



**Notice of a meeting of
Licensing Sub-Committee**

**Wednesday, 13 June 2012
10.00 am
Council Chamber - Municipal Offices**

MEMBERS ATTENDING	OFFICERS ATTENDING
Councillor Garth Barnes Councillor Andrew Chard Councillor Diggory Seacome Councillor Pat Thornton (reserve)	Phil Cooper, Licensing Officer Sarah Farooqi, Regulatory Solicitor Manager

Agenda

- 1. ELECTION OF CHAIRMAN**
- 2. APOLOGIES**
- 3. DECLARATIONS OF INTEREST**
- 4. APPLICATION TO VARY A PREMISES LICENCE** (Pages 1 - 36)
Bistrot Coco, 30 Cambray Place, Cheltenham, GL50 1JP

Contact Officer: Rachael Sanderson, Democracy Assistant, 01242 264130
Email: democratic.services@cheltenham.gov.uk

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Cheltenham Borough Council

Licensing Sub Committee – 13 June 2012

Licensing Act 2003: Determination of Application for a Premises Licence

Bistrot Coco And Coco Beach 30 Cambray Place Cheltenham Gloucestershire GL50 1JP

Report of the Licensing Officer

1. Introduction

- 1.1 The Licensing Act 2003 (the Act) allows applicants to apply for a premises licence or a variation of an existing premises licence at any time. In this case, an application was received on 24th April 2012 from Mr Marcel Frichot in respect of Bistrot Coco And Coco Beach, 30 Cambray Place, Cheltenham, Gloucestershire, GL50 1JP. A copy of the application is included at **Appendix A**.
- 1.2 The applicant has requested a variation of an 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 save for provision of late night refreshment and opening hours until 03:00 7 days a week.
 3. Add dancing and facilities for dancing.

Licensable Activities (Every Day)

Existing:

Sale / supply of alcohol	10:00 – 01:00
Performance of live music	10:00 – 01:00 Indoors
Performance of recorded music	10:00 – 01:00 Indoors
Provision of facilities for making music	10:00 – 01:00 Indoors
Provision of late night refreshment	23:00 – 01:30 Indoors and Outdoors

Proposed:

Sale / supply of alcohol	10:00 – 02:30
Performance of dance	10:00 – 02:30 Indoors
Performance of live music	10:00 – 02:30 Indoors
Performance of recorded music	10:00 – 02:30 Indoors
Provision of facilities for dancing	10:00 – 02:30 Indoors
Provision of facilities for making music	10:00 – 02:30 Indoors
Provision of late night refreshment	23:00 – 03:00 Indoors and Outdoors

- 1.3 If this application is approved a premises licence will be issued.

1.4 Implications

1.4.1 Financial

Contact officer: Sarah Didcote

E-mail: sarah.dicote@cheltenham.gov.uk

Tel no: 01242 26 4125

1.4.2 Legal

A sub committee is required to discharge its duty and determine an application with a view to promoting the licensing objectives. These objectives, which are set out in section 4(2) of the Licensing Act 2003, are: (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.

Sarah Farooqi

E-mail: Sarah.Farooqi@tewkesbury.gov.uk

Tel no: 01684 272693

2. Application (Ref. 12/00801/PRMV)

2.1 Applicant: Mr Marcel Frichot

2.2 Agent: Mr Michael Parrott, Maitland Walker Solicitors

2.3 Premises: Bistrot Coco and Coco Beach 30 Cambray Place Cheltenham GL50 1JP

2.4 Steps to promote the four licensing objectives that are identified in this application:

New conditions proposed by the applicant:

1. The rear terrace/garden shall be cleared of customers by 12.00 midnight

Existing conditions applicable to the licence which the applicant does not propose to change:

2. The CCTV system shall be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for a minimum of 14 days and be provided on DVD to Officers of the Council, Trading Standards or Police on request.
3. The Challenge 21 (or equivalent scheme) shall be adopted, so that any customer attempting to purchase alcoholic liquor who appears to be under the age of 21 shall be asked for an accredited photographic proof of their age (e.g. passport, photo driving licence or a Pass approved card) and that a sale shall not be made unless this evidence is produced. This will only be treated as a breach where the customer subsequently turns out to be under 18 years of age.
4. A 30 minute "drinking up" time shall be provided to allow appropriate dispersal and use of lavatories.
5. The Bar(s) shall incorporate a display headed 'Driver's Drinks' that includes Alcohol-free Beer(s) and/or Alcohol-free Cider(s) and/or Alcohol-free Wine(s) and/or soft drinks.
6. In the areas outlined in blue on plan ref 1178-30, the sale and supply of alcohol shall be ancillary to the main use of that part of the premises being a bistrot/restaurant.
7. Live music will be acoustic only.
8. Notices shall be displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
9. The designated premises supervisor shall ensure the overall effective management of live or recorded entertainment, such as by monitoring noise levels outside the premises to ensure that noise from such activities is effectively inaudible inside neighbouring noise sensitive premises after 23:00 hours.
10. Entry doors shall be kept closed, other than for normal or emergency access/egress and not propped open during regulated entertainment events after 23:00 hours.
11. Doors providing access to the yard area shall remain closed, other than for normal or emergency access/egress during regulated entertainment events after 23:00 hours, as should windows on the outside of the premises.

