

Democratic Services

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Date: 8 October 2012

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To: All Members of the Licensing (Gambling and Licensing) Sub-Committee

Councillors: Douglas Nicol (Chair), Gabriel Batt and Gerry Curran

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing (Gambling and Licensing) Sub-Committee: Tuesday, 16th October, 2012

You are invited to attend a meeting of the **Licensing (Gambling and Licensing) Sub-Committee**, to be held on **Tuesday, 16th October, 2012 at 10.00 am** in the **Kaposvar Room - Guildhall, Bath.**

A private briefing session for Members will be held at 9.30am in the **Kaposvar Room - Guildhall, Bath.**

The agenda is set out overleaf.

Yours sincerely



Sean O'Neill
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Sean O'Neill who is available by telephoning Bath 01225 395090 or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 3. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 4. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 5. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Licensing (Gambling and Licensing) Sub-Committee - Tuesday, 16th October, 2012

at 10.00 am in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 5 on the previous page.

2. ELECTION OF VICE-CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. MINUTES - 9TH AUGUST 2012 (Pages 5 - 8)

7. LICENSING PROCEDURE (Pages 9 - 12)

The Chair will, if required, explain the licensing procedure.

8. APPLICATION FOR PREMISES LICENCE - THE COCO LOUNGE, 55 HIGH STREET, MIDSOMER NORTON, BA3 2DQ (Pages 13 - 70)

The Committee Administrator for this meeting is Sean O'Neill who can be contacted on 01225 395090.

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BATH AND NORTH EAST SOMERSET

LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE

Thursday, 9th August, 2012

Present:- Councillors:- Douglas Nicol (Chair), Gabriel Batt and Gerry Curran

Also in attendance: Terrill Wolyn (Senior Licensing Officer) and Francesca Smith (Senior Legal Adviser)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

4 DECLARATIONS OF INTEREST

Councillors Nicol and Batt both declared an Other Interest, in that they were acquainted with Mr Peter Morgan. They stated that they had not discussed the application with each other.

Mr Phipps said that he accepted that in a small town it was inevitable that Councillors would be acquainted with many residents and business people and that he had no objection to the two Members participating in the hearing.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 MINUTES: 24 JULY 2012

These were approved as a correct record and signed by the Chair.

7 LICENSING PROCEDURE

The Chair drew attention to the licensing procedure, copies of which had been made available to those attending the meeting.

8 APPLICATION TO VARY A PREMISES LICENCE FOR THE TRINITY INN, 49 JAMES STREET WEST, BATH BA1 2DA

Applicant: Punch Taverns, represented by Peter Morgan (Abbey Ales) and Matthew Phipps (TLT Solicitors)

Responsible Authority: Avon and Somerset Police, represented by Martin Purchase (Liquor Licensing Officer)

The parties confirmed that they had received and understood the licensing procedure.

The Senior Licensing Officer summarised the application, which was for a variation of an existing premises licence. The details of current premises licence were set out in paragraph 4.2 of the report and the details of the variation application in paragraph 4.3. The premises were situated in the cumulative impact and that Police had proposed an additional five conditions to further the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. These conditions were listed in paragraph 4.14 of the report. The applicant had indicated through its solicitors its willingness to accept these conditions.

Mr Phipps stated the case for the applicant. He explained that the premises would be the fourth public house to be operated by Abbey Ales in the City of Bath. Abbey Ales had already turned round three failing public houses, which, he submitted, were now assets to the City, because they were successful and fully compliant with the licensing objectives. He stated that the applicant had given written notice of its willingness to accept the conditions proposed by the Police. However, it had been brought to his attention that the fourth condition proposed by the Police, namely that “there will be no live or recorded music after 12.00 midnight on any day” should have referred to all forms of regulated entertainment and that the applicant would accept the condition so amended. He believed that there were no outstanding issues between the applicant and the Police and urged the Sub-Committee to grant the application.

