitted price,

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

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

- c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 - 4.
 - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

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

Premises will be monitored with CCTV at all times and recorded for 24 hours

I also own a 450 capacity wine bar and have an excellent relationship with neighbouring businesses, local tenants and local officers. The Vault has never had a complaint regarding the objectives over the 3 years of my ownership.

b) The prevention of crime and disorder:

Staff will be trained how to respond and CCTV will operate at all times

Staff training regarding troublesome customers. Licensed SIA door supervisors every weekend "Emperor Security".

Strict door policy with dress code.

c) Public safety:

Fire extinguishers installed, fire risk assessment in place, staff fire trained, emergency lights fully operational, all safety warnings displayed on beams, floors and more, including an introduction of wet floor cones.

d) The prevention of public nuisance:

CCTV and all staff make sure at all times of operation.. the restaurant will be free of nuisance.

Sound limiter installed into 1st floor sound system to avoid neighbour disturbance. I have personally been liaising with the neighbour Abi Queenan Bayram who had concerns but now supports us 100%.

e) The protection of children from harm:

CCTV operating. Staff will be trained.

Challenge 25 in operation on both floors. SIA doorman operate on a strict basis on my instruction. The business is promoted as an elegant and older persons venue.

Other operating conditions

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

DECISION OF LICENSING SUB- COMMITTEE

held on 25 September 2014 at Wyre Forest House, Kidderminster

The Licensing Sub-Committee accepts the applicants offer to withdraw its application for the Provision of Regulated Entertainment and therefore have not addressed this matter. Subject to this withdrawal, the Licensing Sub-Committee having carefully considered the application for a premises licence in respect of the The Royal Sangham Balti, First and Second Floors, 3 Load Street, Bewdley, DY12 2AF has decided to grant the application in respect of The Royal Sangham Balti subject to the following conditions:

The permitted hours for the Provision of Late Night Refreshment to be amended from 11pm to 2am Monday to Sunday to 11pm to 12 midnight Monday to Sunday.

The permitted hours for the Supply of Alcohol to be amended from 9 am to 2 am Monday to Sunday to from 9 am to 12 midnight Monday to Sunday.

And the reasons for the committee's decision are as follows:

1. The very close proximity of a number of residential properties to the premises and the disturbance of the residents sleep patterns that have been raised in the representations given to the Licensing Sub-Committee means there is a strong possibility one of the four statutory licensing objectives will be compromised; namely the prevention of public nuisance.
2. In coming to this decision, the Committee has considered the requirements of paragraph 7.6 of the Council's Licensing Policy.

Annex 4 – Plans

As deposited with the licensing authority

Gmail - Ref 19/01741/PREMLI

10/04/2019, 09:43



19/01741/PREM

Ref 19/01741/PREMLI

Michael Richards

10 April 2019 at 09:37

[Redacted]

Dear Sir/Madam,

I am concerned about this Licence application submitted by 'The Retreat' for 3 Load Street, Bewdley.

Last year these premises were occupied by Riley's Bar. Loud music and partying in the rear garden carried on until well past midnight on many occasions making sleep impossible for the occupants of [Redacted] Bewdley which is located behind 3 Load Street.

After complaining to the Town Clerk, the Police and others we were eventually able get some help from Environmental Services.

I would request that this information is taken into consideration before a Licence for the sale of Alcohol or for playing Music is granted. I would also suggest that if Licences are granted that the establishment should close by 11 p.m. at the latest, on any day of the week.

Yours sincerely,

Michael J Richards



[Redacted]

10 April 2019 at 09:37

Address not found

enquiries@worcsregservices.go.uk

From: Jacky Griffin
Sent: 25 April 2019 18:11
To: WRS Enquiries
Subject: Licensing application 19/01741/Premli

Hello

I wish to make representations in relation to the above licensing application for The Retreat (Bewdley) Ltd, 3 Load Street, DY12 2AF. Where I make these as an individual, I am aware that my concerns are shared by members of Bewdley Conservation Area Residents Association of which I am chair.