- 2.5 A copy of the existing premises licence is attached at **Appendix B**

3. Responsible Authorities

- 3.1 **Gloucestershire Constabulary** - No Representations Received
Responsible Authorities - No Representations Received

4. Interested Parties

- 4.1 Representations have been received from:-
Mrs S Melville
- 4.2 A copy of Mrs Melville's representation is attached at **Appendix C**
- 4.3 Mrs Melville's representation relates to potential public nuisance caused by noise disturbance and potential crime and disorder caused by increased alcohol consumption

5. Local Policy Considerations

- 5.1 The 2003 Act introduces a unified system of regulation through two new types of licences: the premises licence and the personal licence (club premises certificates for qualifying clubs). The Borough Council, as the licensing authority, is responsible for licensing all outlets in the borough that sell or supply alcohol or carry out any other 'licensable activities': public entertainment, theatre, cinema, or late night refreshment.
- 5.2 The new system is underpinned by four objectives: i) the prevention of crime and disorder; ii) public safety; iii) the prevention of public nuisance; and, iv) the protection of children from harm. The licensing authority must promote these objectives in carrying out its functions.
- 5.3 The Council's adopted licensing policy statement (Council 10th Feb 2012) includes the following:
- 5.4 The Council will carry out its licensing functions under the Act with a view to promoting the four licensing objectives, which are:-
- (a) The prevention of crime and disorder;
 - (b) Public safety;
 - (c) The prevention of public nuisance; and
 - (d) The protection of children from harm. (Paragraph 4.1)
- 5.5 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives. (Paragraph 4.2)
- 5.6 In determining a licensing application, the overriding principle adopted by the Council will be that each application is determined on its merits. Licence conditions will be tailored to the individual application and only those necessary to promote the licensing objectives will be imposed. (Paragraph 4.3)
- 5.7 Each of the four objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business has on the vicinity. (Paragraph 4.5)

- 5.8 Through their operating schedule, applicants will be expected, where necessary, to demonstrate the positive steps taken to promote the licensing objectives. (Paragraph 5.3)
- 5.9 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. The Council expects an operating schedule to indicate the steps that the applicant proposes to take to promote the licensing objectives. (Paragraph 5.4)
- 5.10 Applicants will be expected to propose practical measures to prevent disturbance to local residents and to indicate what action will be taken to prevent or reduce noise emanating from the premises.
- 5.11 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises. For premises such as a public house where public entertainment is not provided, only a relatively simple document will be required. For a major public entertainment venue it will be expected that issues such as public safety and crime and disorder will be addressed in detail. (Paragraph 5.7)
- 5.12 The Council has discretion on whether to grant applications for licences and to impose conditions on granting and reviewing licences, only when relevant representations are made by “interested parties” or by “responsible authorities”(Paragraph 6.1)
- 5.13 The main purpose of this policy is to provide clarity to applicants, interested parties and responsible authorities on how the Council will determine applications for the sale/supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment and also to provide a basis for all licensing decisions taken by the Council over the next three years. It will also inform elected Members of the parameters within which licensing decisions can be made. (Paragraph1.3)
- 5.14 Through this policy the Council hopes that residents of and visitors to Cheltenham will be able to enjoy their leisure time safely and without fear of violence, intimidation or disorder while at licensed premises. (Paragraph1.4)
- 5.15 An effective licensing policy, alongside other initiatives, will work towards promoting the positive aspects of deregulation under the Act, such as promoting tourism, increasing leisure provision and encouraging the regeneration of the town centre as well as controlling the negative impacts such as increase in noise, nuisance, anti-social behaviour and crime and disorder. (Paragraph1.5)
- 5.16 It should be understood that this policy and the section 182 Guidance cannot anticipate every scenario or set of circumstances that may arise and as such there may be circumstances where the policy or guidance may be departed from in the interests of the promotion of the licensing objectives and where it is deemed appropriate to do so. In such cases the Council will give full reasons for departing from this policy. (Paragraph1.6)
- 5.17 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in promoting this objective. (Paragraph 5.11)
- 5.18 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events. (Paragraph 5.12)

- 5.19 Capacity limits are commonly made a condition of a licence on public safety grounds but should also be considered for licensed pubs and clubs where overcrowding may lead to disorder and violence. If such a condition is necessary, door supervisors may be needed to ensure the numbers are appropriately controlled. (Paragraph 5.17)
- 5.20 Where relevant representations are received, the Council may attach appropriate conditions to licences, necessary to support the prevention of undue noise disturbance from licensed premises. Where premises remain open after midnight the licence holder, will be expected to provide facilities which are relevant to controlling noise and the patrons of those premises late at night. The Council also expects that premises which produce noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance. (Paragraph 5.26)
- 5.21 Where the Council receives relevant representations, or where a responsible authority or an interested party seeks a review, the Council may consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective. (Paragraph 5.30)
- 5.22 Conditions may include maximum noise levels over particular time periods, the installation of acoustic lobbies; provision of signs, publicity and dispersal policies. (Paragraph 5.31)

6 National Guidance

- 6.1 Guidance has been issued under Section 182 of the Licensing Act 2003.
- 6.2 Para 2.33 of the Guidance 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."
- 6.3 Para 2.34 of the Guidance states: "Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises."
- 6.4 Para 2.35 of the Guidance states: "Conditions relating to noise nuisance will normally concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the

community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.”

