

WYRE FOREST DISTRICT COUNCIL

Report to	LICENSING SUB-COMMITTEE
Date of Meeting	3rd August 2006
Report of	Head of Planning, Health and Environment
Contact Officer	Brian Kent : Ext. 2593 (Brian.Kent@wyreforestdc.gov.uk)
Proposal	To vary a Premises Licence for the Astley Cross Inn, Stourport on Severn

Application to vary a Premises Licence for the Astley Cross Inn, Stourport on Severn, made by Christine Lorraine Edwards and Barry Edwards under the provisions of Section 35(3)(a) of the Licensing Act 2003.

1. APPLICATION

- 1.1 To consider an application for the variation of a Premises Licence in respect of the Astley Cross Inn, situated at Astley Cross, Stourport on Severn, DY13 0NP.

2. RECOMMENDATION

The Sub-Committee is asked to DECIDE

- 2.1 whether or not to Vary the Premises Licence in respect of the Astley Cross Inn, Astley Cross, Stourport on Severn**

3. PROPOSED VARIATION

- 3.1 Flint Bishop Barnett are Solicitors representing the Applicants and state (page 2 of the Application Form)

- a) The Licence is subject to an existing condition as follows :

The use of the beer garden to cease at 23:00 hrs

- b) We wish to replace that condition with the following condition:

The beer garden shall not be used for any licensable activity or for the consumption of alcohol after 23:00 hrs

- c) The reason for this application is the Smoking Ban, which is due to be brought in, in England and Wales during the course of the next summer

- d) The existing condition prohibits the use of the Beer Garden. However, we wish to introduce a Smoking Scheme, which will allow people who are smoking after 23:00 into the beer garden.

4. BACKGROUND INFORMATION

- 4.1 Christine Lorraine Edwards and Barry Edwards are the holders of the Premises Licence in respect of the Astley Cross Inn, Astley Cross, Stourport on Severn.
- 4.2 An Application has been received from them to vary the Premises Licence.
(copy at Appendix 1)
- 4.3 The Licence indicates the opening hours of the premises, and the Licensable Activities permitted within it *(copy at Appendix 2)*
- 4.4 Annex 3 of the Premises Licence contains the Conditions attached after a hearing by the Licensing Authority on the 27th September 2005, which are:
- Live Music will cease at 23:00 hours
 - The Use of the Beer Garden to cease at 23:00 hours
 - All doors and Windows to be kept closed when Entertainment is taking place
 - Doors to be fitted with self-closing devices.

5. PLANS

- 5.1 A plan of the Premises inclusive of the Beer Garden is attached *(copy at Appendix 3)*.
- 5.2 A map of the area showing the proximity of residences is attached *(copy at Appendix 4)*.

6. PUBLIC NOTICE

- 6.1 On the 22nd June 2006 a letter was received from Flint Bishop Barnett indicating that the Application details had been advertised both on the premises at the Astley Cross Inn, and in a local newspaper *(copy at Appendix 5)*

7. CONSULTATION

West Mercia Police Licensing Officer
Worcestershire County Council
Hereford and Worcester Fire Authority
Environmental Health – Pollution
Environmental Health – Health and Safety
Head of Legal and Democratic Services

8. OBJECTION BY INTERESTED PARTIES

- 8.1 On the 24th June 2006 a letter was received from Mr P Anderson, a resident within the immediate vicinity of the premises, objecting to the Variation Application (*copy at Appendix 6*)

9. OBJECTION BY RESPONSIBLE AUTHORITY

- 9.1 There are no representations from Responsible Authorities.

10. POLICY CONSIDERATIONS

- 10.1 The Statement of Licensing Policy for the District of Wyre Forest states at 14.1

NUISANCE / ANTI SOCIAL BEHAVIOUR

In each individual case that arises, following relevant representation, the Licensing Authority will take an objective view as to the potential for nuisance and anti social behaviour, and will attach appropriate and proportionate conditions to licences and certificates where necessary, in order to prevent it. These may include conditions drawn from the guidance notes and the pool of model conditions. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. The Council will consider the following appropriate action:

- *Prevention of noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices and limitation of times of use of outside areas*

11. APPENDICES

- Appendix 1 Application Form
Appendix 2 Premises Licence Astley Cross Inn
Appendix 3 Plan of the Premises
Appendix 4 Global Map to show proximity of residences
Appendix 5. Letter from Solicitors regarding Public Notice
Appendix 6 Objection Letter – Mr Anderson.

12. ASSOCIATED PAPERS

- 12.1 Statement of Licensing Policy (to be available at the Hearing)