



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Licensing Sub-Committee

Wednesday, 2 July 2014
10.00 am
Montpellier Room - Municipal Offices

Membership	
Councillors:	Garth Barnes, Andrew Chard and Diggory Seacome
Reserve Councillor:	Jon Walklett
Officers:	Phil Cooper, Licensing Officer Vikki Fennell, Solicitor

Agenda

1.	ELECTION OF CHAIRMAN	
2.	APOLOGIES	
3.	DECLARATIONS OF INTEREST	
4.	DETERMINATION OF APPLICATION FOR A PREMISES LICENCE Coffee & Co, 7 Montpellier Terrace, Cheltenham, GL50 1US	(Pages 1 - 34)

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Cheltenham Borough Council

Licensing Sub Committee – 2 July 2014

Licensing Act 2003 Determination of an Application for a Premises Licence

Coffee & Co, 7 Montpellier Terrace, Cheltenham

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 a premises licence at any time. In this case, an application for a new premises licence was received on 7 May 2014 from Mr Abdul Mannan, in respect of Coffee & Co, 7 Montpellier Terrace, Cheltenham. A copy of the application is included at **Appendix A**.
- 1.2 The application is for a premises licence to authorise the following licensable activities between the hours of 08:00 and 23:59 every day.
- Sale / supply of alcohol – for consumption on and off the premises.
 - Performance of live music – indoors only.
 - Playing of recorded music – indoors only.
 - Performance of dance – indoors only.
 - Entertainment of a similar description to a performance of live music, the playing of recorded music or a performance of dance – indoors only.
- 1.3 The application was advertised and consulted upon in the manner prescribed in Regulations. As a result of that consultation no representations were received from Responsible Authorities but two representations were received from other people.

1.4 Implications

- 1.5.1 Financial **Contact officer: Sarah Didcote**
E-mail: sarah.didcote@cheltenham.gov.uk
Tel no: 01242 26 4125
- 1.5.2 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.
- Contact officer: Vikki Fennell**
E-mail: vikki.fennell@teWKesbury.gov.uk
Tel no: 01684 272015

2. Application (Ref. 14/00919/PRMA)

- 2.1 Applicant: Mr Abdul Mannan
- 2.2 Premises: Coffee & Co, 7 Montpellier Terrace, Cheltenham, Gloucestershire, GL50 1US
- 2.3 The applicant has volunteered to take the following steps to promote the four licensing objectives. These will become conditions on the licence if the application is granted.

Coffee & Co	Page 1 of 8	Last updated 24 June 2014
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- (a) 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, PASS-approved Card) and that a sale shall not be made unless this evidence is produced.
- (b) The Designated Premises Supervisor (DPS) shall maintain an active membership of the Nightsafe etc. / Cheltenham Innkeepers Association (or successor 'pubwatch' body).
- (c) Eight Colour CCTV Cameras will be installed covering the internal and external Areas of the Premises
- (d) The CCTV system shall be maintained in good working order, shall record at all times that the premises are open, and recordings shall be kept for 28 days (14 days for digital systems) and be provided to officers of the council and the police on request.
- (e) A 30 Minute Drinking up time shall be provided to allow appropriate dispersal, use of toilets etc.
- (f) Suitable notices shall be posted inside and outside the premises to request patrons to leave the premises quietly and behave in ways that respect the interests of neighbours.
- (g) Use of the outdoor area will cease at 23:00hrs everyday.
- (h) Whenever any regulated entertainment occurs past 22:00hrs indoors, all windows and doors shall be kept shut during these activities.

3. Responsible Authorities

- 3.1 No objections were received from responsible authorities.

4. Other People

- 4.1 Two relevant representations have been received.

Stephanie Brookes (Suffolk Court, Suffolk Place, Cheltenham GL50 2QG) has objected to the application on the grounds that the premises are close to a large number of flats and houses and therefore the application has the potential to cause a public nuisance. Ms Brookes has also given her view that the premises are unsuitable for live and recorded music.

Robert Brookes (Suffolk Court Management Co Ltd) has objected to the application as a director of the management company and landlord of Suffolk Court, Suffolk Place, GL50 2QG. Mr Brookes has objected on the grounds that the application for live music, recorded music and the sale of alcohol is likely to cause a public nuisance because of the proximity of residential dwellings.

A copy of each representation is attached at **Appendix B** however Members should note that each representation contains some comments which are not relevant matters for this sub committee. These matters are discussed in section 7 of this report.