- 6.5 Para 2.36 of the Guidance states: “As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.”
- 6.6 Para 2.37 of the Guidance states: “Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.”
- 6.7 Para 2.39 of the Guidance states: “In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives. However, premises should have adequate dispersal policies (where appropriate) in place to ensure that customers leave the premises promptly and with minimal disruption to those in the surrounding area.”
- 6.8 Para 10.10 of the Guidance states: “The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.”
- 6.9 Para 10.12 of the Guidance states: “The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.”
- 6.10 Proportionality: para 10.14 of the Guidance states: “The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.”

- 6.11 Duplication with other statutory provisions: para 10.16 of the Guidance states: "If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be appropriate to impose the same or similar duties as conditions."
- 6.12 Para 10.21 of the Guidance states: "Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested."

7. Licensing Comments

- 7.1 Members are to note that on 25 April 2012, the following amendments to the Licensing Act 2003 came into force:
- 7.2 The Licensing Authority became a Responsible Authority for premises and club premises applications and will have the power to refuse, remove or review a licence without representation from the Police or other Responsible Authority.
- 7.3 Primary Care Trusts and Local Health Boards also joined the list of Responsible Authorities and are able to make representations regarding licensing applications and apply for reviews, even though the licensing objectives have not been revised to include health.
- 7.4 The term 'interested parties' has been replaced by 'any other person' meaning that anyone can voice objections regardless of geographic vicinity, however any such objection must relate to one or more of the licensing objectives.
- 7.5 The Secretary of State has been required to make changes to the Licensing Act Regulations 2005 requiring the Licensing Authority to advertise applications 'in a manner which is prescribed and is likely to bring the application to the attention of the persons who are likely to be affected by it'.
- 7.6 The Committee must have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives which can include:
- Granting the application as requested;
 - Modifying the conditions attached to the licence; or
 - Rejecting all or part of the application.
- 7.7 In determining this application, Members must have regard to the guidance issued by the Secretary of State and the Council's adopted policy statement.
- 7.8 The Council has a statutory duty to promote the licensing objectives and therefore Members can only give consideration to representations that relates to the likely effect the grant of this licence will have on the promotion of those objectives, these being:
- a. the prevention of crime and disorder;
 - b. public safety;
 - c. the prevention of public nuisance; and
 - d. the protection of children from harm.

- 7.9 The application must be determined on its individual merits and consideration must only be given to this application and the individual premises to which it relates. For this reason, Members are to note that comments relating to other premises in the vicinity should not be considered relevant.
- 7.10 A plan of the internal layout of the premises is attached at **Appendix D**. This shows the unchanged plans for the basement and the ground floor as well as the proposed plans for the first floor.
- 7.11 A plan of the location of the premises is attached **Appendix E**.

Background Papers

Service Records

Report Author

Contact officer: Mr Phil Cooper
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 775200

Insert name and address
of relevant licensing
authority and its
reference number
(optional)

Licensing
Cheltenham Borough Council
Municipal Offices
Promenade, Cheltenham

GL50 9SA

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/XXX~~ Mr Marcel Frichot

(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

11/01414/PRMA

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference, or description

30 Cambray Place

Post town Cheltenham

Post code GL50 1JP

Telephone number at premises (if any)

01242 534000

Non-domestic rateable value of premises

£ 4,550.00

Part 2 - Applicant Details

Daytime contact telephone number

01242 534000

E-mail address
(optional)

Current postal
address
if different from
premises address

As above

Post Town

Postcode

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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

1. Approve alterations to the premises by way of additional licensable facilities at first floor level.
2. To extend all licensable activities 7 days a week until 02:30am, save for provision of late night refreshment and opening hours until 03:00am 7 days a week.
3. To add dancing and facilities for dancing.

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.

