

North Somerset Council

REPORT TO THE: LICENSING SUB COMMITTEE

DATE OF MEETING: TUESDAY 15 MAY 2018

SUBJECT OF REPORT: APPLICATION FOR THE VARIATION OF THE PREMISES LICENCE AT MUDDYS, WESTON SUPER MARE

TOWN OR PARISH: WESTON SUPER MARE

OFFICER/MEMBER PRESENTING: DIRECTOR OF DEVELOPMENT AND ENVIRONMENT

KEY DECISION: NO

RECOMMENDATIONS

That the sub committee determines the application for the variation of the Premises Licence.

1. SUMMARY OF REPORT

1.1 An application was received for the variation of the Premises Licence under the Licensing Act 2003 at Muddys, Birnbeck Road, Weston super Mare. The application made is to increase the licensable hours for the sale of alcohol, live music, recorded music and late night refreshment. Consultations have been carried out and a representation has been received by Avon & Somerset Police requesting revised times and additional conditions. These have been agreed by the applicant and are required to be approved by the Licensing Sub-Committee.

2. POLICY

2.1 The Council's statement of Licensing Policy applies to this application.

2.2 The Licensing Act 2003 requires licensing authorities to carry out their functions with a view to promoting the following four licensing objectives:

- a) The Prevention of Crime and Disorder.
- b) Public Safety.
- c) The Prevention of Public Nuisance, and
- d) The Protection of Children from Harm.

2.3 The Licensing Authority should have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003, and the provisions of the Licensing Act itself.

3. DETAILS

3.1 An application was received on the 16th March 2018 from Mrs Sharon Smith and Mr Mark Gowland for the variation of the Premises Licence under the Licensing Act 2003, in respect of Muddys, Weston super Mare. A copy of the application that has been made is shown at **Appendix A**.

3.2 The premise comprises of a ground floor bar located below the Claremont Vaults and is accessed via a flight of steps down the side of the premises from Birnbeck Road.

3.3 Muddys has both commercial and residential properties within 100 metres of the licensed premises.

3.4 A copy of a location plan of the premises is shown at **Appendix B**.

3.5 The licensable activities and opening times of the premises to members of the public being sought are as follows:

Licensable Activity	Hours Sought	Non –standard timings
Live music	Sunday to Wednesday 11:00 to 00:00 Thursday 11:00 to 01:00* Friday to Saturday 11:00 to 02:00*	Extend permitted opening hours and recorded music hours until 02:00* on Christmas Eve and New Years Eve
Recorded music	Sunday to Wednesday 11:00 to 00:00 Thursday 11:00 to 01:00* Friday to Saturday 11:00 to 02:00*	Extend permitted opening hours and recorded music hours until 02:00* on Christmas Eve and New Years Eve
Provision of late night refreshment	Monday to Sunday 23:00 to 00:00	Extend permitted opening hours and recorded music hours until 02:00* on Christmas Eve and New Years Eve
Supply of alcohol	Sunday to Wednesday 11:00 to 00:00 Thursday 11:00 to 01:00* Friday to Saturday 11:00 to 02:00*	Extend permitted opening hours and recorded music hours until 02:00* on Christmas Eve and New Years Eve
Hours premises will be open to the public	Sunday to Wednesday 11:00 to 00:00 Thursday 11:00 to 01:00* Friday to Saturday 11:00 to 02:00*	Extend permitted opening hours and recorded music hours until 02:00* on Christmas Eve and New Years Eve

3.6 Copies of the additional conditions and amendment to hours requested are shown at Appendix C.

4. Consultations

4.1 In accordance with the requirements of the Act the applicant has:

- (a) Served copies of the application to the Responsible Authorities.
- (b) Advertised the submission of the application in a local newspaper.
- (c) Placed a notice at the property detailing the application made.

4.2 In relation to the four licensing objectives set out in the Licensing Act 2003, the following matters have been raised:

Licensing Objective	Responsible Authority	Interested Party
The Prevention of Crime and Disorder	The Police have requested additional conditions in relation to no entry/ re-entry after midnight and SIA doorstaff	No representations have been received
Public Safety	Avon Fire and Rescue Service/Environmental Health have not made any representations.	No representations have been received
Public Nuisance	The Environmental Protection team have requested additional conditions in relation noise monitoring whilst regulated entertainment in progress.	No representations have been received
The Protection of Children from Harm	Children and Young People's Services have not made any representations.	No representations have been received

5. FINANCIAL IMPLICATIONS

None.

6. RISK MANAGEMENT IMPLICATIONS

None

7. EQUALITY IMPLICATIONS

None.

8. CORPORATE IMPLICATIONS

8.1 If the application is refused or amended the applicant may appeal within 21 days of the notification of the Committee's decision to the Magistrate's Court. If the application is granted a person making a relevant representation may also appeal within 21 days of the notification to the Magistrates' Court.

9. OPTIONS CONSIDERED

The Committee may after hearing the application:

- a) Grant the application as applied for, or
- b) Grant the application with modifications to the dates or timing of licensable activities or conditions to be attached to the licence.
- c) Refuse the application.

