

Licensing Sub-Committee

Wednesday, 13th June, 2012
10.00 - 10.54 am

Attendees	
Councillors:	Garth Barnes, Andrew Chard and Diggory Seacome
Officers:	Phil Cooper, Licensing Officer Sarah Farooqi, Solicitor Rachael Sanderson, Democracy Assistant

Minutes

1. ELECTION OF CHAIRMAN

Councillor Garth Barnes was duly elected as Chairman.

2. APOLOGIES

None

3. DECLARATIONS OF INTEREST

None

4. APPLICATION TO VARY A PREMISES LICENCE

Phil Cooper, Licensing Officer introduced the report as circulated with the agenda. An application had been received from Mr Marcel Frichot to vary his existing premises licence in respect of Bistrot Coco and Coco Beach, 30 Cambray Place, Cheltenham.

The applicant had requested a variation of his existing licence as follows:

1. Approve alterations by way of additional licensable facilities at first floor level.
2. Extend all licensable activities 7 days a week until 02:30 apart from provision of late night refreshment and opening hours until 03:00 7 days a week.
3. Add dancing and facilities for dancing.

Point 1.2 of the report detailed the premises existing and proposed licensable activities.

No representations had been received from the responsible authorities.

One representation had been received from an interested party, Mrs S Melville. A copy of the representation was attached at Appendix C of the report.

Mr Michael Parrot, Maitland Walker Solicitors attended the Committee and represented the applicant, Mr Marcel Frichot.

Mr Parrot referred Members to a location plan provided by Phil Cooper. The map highlighted where the premises were and also highlighted the location of Mrs Melville's property. Mr Parrot confirmed that Mr Frichot had operated the premises since 2007/8 as a French restaurant.

The restaurant had built up a successful business and after its first year it became apparent that customers wanted to stay longer and have a drink after they had eaten in the restaurant. As a result of this customer feedback a variation application was submitted for use of the ground floor area of the premises to be used as a cocktail bar. This was approved and now operates as Coco Beach. This area provides a beach atmosphere and proved a huge success. The bulk of customers attracted to this area are aged from 30 to 50 years old. Coco Beach operates in conjunction with the restaurant. No draft beer is served and no student nights or offers are promoted. Wine and champagne were sold with cocktails being 50% of the sales, prices of cocktails started from £7.50.

Since the application was granted last year Coco Beach has been very popular and successful. Customers had requested to stay for a drink after their restaurant meal in a quieter environment and private functions were also asked for. The current situation resulted in staff having to refuse custom.

If this variation was granted, the premises may not be open for the requested time but it was clear that this facility was needed. The proposed variation would consist of a small ancillary bar on the first floor of the premises for music and dancing.

Mr Parrot said he hoped the plans were clear to Members and discussed each of the plans from the basement to the first floor. Page 33 of the report showed the proposed plans for the first floor variation. The plan showed a small bar area and an additional room for music and dancing.

Mr Parrot confirmed that the existing premise licence allows licensable activities until 01:00. The variation requests licensable activities to take place until 02:30 with late night refreshment being served until 03:00. This extra 30 minutes between 02:30 and 03:00 will allow for a winding down period and no alcohol would be served between this period.

Mr Parrot stated that no objections had been received from the responsible authorities and referred to Mrs Melville's representation. He said that Mrs Melville uses the restaurant from time to time and has a good neighbourly relationship with Mr Frichot. Mrs Melville's representation was based on concerns over noise disturbance and potential crime and disorder.

Mr Parrot confirmed to Members that as discussed with PC Andy Cook, Mr Frichot proposed an additional condition that the rear terrace/garden shall be cleared of customers by 12:00 midnight. This was an additional condition and was decided in recognition of PC Andy Cook's comments. Mr Frichot was happy to propose this condition in conjunction with the variation for additional hours inside the premises and was happy to accept this curfew regarding the

rear garden. This would mean any smokers after this time would need to use the front of the premises which obviously created operation difficulties.

Finally, Mr Parrot stated that the last thing Mr Frichot wanted to do was appear as a poor neighbour and was conscious of Mrs Melville's position. With this in mind the additional music and dancing facility would be positioned at the front of the building and some sound proofing would be installed so as not to affect Mrs Melville's property. The live music would be acoustic only.

Mr Frichot said the sound insulation was very important and that he had agreed with the curfew of 12:00 midnight. Customers would be asked to move indoors from the outdoor area at 11.50 and felt this was a nice compromise.