Please tick ☒ Yes

Provision of regulated entertainment

- 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)

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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

☒

Sale by retail of alcohol (if ticking yes, fill in box M)

☒

In all cases complete boxes N, O and P

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	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
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 5)		
Sat					
Sun					

B

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

C

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

D

Boxing or wrestling entertainment 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	
Day	Start	Finish		Outdoors	
Mon				Both	
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur			<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 5)		
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	x
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) As existing i.e. acoustic only		
Mon	10:00	02:30			
Tue	10:00	02:30	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed	10:00	02:30			
Thur	10:00	02:30	<u>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</u> (please read guidance note 5) See attached.		
Fri	10:00	02:30			
Sat	10:00	02:30			
Sun	10:00	02:30			

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	x
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) As existing		
Mon	10:00	02:30			
Tue	10:00	02:30	<u>State any seasonal variations for playing recorded music</u> (please read guidance note 4)		
Wed	10:00	02:30			
Thur	10:00	02:30	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5) See attached.		
Fri	10:00	02:30			
Sat	10:00	02:30			
Sun	10:00	02:30			

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)	Indoors	X
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) Occasional dancing by customers		
Mon	10:00	02:30			
Tue	10:00	02:30	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed	10:00	02:30			
Thur	10:00	02:30	<u>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5) See attached.		
Fri	10:00	02:30			
Sat	10:00	02:30			
Sun	10:00	02:30			

H

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

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			Will the facilities for making music be indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	X
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3) As existing		
Mon	10:00	02:30			
Tue	10:00	02:30	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Wed	10:00	02:30			
Thur	10:00	02:30	Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) See attached.		
Fri	10:00	02:30			
Sat	10:00	02:30			
Sun	10:00	02:30			

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick ✓ (see guidance note 2)		Indoors	X
					Outdoors	
					Both	
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing Dance floor as shown on plan			
Mon	10:00	02:30	Please give further details here (please read guidance note 3)			
Tue	10:00	02:30				
Wed	10:00	02:30	State any seasonal variations for providing dancing facilities: (please read guidance note 4)			
Thur	10:00	02:30				
Fri	10:00	02:30	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) See attached.			
Sat	10:00	02:30				
Sun	10:00	02:30				

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Mon				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 3)		
Wed			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)		Indoors	
Day	Start	Finish			Outdoors	
Mon	23:00	03:00			Both	X
Tue	23:00	03:00			Please give further details here (please read guidance note 3)	
Wed	23:00	03:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Thur	23:00	03:00				
Fri	23:00	03:00	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) See attached.			
Sat	23:00	03:00				
Sun	23:00	03:00				

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption please tick ✓ (please read guidance note 7)	On the premises	
				Off the premises	
				Both	X
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Mon	10:00	02:30			
Tue	10:00	02:30			
Wed	10:00	02:30			
Thur	10:00	02:30	<u>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</u> (please read guidance note 5) See attached.		
Fri	10:00	02:30			
Sat	10:00	02:30			
Sun	10:00	02:30			

N

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)

None

O

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	10:00	03:00	
Tue	10:00	03:00	
Wed	10:00	03:00	
Thur	10:00	03:00	
Fri	10:00	03:00	Non standard timings. Where you intend to use 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) See attached.
Sat	10:00	03:00	
Sun	10:00	03:00	

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

- Hours for licensable activities and opening hours
- Addition of dancing and facilities

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

P 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)

The premises were granted in extension of trading hours during 2011 and have operated without difficulty since re-opening in early November 2011. It is not thought necessary that any additional conditions are necessary.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

- 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

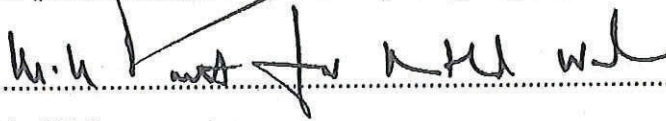
☐☒☒☒

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 23 April 2012

Capacity Solicitor

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

Capacity

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

Michael Parrott
Maitland Walker LLP
19 Imperial Square

Post town Cheltenham

Post code GL50 1QZ

Telephone number (if any) 01242 285855

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

michael.parrott@maitlandwalker.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.

Notes for Guidance

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.



CHEL TENHAM
BOROUGH COUNCIL

Licensing Act 2003
Cheltenham Borough Council

Premises Licence Number

11/01414/PRMA

Part 1 – Premises Details

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

Bistrot Coco and Coco Beach
30 Cambray Place
Cheltenham
Gloucestershire
GL50 1JP

Telephone number 01242 534000

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

Sale/Supply of Alcohol	Every Day	10:00 - 01:00
Performance of Live Music	Every Day	10:00 - 01:00 Indoors
Performance of Recorded Music	Every Day	10:00 - 01:00 Indoors
Prov'n of Facilities for Making Music	Every Day	10:00 - 01:00 Indoors
Late Night Refreshment	Every Day	23:00 - 01:30 Both

The opening hours of the premises

Opening Hours Every Day 10:00 - 01:30

Non Standard Timings

Permitted licensable activities may be offered continuously from 10:00 hours on New Year's Eve until the standard terminal hour on 1 January. On the following days the terminal hour for permitted activities shall be extended as shown: 1st January 1 hour; Valentine's Day 1 hour; Burns Night 1 hour; St David's Day 1 hour; St Patrick's Day 1 hour; St George's Day 1 hour; Easter Sunday 1 hour; Easter Monday 1 hour; the Sunday prior to 1st and 2nd May and the Sunday prior to August Bank Holiday 2 hours; 1st and 2nd May and August Bank Holiday Mondays 1 hour; Halloween 2 hours; Christmas Eve, Boxing Day, 27th, 28th, 30th December 2 hours; days of Cheltenham Gold Cup and November Festival Race Meetings 2 hours.