5. Local Policy Considerations

- 5.1 The 2003 Act introduces a unified system of regulation through two new types of licences: the premises licence (club premises certificates for qualifying clubs) and the personal licence. 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.

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- 5.3 The Council's adopted licensing policy statement (Council 10th Feb 2012) includes the following:
- 5.4 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)
- 5.5 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)
- 5.6 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)
- 5.7 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)
- 5.8 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)
- 5.9 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives. (Paragraph 4.2)
- 5.10 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 appropriate to promote the licensing objectives will be imposed. (Paragraph 4.3)
- 5.11 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)
- 5.12 Through their operating schedule, applicants will be expected, where necessary, to demonstrate the positive steps taken to promote the licensing objectives. (Paragraph 5.3)
- 5.13 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)
- 5.14 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. (Paragraph 5.6)

- 5.15 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)
- 5.16 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)

Public Nuisance

- 5.17 The Council will expect applicants to set out in their operating schedules the steps taken, or proposed to be taken, to deal with the potential for public nuisance arising from the operation of the premises. (Paragraph 5.22)
- 5.18 Applicants should identify and describe through a risk assessment how these risks will be managed. Public nuisance could include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (Paragraph 5.23)
- 5.19 The role of the Council is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents and other users of the town including businesses, workers, shoppers and visitors. (Paragraph 5.24)
- 5.20 Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. Other major sources of noise nuisance are vehicles collecting customers, the slamming of car doors and the sounding of horns. These noises can be particularly intrusive at night when ambient noise levels are lower. (Paragraph 5.25)
- 5.21 Where relevant representations are received, the Council may attach appropriate conditions to licences, appropriate 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)
- 5.22 Licensees and their staff are expected to have sufficient measures in place to prevent such problems arising including a suitable litter and waste management program to ensure that the area outside the premises is kept free of litter at all times. (Paragraph 5.29)
- 5.23 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)
- 5.24 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 Statutory guidance has been issued under Section 182 of the Licensing Act 2003. The committee must have regard to the guidance when determining this application. Below are relevant extracts for the benefit of the committee. Emphasis added.

Licensing objectives and aims

6.2 The legislation provides a clear focus on the promotion of four statutory objectives *which must be addressed when licensing functions are undertaken*. (1.2)

6.3 The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm. (1.3)

6.4 *Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times*. (1.4)

6.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them. (1.5)

Legal status

6.6 *Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent*. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken. (1.9)

Licence conditions – general principles

6.7 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format. (1.16)

Each application on its own merits

6.8 *Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case. (1.17)*

Public nuisance

6.9 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. (2.18)

6.10 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. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health. (2.19)

6.11 Conditions relating to noise nuisance will usually 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. (2.20)

- 6.12 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation 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. (2.21)
- 6.13 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. (2.22)
- 6.14 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night. (2.24)

7. Licensing Comments

- 7.1 The committee must have regard to the statutory guidance issued by the Secretary of State, the Council's adopted policy statement, the representations made and the evidence it hears when determining this application. In particular, the committee must seek to promote the four licensing objectives when determining the application.
- 7.2 A plan showing the location of the premises in relation to the addresses of the objectors is attached at **Appendix C**.
- 7.3 An internal layout plan of the premises is attached at **Appendix D**.
- 7.4 Members should take into consideration only those objections which relate to one or more of the licensing objectives, which are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- Members should disregard objections which do not relate to the licensing objectives.
- 7.5 Some comments have been made in the representations which are not relevant and should not be taken into account. These are as follows:

How the application was publicised. The Regulations prescribe how applications for premises licences must be publicised, which is by way of a statutory notice displayed at the premises for 28 days and a copy of that notice published in a suitable local newspaper. Both of these steps were taken, so the application was publicised in the prescribed manner. Whilst the objectors may feel that the applicants should have leafleted local residences to make people aware of the applications, the Regulations do not require them to do so.

Planning. Several comments have been made about planning requirements and the need for the premises users to obtain 'change of use' and listed building permissions. Members are to note that planning issues are covered by separate legislation and are not matters for this sub committee. The Council's planning department was consulted on this application and did not object to it.

Other premises. A comment has been made regarding neighbouring licensed premises and the potential for over-development of the area. Members are to note that each application for a Premises Licence must be dealt with on its own merits and not in conjunction with other licensed premises.