The Senior Licensing Officer pointed out that the condition referred to by Mr Phipps would, if imposed, reduce the non-standard hours for regulated entertainment permitted under the existing premises licence, for which the terminal hour was 01.00. Mr Phipps suggested that in that case the condition should not be imposed, but that instead the applicant would amend the application so that the standard terminal hour sought for all forms of regulated entertainment would be 12.00 midnight. In response to a question from the Senior Licensing Officer he confirmed that the applicant would withdraw that part of the application relating to non-standard timings for regulated entertainment, leaving the terminal hour for these as 01.00 as at present.

Mr Purchase said that he nothing to add and did not wish to make a statement.

The Sub-Committee adjourned and then reconvened to seek clarification from the applicant about the meaning of “new entry” in the third condition proposed by the Police, “there will be no new entry to the premises after 00.30 each day.” Mr Phipps stated that he had always understood that there was a distinction between “entry” and “re-entry” and that the condition would permit the re-admission of customers who had temporarily left the premises to smoke.

Following a further adjournment, it was **RESOLVED** to grant the licence as applied for with modifications together with the conditions consistent with the Operating Schedule and the conditions proposed by the Police and agreed to by the applicant.

Authority was delegated to the Licensing Officer to issue the licence accordingly.

Reasons

Members have today determined an application for the variation of a premises licence for The Trinity Inn, 49 James Street West, Bath.

In doing so they have taken into account of the Licensing Act, Human Rights Act, the Council's Policy and the Statutory Guidance.

Members are aware that the proper approach under the Licensing Act is to do only what is appropriate, proportionate and justifiable to promote the licensing objectives in light of what is presented to them.

Members considered the relevant representations and took account of the evidence put before them. They were careful to balance the competing interests of the applicant and those of the Responsible Authority, i.e. the Police in reaching a decision.

Members noted that the Police had made representations on the basis that the premises were in the city centre and also fell within the area of cumulative impact as define in the Council's Policy.

The effect of adopting a cumulative impact policy is to create a rebuttable presumption that applications for new premises licences, club premises certificates or variations will be refused if relevant representations are received.

If the application is not to be refused then the applicant will have to demonstrate that the operation of the premises will not add to the cumulative impact already being experienced.

The Police had stated that the area suffered from crime, disorder and from revellers who behaved in an anti-social manner as they moved between licensed premises which included looking for the premises that may be open last.

It was said that the location, where the premises were based, could exacerbate tension in persons already fuelled by alcohol and, as the premises was based in the cumulative impact area, the later hours for the sale of alcohol and regulated entertainment could exacerbate the level of crime and disorder and anti- social behaviour in that area. Furthermore, as the area was residential, noise nuisance could be caused by the extension of the licensable activities.

The Police considered that the application did not sufficiently forward the promotion of the licensing objectives and mitigate the effects of such problems. In order to address this, the Police had proposed a number of conditions to which the applicant had agreed.

The Members considered that, if the proposed conditions were imposed on the Premises Licence, to grant the application would be unlikely to add to significantly to the cumulative impact having regard to the licensing objectives.

The Members noted that the applicant had amended the application to state that all regulated entertainment, the provision of facilities for dancing and the provision of facilities making music would cease at 00.00 (midnight) on a Thursday, Friday and Saturday.

They also noted that the applicant had withdrawn that part of the application related to the non-standard timings which concerned regulated entertainment, the provision of facilities for dancing and making music.