An additional 1 hour on all permitted activities on the change from Greenwich Mean Time (GMT) to British Summer Time (BST).

In all cases where non standard timings apply the 30 minute drinking up time shall be preserved.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Both

Part 2

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

Mr Marcel Frichot
30 Cambray Place
Cheltenham
Gloucestershire
GL50 1JP

Business Phone Number 01242 534000

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

Not applicable

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

Mr Marcel Frichot
30 Cambray Place
Cheltenham
Gloucestershire
GL50 1JP

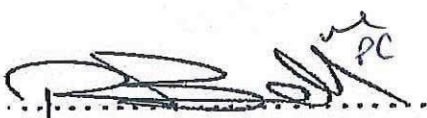
Business Phone Number 01242 534000

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

Party Reference: 05/01177/PERC

Licensing Authority: Cheltenham Borough Council

Signature of Issuing Officer



Assistant Director – Operations

Date of issue

26 October 2011

Annex 1 – Mandatory conditions

- 1 No retail sale 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.
 - (c) Every retail sale of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
 - (d) The other conditions are any conditions specified in an order under section 19A and applicable to the premises licence.

Annex 2 – Conditions consistent with the Operating Schedule

- 1
 - (a) The CCTV system shall be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for a minimum of 14 days and be provided on DVD to Officers of the Council, Trading Standards or Police on request.
 - (b) The Challenge 21 (or equivalent scheme) shall be adopted, so that any customer attempting to purchase alcoholic liquor who appears to be under the age of 21 shall be asked for an accredited photographic proof of their age (e.g. passport, photo driving licence or a Pass approved card) and that a sale shall not be made unless this evidence is produced. This will only be treated as a breach where the customer subsequently turns out to be under 18 years of age.
 - (c) A 30 minute "drinking up" time shall be provided to allow appropriate dispersal and use of lavatories.
 - (d) The Bar(s) shall incorporate a display headed 'Driver's Drinks' that includes Alcohol-free Beer(s) and/or Alcohol-free Cider(s) and/or Alcohol-free Wine(s) and/or soft drinks.
2.
 - (a) In the areas outlined in blue on plan ref 1178-30, the sale and supply of alcohol shall be ancillary to the main use of that part of the premises being a bistrot/restaurant.
 - (b) Live music will be acoustic only.
 - (c) Notices shall be displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
 - (d) The designated premises supervisor shall ensure the overall effective management of live or recorded entertainment, such as by monitoring noise levels outside the premises to ensure that noise from such activities is effectively inaudible inside neighbouring noise sensitive premises after 23:00 hours.
 - (e) Entry doors shall be kept closed, other than for normal or emergency access/egress and not propped open during regulated entertainment events after 23:00 hours.
 - (f) Doors providing access to the yard area shall remain closed, other than for normal or emergency access/egress during regulated entertainment events after 23:00 hours, as should windows on the outside of the premises.

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

Not applicable

Annex 4 – Plans

- 1 See drawings 1178-30, 1178-31, 1178-32 and 1178-40

RE: BISTROT COCO - CAMDEN PLACE - CHELTENHAM.



Part 2

LICENSING ACT 2003 - REPRESENTATION FORM (INTERESTED PARTY)

On completion this form and any additional sheets or other accompanying documentation should be returned to; The Licensing Team, Public Protection Division, Cheltenham Borough Council, PO Box 12, Municipal Offices, Promenade, Cheltenham, Glos, GL50 1PP, e mail: licensing@cheltenham.gov.uk

Please indicate in which capacity you are making this representation by ticking a box below;

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Contact details (of person completing form)

Name:	Mrs S. MELVILLE	
Name of the organisation/body/person represent. (if appropriate)		
Your full Postal Address of the organisation or body represent		
Post Code		
Daytime contact telephone number		
Email address - If you would (optional).		Enter your email address.

Details of person/body making representation (if different from above)

Name of the person/organisation/body, (as appropriate)	
Full Postal Address of the person/organisation or body making representation	
Post Code	
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

Part 2 continued

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

My concerns relate to increase in noise - both in relation to music and noise generated by an increase in general numbers of people. The extension in licensing hours will lead to an increase in alcohol consumption in an area where there is already a number of clubs and bars. Cambray itself is a relatively quiet area in the midst of all these licensed premises and an extension of licensing hours at Bristol Coes will have a detrimental effect.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to enter details of any other matters not commented on elsewhere relating to your representation that you would like the committee to take into account.
(Please continue on a separate sheet if necessary)

Signature:

Capacity: RESIDENT

Date: 2. 6. 12.

Cooper, Phil

From: Suzy Melville [redacted]
Sent: 06 May 2012 12:08
To: Internet - Licensing
Subject: Bistrot Coco/Coco Beach - Premises Licence Variation

For the attention of Mr Phillip Bowen
Your ref: 12/00801/PRMV

Dear Sir

Thank you for your letter of 4 May.

