

North Somerset Council

Report to the licensing sub committee

Date of meeting: Tuesday 9 January 2024

Subject of report: application for the grant of a premises licence at Mendip Activity Centre, Lyncombe Drive, Sandford

Town or parish: Sandford, Churchill

Officer/member presenting: Director of Public Health

Key decision: No

Recommendations

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

1. Summary of report

1.1 An application has been received for the grant of a Premises Licence for Mendip Activity Centre, Lyncombe Drive, Sandford. Consultations have been carried out and a representation has been received from a local resident.

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 9 November 2023 from Mr Phillip Turner on behalf of Mendip Activity Leisure Centre for the Grant of a Premises Licence under the Licensing Act 2003, in respect of Mendip Activity Centre, Lyncombe Drive, Sandford

A copy of the application that has been made is shown at **Appendix A.**

- 3.2 The premises is an outdoor Education Centre providing activities and residential stays for schools, youth groups, corporate clients, special educational need groups and the public amongst others.

There are buildings at the main centre including a cafe-bar (Alpine Lounge) which would provide sales and alcohol consumption on the premises within the bar and on the floor above and surrounding balcony/terrace.

There is a bunkhouse lodge (Mendip Lodge) where alcohol would be on sale for consumption on and off the premises, in the bar, garden room and surrounding exterior garden areas.

There is also a campsite (Mendip Basecamp) where the provision of alcohol would be provided for consumption on and off the premises from a marquee/bottle bar and within the whole camping area.

- 3.3 Mendip Activity Centre has residential properties within 100 metres of the licensed premises.

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

- 3.5 The premises, currently holds a Premises Licence under the Licensing Act 2003, permitting Mendip Outdoor Pursuits, to carry on licensable activities. Mendip Activity Centre have previously applied for Temporary Event Notices for any licensable activities that fall outside the existing Premises Licence. A copy of the current Premises Licence is shown at **Appendix C**.

- 3.6 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
Films	Monday – Friday 18:00hrs – 23:00 hrs Saturday – Sunday 12:00 hrs – 23:00 hrs	None
Live music	Monday – Sunday 12:00 hrs – 23:00	None
Recorded music	Monday – Sunday 18:00 hrs – 23:00	None
Supply of alcohol	Monday – Sunday 10:00 hrs – 24:00	None
Hours premises will be open to the public	Monday – Sunday 09:00 hrs – 20:00	General opening hours are listed but there are seasonal variations when they are Premises will be open till 10pm at weekends in the winter for late night snow sport activities. Public staying onsite 24 hrs a day during our summer camping season.

4. Consultation

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 Following consultation with the North Somerset Council Noise Officer during the permitted consultation period, the applicant has agreed that the following condition form part of the application and the operating schedule for the Premises Licence:

- (a) While live or recorded music is being played outside, including events at the campsite), external patrols will be carried out by staff to monitor noise levels at the boundary of neighbouring residential dwellings and take appropriate action to lower the volume of the music, as necessary.

A copy of the agreed additional condition was sent to all Responsible Authorities on 6 December 2023 A copy of the correspondence can be found at **Appendix D**

4.3 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 not made any representations.	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 not made any representations.	1 representation has been received from a local resident with regards to the potential increase of noise from the premises.
The Protection of Children from Harm	Children and Young People's Services have not made any representations.	No representations have been received

4.2 A Copy of the representation which has been received is shown at **Appendix E**.

5. Financial implications

Costs - None.

Funding - None.

6. Legal powers and implications

6.1 The Licensing Authority recognises that its licensing function is only one means of securing the delivery of the service. The Licensing Authority will therefore continue to work in partnership with other stakeholders, such as the Police, Crime & Disorder Partnerships and the Vehicle and Vehicle Standards Agency (DVSA) towards the promotion of any licensing objectives.

6.2 In undertaking this licensing function, the Licensing Authority has regard to the following legislation:

- Licensing Act 2003
- Gambling Act 2005
- Health Act 2006
- The Smoke-free (Premises and Enforcement) Regulations
- The Equality Act 2010
- The European Convention on Human Rights, which is applied by the Human Rights Act 1998

6.3 The Licensing Authority also has regard to any other relevant legislation, strategies, policies, and guidance in its decision-making.

7. Climate change and environmental implications

There are no climate change or environmental implications noted in this report.

8. Risk management

8.1 Regularly reviewing licensing policies and practices and using a risk-rated approach to both proactive and reactive enforcement reduces the risk to the Authority. Ensuring MoU agreements are in place with external partner agencies will also help strengthen roles and responsibilities surrounding Licensing work.

9. Equality implications

None

10. Corporate implications

10.1 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.

11. 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 8(b) above conditions are modified if any of them are altered or omitted or any new condition is added.

Author

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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.