For the purpose of sub section 9(b) above conditions are modified if any of them are altered or omitted or any new condition is added.

AUTHOR

Kellie Trego, Licensing Officer

Tel: 01934 426 800

BACKGROUND PAPERS

Licensing Act 2003.

Guidance to the Licensing Act issued under section 182 of the 'Act'.

Statement of Licensing Policy for North Somerset Council.

Paid £190 via cheque.

Appendix A



Application to vary a premises licence under the Licensing Act 2003

Please read the following instructions first

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

~~I~~We MRS SHARON SMITH AND MR MARK HOWLAND
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	NSC / 052046
-------------------------	--------------

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
MUDDYS BELOW CLAREMONT VAULTS 1 BIRNBECK ROAD			
Post town	WESTON SUPER MARE	Post code	BS23 2EE

Telephone number at premises (if any)	07775 662497 / 07852 669507
Non-domestic rateable value of premises	£ 11500



Part 2 – Applicant details

Daytime contact telephone number	07775 662497		
E-mail address (optional)	MUDDYSWSM@GMAIL.COM		
Current postal address if different from premises address	12 PARKHURST ROAD		
Post Town	WESTON SUPER MARE	Postcode	BS23 3HT

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

WE WISH TO EXTEND OUR LICENSING HOURS

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- 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)*

Sale by retail 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 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

B

Films <i>Standard days and timings (please read guidance note 6)</i>			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	<i>Indoors</i> <input type="checkbox"/>
				<i>Outdoors</i> <input type="checkbox"/>
				<i>Both</i> <input type="checkbox"/>
<i>Day</i>	<i>Start</i>	<i>Finish</i>	Please give further details here (please read guidance note 3)	
<i>Mon</i>				
<i>Tue</i>				
<i>Wed</i>			State any seasonal variations for the exhibition of films (please read guidance note 4)	
<i>Thur</i>				
<i>Fri</i>				
<i>Sat</i>			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 5)	
<i>Sun</i>				

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)	
Day	Start	Finish		
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)	
Tue				
Wed				
Thur				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 (please read guidance note 5)
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed			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 (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	11:00	24:00			
Tue	11:00	24:00			
Wed	11:00	24:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	11:00	24:00			
Fri	11:00	24:00			
Sat	11:00	24:00	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 5)		
Sun	11:00	24:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11:00	24:00	Please give further details here (please read guidance note 3) AS PER EXISTING LICENCE. PLAYED THROUGH EXISTING SPEAKER SYSTEM.		
Tue	11:00	24:00			
Wed	11:00	24:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	11:00	01:00			
Fri	11:00	02:00	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 5)		
Sat	11:00	02:00			
Sun	11:00	24:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	<i>Indoors</i>	<input type="checkbox"/>
<i>Day</i>	<i>Start</i>	<i>Finish</i>		<i>Outdoors</i>	<input type="checkbox"/>
<i>Mon</i>			Please give further details here (please read guidance note 3)	<i>Both</i>	<input type="checkbox"/>
<i>Tue</i>			State any seasonal variations for the performance of dance (please read guidance note 4)		
<i>Wed</i>			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 (please read guidance note 5)		
<i>Thur</i>					
<i>Fri</i>					
<i>Sat</i>					
<i>Sun</i>					

H

Anything of a similar description to that falling within (e), (f) or (g) <i>Standard days and timings (please read guidance note 6)</i>			Please give a description of the type of entertainment you will be providing		
<i>Day</i>	<i>Start</i>	<i>Finish</i>	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	<i>Indoors</i>	<input type="checkbox"/>
<i>Mon</i>				<i>Outdoors</i>	<input type="checkbox"/>
				<i>Both</i>	<input type="checkbox"/>
<i>Tue</i>			Please give further details here (please read guidance note 3)		
<i>Wed</i>					
<i>Thur</i>			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
<i>Fri</i>					
<i>Sat</i>			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 (please read guidance note 5)		
<i>Sun</i>					

Late night refreshment <i>Standard days and timings (please read guidance note 6)</i>			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	<i>Indoors</i>	<input checked="" type="checkbox"/>
				<i>Outdoors</i>	<input type="checkbox"/>
				<i>Both</i>	<input type="checkbox"/>
<i>Day</i>	<i>Start</i>	<i>Finish</i>	Please give further details here (please read guidance note 3)		
<i>Mon</i>	11:00	24:00			
<i>Tue</i>	11:00	24:00			
<i>Wed</i>	11:00	24:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
<i>Thur</i>	11:00	01:00			
<i>Fri</i>	11:00	02:00	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 5)		
<i>Sat</i>	11:00	02:00			
<i>Sun</i>	11:00	02:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	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 4)		
Mon	11:00	24:00			
Tue	11:00	24:00			
Wed	11:00	24:00			
Thur	11:00	01:00			
			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 5)		
Fri	11:00	02:00			
Sat	11:00	02:00			
Sun	11:00	24:00			

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 8)