My representation relates to the prevention of public nuisance with reference to excessive noise levels and alcohol consumption. The licence application includes dancing and facilities for dancing. There are already a number of clubs and bars in the area where music can be heard late at night, even with the windows in our property closed and I can only imagine the problem will be worse bearing in mind the close proximity of No. 30 Cambay Place. In a previous application at the premises in 2009 it was agreed that music would be occasional and non-amplified. I expressed my concern then that, if granted, this licence may become amended over time and this would now appear to be the case.

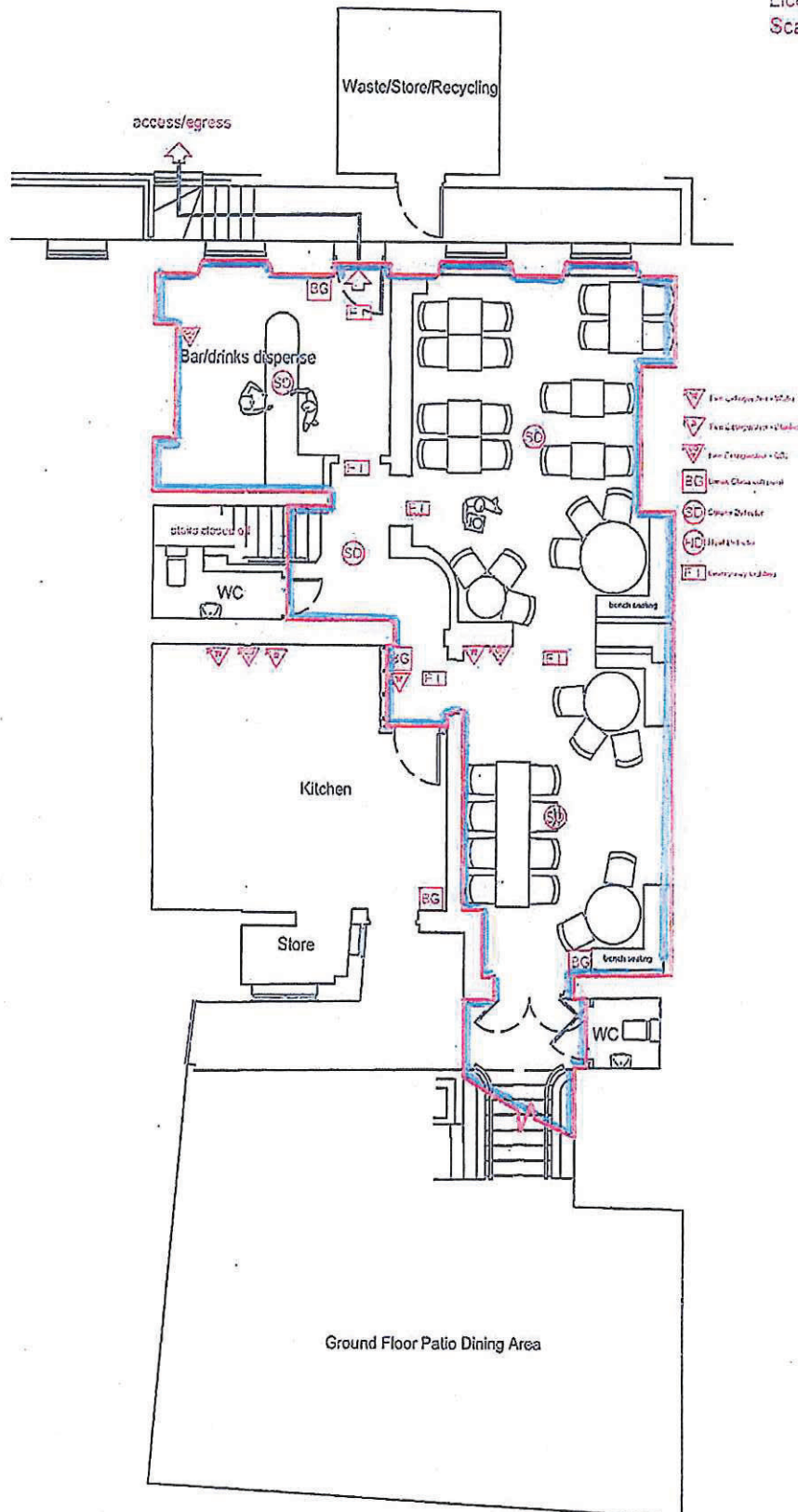
My concern is also that an increase in the licensing hours the Bistrot Coco would lead to a consequent increase in drunken behaviour in the street. This has caused problems in our building in the past with people entering the building and damaging the lift. Bearing in mind the number of licensed premises in such a small area I do not think an increase in licensing hours at Bistrot Coco would be a positive addition for residents.

A copy of this email will follow in the post but I would be grateful if any further correspondence could be via email (address as above).