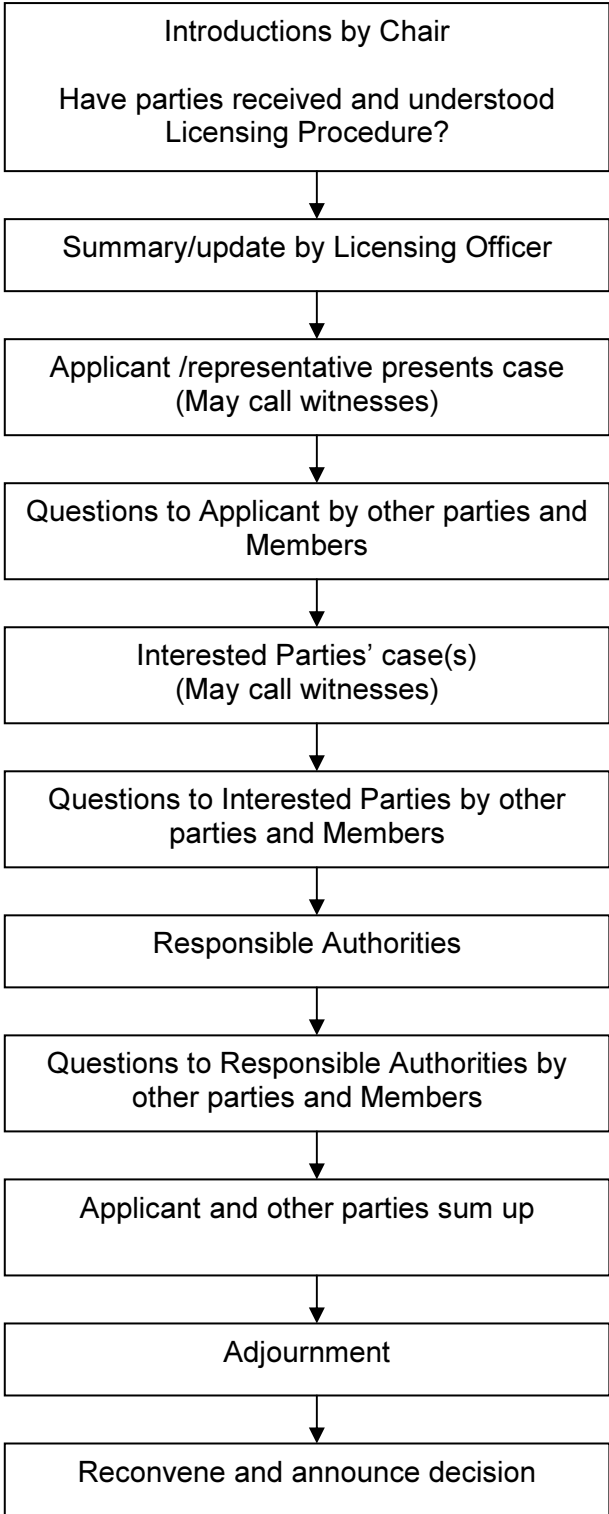
The meeting ended at 11.29 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

**LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE
PROCEDURE FOR NEW APPLICATIONS AND VARIATIONS**



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LICENSING ACT 2003

LICENSING COMMITTEE HEARING PROCEDURE ALCOHOL, LATE NIGHT REFRESHMENT AND ENTERTAINMENT

1. The Chair will introduce Members of the Sub-Committee and Officers present and explain the procedure to be followed.
2. The Licensing Officer will outline the nature of the matter to be considered by the Sub-Committee.

In the following paragraphs where the term "party" or "parties" is used in addition to other terms this will mean anyone to whom notice of this meeting has been given.

3. (i) The Applicant/Licence Holder ("the Applicant"), or representative, addresses the Sub-Committee. The Applicant may be asked relevant questions about the matters before the Sub-Committee by the other parties and the Members.
(ii) The Applicant, or representative, may call witnesses in support of the application and each witness may be asked relevant questions by the other parties and the Members.
4. (i) Any interested parties [defined in s.69(3)] making relevant representations, or representative, will take it in turn to address the Sub-Committee. You may be asked relevant questions by the other parties, the Applicant and the Members.
(ii) You (or your representative) may call witnesses in support of your representations and each witness may be asked relevant questions by the Applicant, the other parties and the Members.
5. Any Responsible Authority [defined in s.69(4)] making a representation will address the Committee. The Responsible Authorities may be asked relevant questions by the Applicant, other parties and the Members.
6. The Applicant will then be invited to briefly summarise the application.
7. The other parties will then be invited in turn to briefly summarise their points if they wish in the same order as before.
8. The Chair will invite the Sub-Committee to move into private session to enable the Sub-Committee to deliberate in private in accordance with Paragraph 14(2) of the Hearings Regulations 2005. The Sub-Committee will only reconvene to resolve any points of uncertainty on the evidence already given. During their deliberation the Sub-Committee will be accompanied *for advice only* by the Legal Advisor and the Committee Administrator. The Sub-Committee may retire to a private room or alternatively require vacation of the meeting room by all other persons.
9. When the Sub-Committee resumes, the Chair will announce the decision in public; this will include the reasons (or advise that the decision will be released in writing with reasons within the statutory time limit in this instance 5 working days).