Waste disposal. Both objectors have referred in their representations to the potential for this application to increase the waste produced at the premises and have questioned whether the operators of the premises have sufficient facilities to store it. Members should note that separate legislation is in place to deal with waste management and should an increase in waste occur, it would be the responsibility of the premises users to correctly manage it in line with those requirements. Members should therefore only take into account these comments if they are satisfied that the sale of alcohol, playing of recorded music, performance of live music and performance of dance (and similar entertainment) will cause a detrimental effect on the promotion of one or more of the licensing objectives.

7.5 The committee, having regard to the all of the above, must take such steps as it considers appropriate for the promotion of the licensing objectives which can include:

- Granting the application as requested;
- Modifying the conditions of the licence; or
- Rejecting all or part of the application.

Background Papers

Service Records

Report Author

Contact officer: Mr Philip Cooper

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Tel no: 01242 775200



CHELTENHAM BOROUGH COUNCIL

Application for a premises licence to be granted 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 Abdul Mannan
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Coffee & Co 7 Montpellier Terrace			
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Post town	Cheltenham	Postcode	GL50 1US
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Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 11500

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)

- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Mannan			First names Abdul		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		Coffee & Co 7 Montpellier Terrace			
Post town	Cheltenham		Postcode	GL50 1US	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

Ground floor Coffee house with additional Seating on first floor and further seating outside to the front.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- 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)

Supply 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								
Sat						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)		
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	<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 the exhibition of films (please read guidance note 4)		
Thur								
Fri						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)		
Sat								
Sun								

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			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<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)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur								
Fri								
Sat						<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)		
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"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	08:00	23:59	Please give further details here (please read guidance note 3)		
Tue	08:00	23:59			
Wed	08:00	23:59	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	08:00	23:59			
Fri	08:00	23:59	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)		
Sat	08:00	23:59			
Sun	08:00	23:59			

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	Please give further details here (please read guidance note 3)					
Mon	08:00	23:59						
Tue	08:00	23:59						
Wed	08:00	23:59				State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	08:00	23:59						
Fri	08:00	23:59						
Sat	08:00	23:59				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)		
Sun	08:00	23:59						

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	08:00	23:59			
Tue	08:00	23:59	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed	08:00	23:59			
Thur	08:00	23:59			
Fri	08:00	23:59	<u>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</u> (please read guidance note 5)		
Sat	08:00	23:59			
Sun	08:00	23:59			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input checked="" type="checkbox"/>
Mon	08:00	23:59		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	08:00	23:59	<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed	08:00	23:59			
Thur	08:00	23:59			
Fri	08:00	23:59	<p><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)</p>		
Sat	08:00	23:59	<p><u>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</u> (please read guidance note 5)</p>		
Sun	08:00	23:59			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	08:00	23:59						
Tue	08:00	23:59						
Wed	08:00	23:59						
Thur	08:00	23:59				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	08:00	23:59						
Sat	08:00	23:59						
Sun	08:00	23:59						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Abdul Mannan	

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).
 None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	23:59	0930
Tue	08:00	23:59	
Wed	08:00	23:59	
Thur	08:00	23:59	
Fri	08:00	23:59	
Sat	08:00	23:59	
Sun	08:00	23:59	

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)

M Describe the steps you intend to take to promote the four licensing objectives:

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

b) **The prevention of crime and disorder**

(a) The Designated Premises Supervisor (DPS) shall maintain an active membership of the Nightsafe / Cheltenham Innkeepers' Association (or successor 'pubwatch' body).

(b) ~~Six~~ ⁸ colour CCTV cameras will be installed covering the internal and external areas of the premises.

(c) The CCTV system shall be maintained in good working order, shall record at all times that the premises are open, and recordings shall be kept for 14 days and be provided to authorised officers of the council and police on request.

(d) A 30 minute 'drinking up' time shall be provided to allow appropriate dispersal, use of lavatories etc.

c) **Public safety**

d) **The prevention of public nuisance**

(a) Suitable notices shall be posted inside and outside the premises to request patrons to leave the premises quietly and behave in ways that respect the interests of neighbours.

(b) Use of the outdoor area will cease at 23:00 everyday.

(c) The designated premises supervisor (DPS) shall ensure effective overall management of live and recorded entertainment, such as monitoring noise levels outside the premises, to ensure that noise from such activities does not cause a noise nuisance at the nearest noise sensitive premises.