Kind regards
Yours faithfully

Suzanne Melville

08/05/2012



The proposed layout and furniture arrangement is subject to the approval of the Licensing Authority. The plan is based on the information provided by the client and is not intended to be a final plan. The client is responsible for ensuring that the plan complies with all relevant regulations and standards.

Client	Bistro Coco
Address	30 Cambray Place Cheltenham
Design	Marcel Fitchol
Project	Basement Licensing Layout
Version	1176-00
Issue	Client Consultation
Scale	A3 or 1:100
Quantity	01
Drawn by	SB
Check	10

Numbers for fire safety
across ground floor for fire
safety = 72

7. In addition to the support that the Government of the Republic of the Philippines has provided to the Commission, the Commission has also been able to work with the Government of the Philippines to develop a number of projects and programs that will help to improve the lives of the people of the Philippines. These projects and programs include:

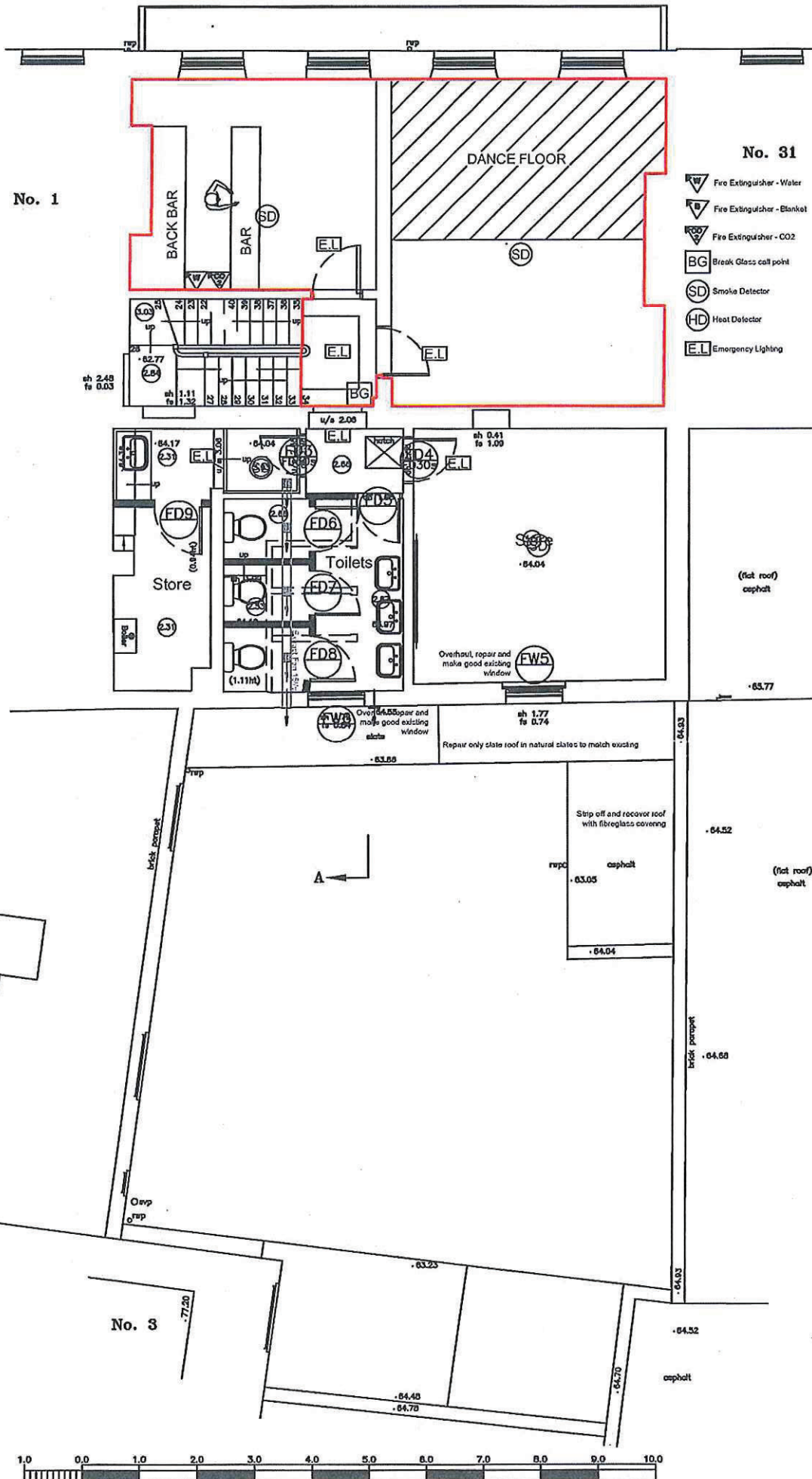
Name		
Project	Bistro Coco 30 Canterbury Place Chalfontonham	
Client	Marcel Michel	
Location	Ground Floor Living Lounge	
Architect	1178-51	
Accessories	Client Consult	
Scale	A3 w H103	
Designed by	UI	Designed by S2

sh all to head height
fs floor to sill height
t/s underside height
t/s topside height
fb floorboard direction
conc concrete
ri roof light
cup'd cupboard
fp fireplace
sd sliding door
sw soil and vent pipe
wp rain water pipe
carpet
3.17 room height
roof slope