While I am pleased that this application could result in an additional opportunity for entertainment in Bewdley, and that the licensing hours do not extend beyond 11pm during the week and midnight on Thursday, Friday and Saturday, there are aspects of the application that cause concern.

WFDC's Statement of Licensing Policy makes it clear that applicants must submit an operating schedule that demonstrates the positive steps that they will take to promote the four licensing objectives. There does not appear to be such an operating schedule provided in relation to this application, save for the brief notes provided on the final page. These seem to me to fall well short of what is required. They cannot be considered a "key document" that, can "form the basis on which premises can be made without the need for extensive additional conditions". I would, therefore expect that conditions would need to be applied to this licence, if granted, in order to ensure that the licensing objectives are promoted as required by the Licensing Act 2003.

These conditions, and their promotion, are not, of course arbitrary or trivial and the fact that the operating schedule is so limited gives rise to a number of concerns about the operation of the premises. The most prominent of these for local residents is the level of late night noise that is likely to emanate from the courtyard/garden. This is not addressed by the applicant in relation to the prevention of public nuisance.

Without clear and full information from the applicant on how nearby residents will be saved from noise nuisance after, say, 9.30 or 10pm, I would request specific conditions be set down to address this. These could include requiring that the area is vacated after 9.30 or 10pm, and that no loudspeakers are located in, or facing, the outside area. For the prevention of noise nuisance more generally, there should be a condition that all doors and windows shall remain closed at all times after 9.30 or 10pm save for entry or exit, or in the event of an emergency, and that there should no loudspeakers located in the entrance lobby. Given the number of people who live on Load Street, it would be important and reasonable to set conditions such as:

- The Licence holder making available a contact telephone number to nearby residents (and to WFDC) to be used in the event of complaints arising.
- Having in place and implementing a written dispersal policy to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

- Displaying prominent signage at the exit requesting that customers leave quietly.
 - Not permitting the sale of alcohol in unsealed containers for consumption off the premises.
 - Not permitting customers permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- Conditions should also be applied to ensure the promotion of other licensing objectives.

In relation to the prevention of crime and disorder these should expand the information provided by the applicant including providing detail of the CCTV system, its quality, coverage and the time for which the recordings are kept, the use of door supervisors and the nature and purpose of the training provided to staff.

In relation to the protection of children from harm, it is not clear whether there is an age limit for those entering the premises or if the age limit relates to the purchase and consumption of alcohol. This needs to be clarified and, if under 18 year olds are to be admitted, there should be conditions relating the age at which children will be admitted, and the need for them to be accompanied by responsible adults.

I look forward to hearing from you.

Kind regards

Jacky Griffin

From: Antony Jarvis
Sent: 25 April 2019 19:19
To: WRS Enquiries
Subject: 19/01741/PREMLI

I write as owner of The Courtyard at 3-4 Severn Side South, Bewdley. I operate as a licenced restaurant and bed & breakfast. We share a party wall with the premises listed for the new application. The party wall forms the rear of my property and is the boundary wall for The Retreat's garden area. The garden area has been fitted with seating, a bar and speakers This wall has two windows, one being to my kitchen, the second o my guest accommodation.

The second window to my accommodation is my reason for concern as it directly over looks The Retreat's garden area. As families stop in this room, the application is not in line with current Licensing Objectives as;

- There will be excess noise from people (prevention of public nuisance and prevention of crime & disorder)
- There will be excess noise from music (prevention of public nuisance and prevention of crime & disorder)
- There may be inappropriate language in close proximity of children (protection of children from harm)
- There may be inappropriate behaviour in view of children (protection of children from harm)
- The will be smoking in close proximity to the only window in the room (public safety)

I believe these can be addressed by limiting the use of the outdoor space in its entirety for all activities (licensable or otherwise including smoking) seven days a week to 21:00.

With this amendment I would fully support the rest of the application.

I have included photos taken from the window in my premises and rough site plan to assist your decision.

Regards
Antony Jarvis