(d) Whenever any regulated entertainment occurs past 22:00 indoors all windows and doors shall be kept shut during these activities.

e) **The protection of children from harm**

(a) 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.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	6/05/14
Capacity	

For joint applications, signature of 2nd applicant 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 postal address for correspondence associated with this application (please read guidance note 13) Coffee & Co 7 Montpellier Street			
Post town	Cheltenham	Postcode	GL50 1US
Telephone number (if any)	07773 804962		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) sammy@brasseriegroup.com			

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 the 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 the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. 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 or 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, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

-----Original Message-----

From: robert brookes

Sent: 04 June 2014 22:09

To: Internet - Licensing

Subject: Abdul Mannan, Coffee & Co, 7 Montpellier Terrace

Dear Sirs. I am a director of Suffolk Court Management Co Ltd, landlord of Suffolk Court, Suffolk Place, GL50 2QG which is a property containing 9 flats at the rear of Coffee & Co.

I have been made aware that Mr Mannan has made two applications regarding a change of use and opening hours of the business and a retrospective application regarding the placing of tables and chairs on the public footpath. As the freeholder of a listed property, I am well aware of the restrictions placed upon the owners and tenants of listed properties and am amazed that no planning application appears to have been submitted for either amendment. Consequently; I can only conclude that attempts have been made to short-circuit due process.

I wish to register an objection to each application, firstly that no notices have been sent to properties that would be likely to be affected by the changes of use and hours of business, preventing fair and adequate consultation.

Secondly, in light of recent applications by a national chain of restaurants, Cote, regarding the former Montpellier Brasserie, the applications would need to be considered with regard to potential over-development of the site in this prominent location.

The immediate vicinity is mainly residentially and the extended hours, as proposed, would have a serious impact on the residents of Suffolk Court and neighbouring properties, in particular with regard to the noise nuisance 7 nights per week.

I must urge you to refuse these applications but if you consider that they have merit, they should be deferred until a full planning application can be submitted for due consideration by those likely to be affected, to include the matter of the premises' adequacy for the change of use including any risk to the public and its safety as a late night music/dance venue.

Regards

Robert Brookes

Suffolk Court Management Co Ltd

Suffolk Court

Suffolk Place

Cheltenham

GL50 2QG

-----Original Message-----

From: Bob Brookes

Sent: 09 June 2014 15:48

To: Cooper, Phil

Subject: Coffee & Co, 7 Montpellier Terrace

Dear Mr Cooper. I acknowledge receipt of your e-mail sent last Friday afternoon and would like to add my further comments.

I am somewhat disappointed by the comments you have made because had you any knowledge of the site, you would have concluded that up until now there has not been a noise problem (or at least a problem that could be specifically attributed to the coffee shop) primarily because the premises does not have either an alcohol licence or stay open until midnight. The coffee shop has only been trading a short while and prior to that period the property was used as an estate agency and solicitor's office. You will need no imagination to conclude that the application to dramatically change opening hours and the nature of the business will impact on the residents in the locality.

Mention has been made of the size of the amenity and its suitability as a music/dance venue which in itself could be a risk to public safety. Additionally, the matter of waste disposal is also a matter for public safety; despite your believing that this is a matter for the proprietor, there is ample evidence that such establishments (I specifically refer to the Montpellier Brasserie) habitually leave their waste outside the back of the premises overnight. Not only is this a safety risk in obstructing the public footpath but food waste will inevitably attract vermin which poses a Public Health risk.

You have asked me to explain why the granting of an alcohol/ music/dance licence would necessarily indicate a noise nuisance, but I would ask you why it has not been felt necessary to protect the near residents from that risk through a refusal of the licence or a restriction to it. One only has to be by the bandstand in Montpellier Gardens on one of O'Neills' music nights to understand that noise carries several hundred yards. Unwanted noise, whatever its nature, is a nuisance and the public have a right to be protected from it. By contrast, the Thai Brasserie (next door to the Coffee Shop) and Montpellier Brasserie (shortly to become Cote) both had alcohol licences but did not stay open until midnight every night nor are/were they music/dance venues and so were more in keeping with the surrounding properties

Kind regards

Robert Brookes

----- Forwarded message -----

From: **stephanie brookes**
Date: Wed, Jun 4, 2014 at 8:54 PM
Subject: Abdul Mannan, Coffee & Co
To: licensing@cheltenham.gov.uk

Dear Sirs. Quite by chance I saw a notice today in the window of the premises, confirming that Mr Mannan, having traded as a coffee shop for only a short while, has applied for a licence for live music, recorded music, performances of dance and anything similar together with the supply of alcohol seven days a week from 0800 hours to 23.59 hours, with opening hours extended to 00.30.