No. 31

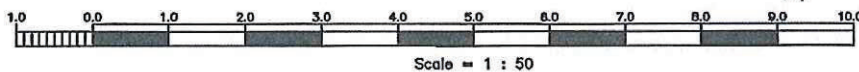
- Fire Extinguisher - Water
- Fire Extinguisher - Blanket
- Fire Extinguisher - CO2
- Break Glass call point
- Smoke Detector
- Heat Detector
- Emergency Lighting

No. 1



No. 2

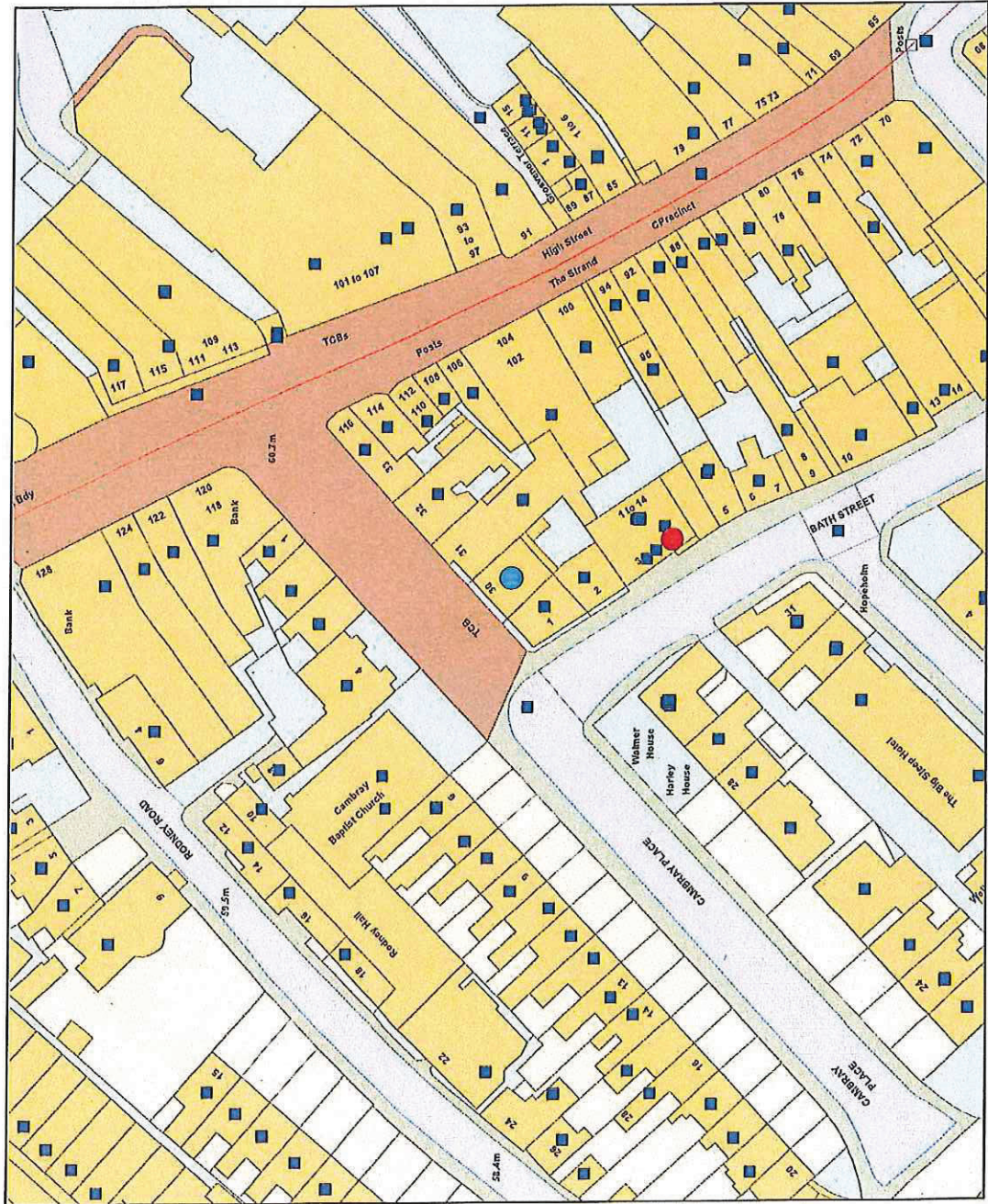
No. 3





Bistrot Coco and Coco Beach

30 Cambray Place, Cheltenham, GL50 1JP



Legend

- Bistrot Coco and Coco Beach
- Mrs Melville's property location

Scale : 1:1124

Organisation	Cheltenham Borough Council
Department	Public Protection
Comments	Licensing Sub-Committee
Date	13 June 2012
SLA Number	LA100024384 2011

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