WE CURRENTLY HAVE 1 FRUIT MACHINE, FOR WHICH WE HAVE A GAMING PERMIT

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11:00	24:00	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 5)
Tue	11:00	24:00	
Wed	11:00	24:00	
Thur	11:00	01:00	
Fri	11:00	24:00	
Sat	11:00	24:00	
Sun	11:00	24:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick yes

- *I have enclosed the premises licence*
- *I have enclosed the relevant part of the premises licence*

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

AS PER THE EXISTING LICENCE

b) The prevention of crime and disorder

AS PER THE EXISTING LICENCE

c) Public safety

AS PER THE EXISTING LICENCE

d) The prevention of public nuisance

AS PER THE EXISTING LICENCE

e) The protection of children from harm

AS PER THE EXISTING LICENCE

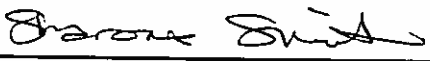
Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

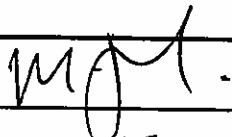
It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	15th MARCH 2018
Capacity	PREMISES LICENCE HOLDER

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	15th MARCH 2018
Capacity	PREMISES LICENCE HOLDER

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

MRS SHARON SMITH
12 PARKHURST ROAD

Post town	WESTON SUPER MARE	Post code	BS23 3HT
Telephone number (if any)	07775 662497		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
MUDDYSWSM@GMAIL.COM			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Licensing Authority contact details:

North Somerset Council
Licensing Team
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

Tel: 01934 426 800
Fax: 01934 426 230
E-mail: licensing@n-somerset.gov.uk



Land and property
Infrastructure
Street lighting

Muddys



Scale: 1:1000
Drawn by: Kellie Trego
Date: 16 April 2018
Time: 16:47:07

© Crown Copyright and database rights 2018 Ordnance Survey 100023387. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form. © Aerial Photography 2009 and 2014 Imagery copyright GeoInformation PLC. www.geoinformation.com. © and database right: Crown Copyright and Landmark Information Group Ltd. (All rights reserved) (2018).

Representations Licensing Act 2003.



Your Name Save	Andrew Jones / Andrew Manhire
Job Title	Police Licensing Officer
Postal and email address	North Somerset Police Centre, Weston Gateway, Filiers Way, WSM, BS24 7JP.
Contact telephone number	01278 648289 / 01278 648235

Name and address of the premises you are making representations about.	Muddys, Below Claremont Vaults, 1 Birnbeck Road, Weston-Super-Mare, North Somerset, BS23 2EE
--	---

Which of the four licensing Objectives does your representation relate to? Please state yes or no.	<p>The police, as a responsible authority, make a relevant representation to the variation application for the above premise as they believe if granted in its current form it could have an adverse effect on the Licensing Objectives.</p> <p>The premise is located below the Claremont Vaults and is accessed via a flight of steps down the side of the premise from Birnbeck Road. There is a small outside patio area to one side and a narrow patio area to the front of the premise which looks out over Knightstone Island. Whilst the immediate neighbouring properties are commercial premises there are clearly a large number of residential premises in close proximity.</p> <p>Currently the latest opening hours/licensable activities for the venue is midnight and this variation is applying to extend the opening hours on Friday and Saturday until 0200 hours, Thursday until 0100 hours and Monday/ Tuesday/Wednesday until midnight.</p> <p>Following a meeting at the premise on Thursday 29th March 2018 between the applicant, Mr Carl SMALLWOOD from the Council Noise Team and Andrew MANHIRE from the Police Liquor Licensing Team the following changes to the times were proposed to amend mistakes within the application/to further support the licensing objectives and to allow for seasonal events.</p> <p>Hours open to the public. Sunday/Monday/Tuesday/Wednesday, 1100 to midnight. Thursday 1100 to 0100 hours. Friday/Saturday 1100 to 0200 hours.</p> <p>Late night refreshment.</p>
--	--

		<p>All days 1100 to midnight.</p> <p>Non- standard times. Extend opening permitted opening hours and recorded music hours until 0200 hours on Christmas Eve and New Year's Eve.</p> <p>In addition the applicant would like to offer the following additional conditions.</p> <ol style="list-style-type: none"> 1) No entry or re-entry to the premise with the exception of smokers after midnight. 2) SIA doorstaff will be employed on the written request of Police or the Licensing Authority. 3) No drinks to be permitted outside after 2300 hours. 4) While live or recorded music is being played, external patrols will be carried out by staff to monitor noise levels at the front of the premise and take appropriate action to lower the volume of music as necessary. <p>If the Committee agree with the acceptance of these amended times and additional conditions the police believe they will be sufficient to promote the licensing objectives and therefore would withdrawal this representation.</p>
The Prevention of harm to children		See above.
To prevent Public Nuisance		See above.
To prevent crime and disorder		See above.
Public Safety		
Would this be suitable for resolution without a hearing if all parties agree?		No

<p>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<p>Included in representations.</p>
---	-------------------------------------

N.B If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

Signed: *AJ Manh.c*

Date: *6/4/18*

This form must be returned within the Statutory Period. (With supporting evidence).