As a resident of a property facing the rear of the premises, I would have thought it appropriate that notice of such an application would have been sent to any neighbouring property likely to be affected by the application. Today appears to be the last day for representations and except for an accident of fate, this application may have been passed before neighbours would have been aware.

Having raised my concerns over the lack of consideration to the residents of adjacent properties, most of which are listed properties, I wish to register an objection to the granting of such a licence.

Firstly, the premises currently has seating for around 30 covers over two floors and so, in my view, is inappropriate for a music and dance venue.

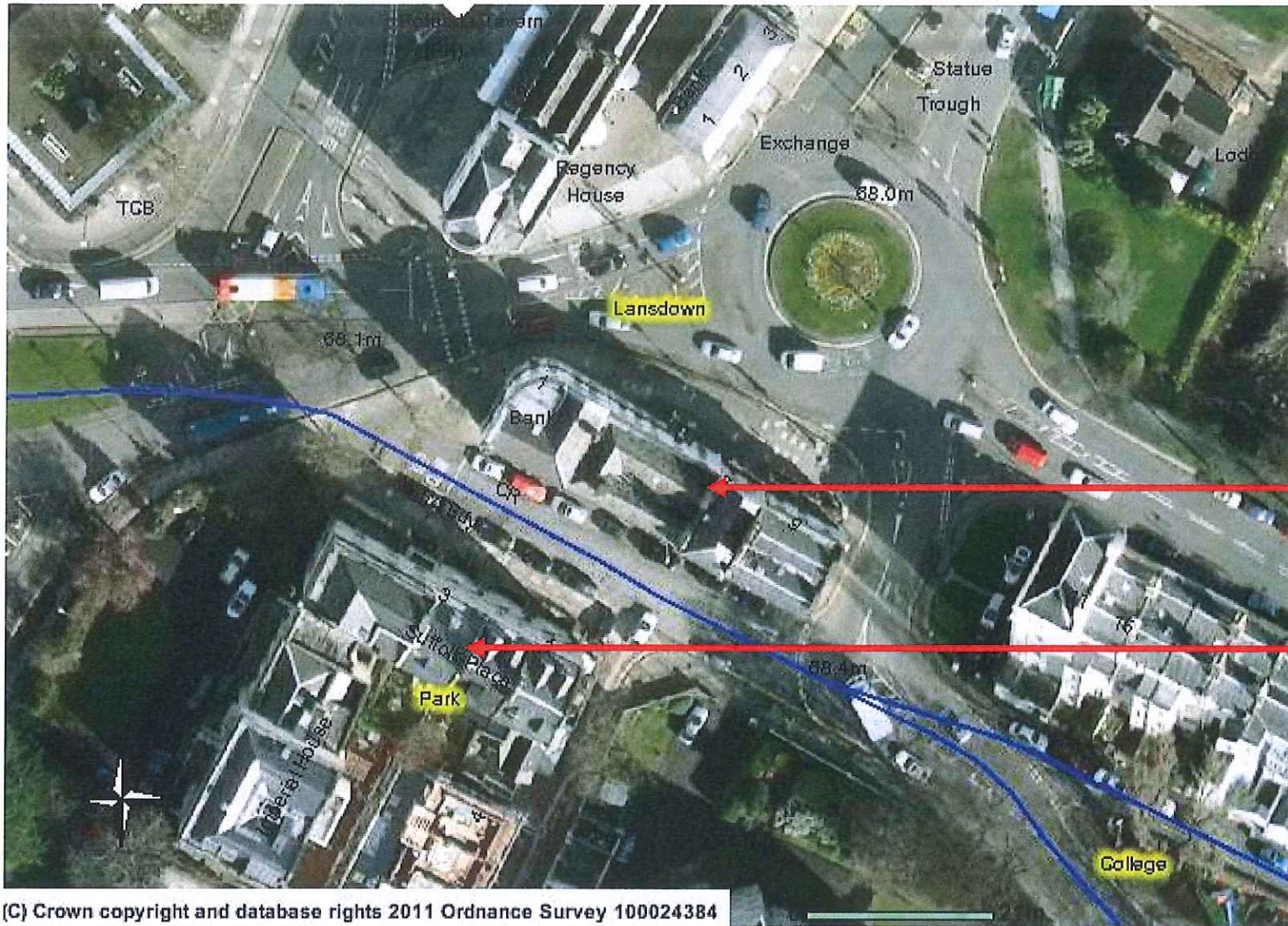
Secondly, in view of the location, being close to a large number of flats and houses, the noise nuisance potential is unacceptable bearing in mind that the application would allow the venue to be open until 00.30 every night.