Members asked the following questions:

- When asked, Mr Frichot confirmed that the small room between the proposed bar and dance floor on the top floor of the plans was his office.
- When asked, Mr Frichot stated that it was around 50/50 ratio of people coming in from the street, some customers came for a pre or post dinner drink whilst others had pre booked for a meal in the restaurant. He advised Members that with the current licence it was embarrassing for staff and customers when customers were told they could not order more drinks. It was a difficult and awkward situation for staff to handle.
- When asked, Mr Frichot said that a member of staff would man the new bar area when required.
- When asked, Mr Frichot confirmed the restaurant stopped serving food at 22:15. Mr Frichot said he was tempted to make the premises a smoke free zone as he did not want customers smoking in front of the premises after the court yard area was closed at midnight, this would not be a pretty sight.
- When asked, Mr Frichot said although the variation sought the changes for 7 days a week, the premises did not normally open on Sundays but in the event of a bank holiday weekend or a specific function he would like to keep the 7 days a week variation.

Mrs Melville attended the Sub Committee and spoke about her representation. The main worry was with regard to noise, dance music is loud and how would the noise be prevented from escaping to her property. Mrs Melville also raised concern about the premises being open 7 days a week as at present the premises did not open on a Sunday. Mrs Melville also asked if the gardens would be cleared at 12:00 midnight stopping an increase in noise late into the night.

Mr Parrot replied by confirming that the request for late night refreshment to be served until 03:00 was to provide a wind down period. Alcohol would not be served beyond 02:30 and with the additional proposed condition, the outside area would be cleared by 12:00 midnight.

Mr Parrot stated that in practice the premises would not be open on a Sunday but Mr Frichot would like the facility to open on a Sunday should the need arise.

Mr Parrot confirmed that the live music was restricted to acoustic. Recorded music formed part of the existing licence and the variation specified the front of the building on the first floor where additional sound proofing would be installed.

When asked, Mr Frichot stated that the sound proofing would involve the two windows being effectively blocked off and sound proofed. This would prevent noise going out of the premises to the street. Mr Frichot confirmed that two small domestic speakers would be positioned either side of the proposed new dance floor and this area would form a small operation.

The Chairman appreciated that Mr Frichot said this would be a small operation without large speakers but that the Sub Committee had to look at the wider scenario if the variation was granted.

Mrs Melville asked how the building would be sound proofed as it was an older building.

Mr Frichot said he had spoken to his builders about sound proofing the two windows but was not sure what material would be used as work had not started yet but it would be a lot quieter with the installation.

The following further questions were asked:

- When asked, Mr Frichot said that it was unlikely that acoustic music would be played, maybe two guitarists but recorded music would be played.
- Mrs Melville raised concern about noise from the dance floor area 7 days a week and late in to the night. There were already lots of licensed premises in that area. When asked, Mrs Melville referred to the location map provided and said the main living and sleeping area of her property looked into the courtyard of the premises.
- Mrs Melville was reminded that if the variation was granted and noise problems occurred after 12:00 midnight she could ask for a review of the licence and should keep a diary of any problems.
- The Chairman reminded Members that they were looking to determine the variation for this premises and could not take any noise or problems of other premises in this area into consideration.

In summing up, Mr Parrott said the circumstances of this variation were pretty straight forward and that the court yard area would be cleared by 12:00 midnight. Any licence was subject to review and Mrs Melville could report any problems to the relevant officers. If any issues did occur Mrs Melville would feel comfortable contacting Mr Frichot to discuss them and a positive dialogue would remain.

New Years Eve was discussed and Phil Cooper confirmed that the existing premise licence enabled the premises to be open from 10am on New Years Eve until the standard terminal hour the following day.

The Sub Committee retired from the Chamber at 10:45am to determine their decision and returned at 10:53 am with their decision.

Resolved that;

In respect of the application by Mr Marcel Frichot of the Bistrot Coco and Coco Beach the Sub Committee confirmed it had read the material presented to it and had listened to all of the evidence and submissions. The Sub Committee in coming to its decision also considered the four licensing objectives, the National Guidance and the Statement of Policy. The decision of the Sub Committee was as follows: -

the application for variation to the premises licence is granted as requested by the applicant in their application subject to the current existing conditions, the condition that the rear terrace/garden shall be cleared of customers by 12.00 midnight and the mandatory conditions as stated in the report.

The Sub Committee found that despite the representations made by the Interested Party that the licensing objectives are satisfied and that the conditions imposed on the licence will ensure the licence continues to meet these objectives.

The Interested Party was reminded that should the Applicant fail to meet the licensing objectives that she can report matters to the Licensing Authority and the Applicant and that the licence can be the subject of a review.

Chairman