Thirdly, the premises is protected by Grade 2 listing and it would seem appropriate for any application for change of use from coffee shop to music/dance venue and/or opening hours should be the subject of a full planning application and that all the neighbouring properties should be properly notified of the application.

Fourthly, the change of use and the extension of opening hours will create a massive increase in the current demand on waste storage facilities for glass and food. I know for certain that no such facility exists at the present for the coffee shop

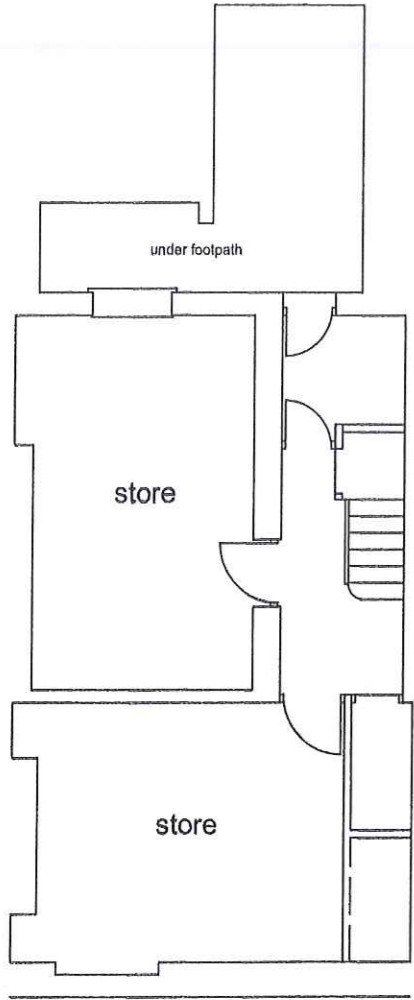
I would urge you to decline this application, or at the very least make it the subject of a full planning application, including an assessment of the maximum number of persons allowed in the property at any one time.

Yours faithfully
Stephanie Brookes
Suffolk Court
Suffolk Place
GL50 2QG

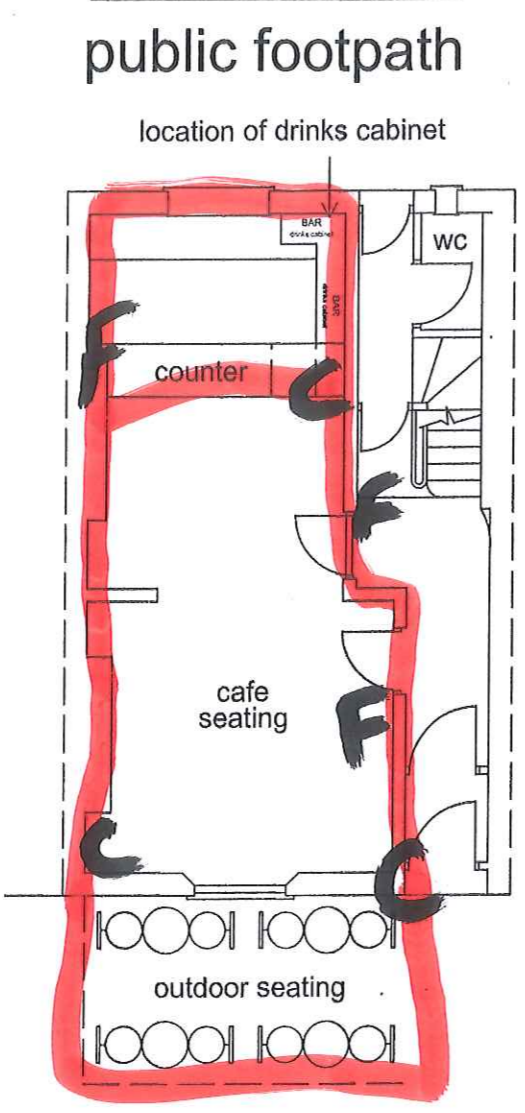


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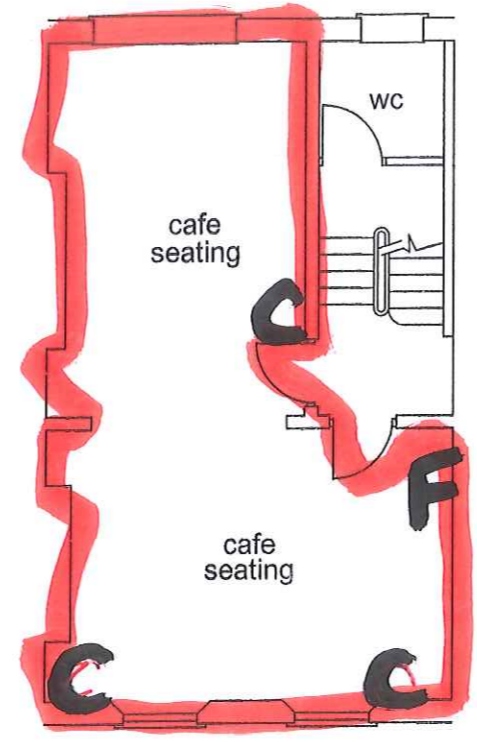
f = fire extinguisher
 C = camera



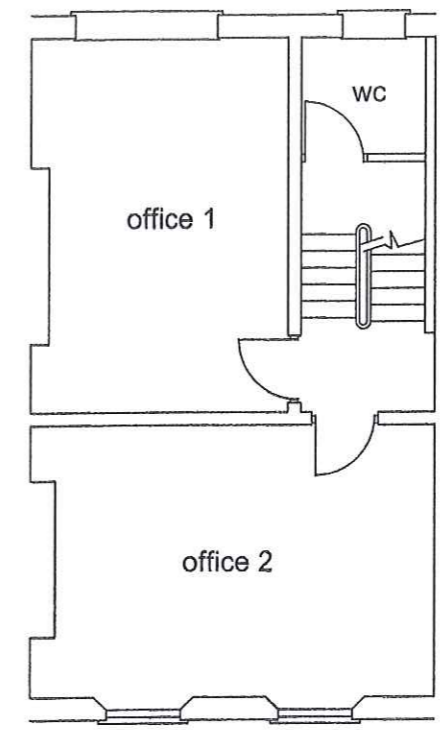
CELLAR



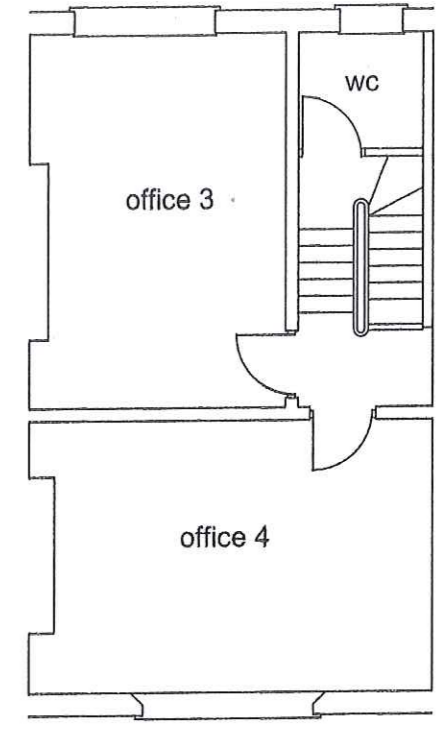
GROUND FLOOR



FIRST FLOOR



SECOND FLOOR



THIRD FLOOR

Health and safety procedures to be complied with in all instances prior and throughout all works

REFER TO ALL DETAILS SPECIFICATIONS AND DETAIL NOTES
 DETAIL NOTES ARE TYPICAL THROUGHOUT ALL WORKS
 IF IN DOUBT - ASK

Keith Browning Architectural Consultant
 T. 01452 414388 E. keith.browning@blueyonder.co.uk

rev	date	description

notes:
 DO NOT SCALE DRAWING FOR CONSTRUCTION PURPOSES
 DIMENSIONS TO BE TAKEN AT SITE, CHECKED AND AGREED BEFORE ANY WORK IS STARTED OR MATERIALS ORDERED

client	Coffee and Co
builder	

project/site	No 7 Montpellier Terrace Cheltenham Glos GL50 1US
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title	PROPOSED FLOOR PLANS
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drawn		date	
Scale 1:100			
Drg No	4313/1	rev	-

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