PLEASE NOTE:

- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- Decisions will generally be taken regardless of whether the Applicant is present. All notices and representations received from absent parties will be considered.
- Only in **exceptional circumstances** will the Committee take into account any additional late documentary or other information produced by an existing party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.
- The hearing will take the form of a discussion. However, the Council will allow all parties to ask questions of another party present, as set out above, but formal cross examination will be discouraged.
- The Authority will disregard any information or representation given by a party which is not relevant to the Application and the Licensing Act 2003.
- The Chair will allow the parties an equal maximum period of time in which to make representations. The amount of time will be at the discretion of the Chair, but in the interests of costs and efficiency will not normally exceed **twenty minutes**. This will include the time taken for the presentation and the summing up, but not the time taken for questions.
 - **N.B. Where there is more than one party making relevant representations the time will be split between those parties.** It is recommended that they arrive early to discuss the application with the other interested parties.
- The Chair may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and refuse to allow that person to return, or only allow them to return subject to certain conditions. Any person so excluded will however be entitled to submit to the Sub-Committee any information which they would have been entitled to give orally had they not been required to leave.
- Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion, but on occasion may find it necessary to exclude members of the press and public based upon the legal framework given in the Local Government Act 1972 Schedule 12 (a). On these occasions decisions based on the above framework will be given.

Agenda Item 8

Bath & North East Somerset Council		
MEETING:	Licensing (Gambling and Licensing) Committee	AGENDA ITEM NUMBER
MEETING DATE:	Tuesday 16 October 2012	
TITLE:	Application for a Premises Licence for The Coco Lounge 55 High Street, Midsomer Norton BA3 2DQ.	
WARD:	Midsomer Norton	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A	Application for a new premises licence	
Annex B	Site plan	
Annex C	Representations received	
Annex E	Applicant's agreement to Stanley Court Residents' condition	

1 THE ISSUE

1.1 An application has been received for a new Premises Licence under s.17 of the Licensing Act 2003 in respect of The Coco Lounge, 55 High Street, Midsomer Norton BA3 2DQ.

2 RECOMMENDATION

2.1 That the sub committee determines this application.

3 FINANCIAL IMPLICATIONS

3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £190.

4 THE REPORT

4.1 An application has been received for a new Premises Licence (Annex A).

4.2 The application is for:

- 1) The **Sale of Alcohol** for consumption both **on and off** the premises:

Monday - Thursday	11:00 to 18:00
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Friday – Saturday	11:00 to 22:30
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2) Opening hours

Monday – Thursday 08:00 to 18:00

Friday – Saturday 08:00 to 22:30

4.3 A site plan is attached at Annex B.

4.4 The Licensing Act 2003 (Section 4) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:

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

Each objective is of equal importance. As there are no other licensing objectives, these four are of paramount consideration at all times. When considering applications, representations or notifications, the Licensing Authority will have regard to these licensing objectives.

4.5 The Licensing Authority may grant the application with or without additional conditions.

4.6 Section 4(3)Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-

- a) Paragraphs 3, 5, 6, 9, 10, 15 - 20, 23, 24, 28, 33 - 37, 41 to 44 of the 2011 policy.
- b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised in April 2012).
- c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, 183, and Schedule 2 of the Act.

4.7 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.

4.8 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court.

On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.

- 4.9 In accordance with the requirements of the Act the applicants served copies of the application upon the police, the fire authority, environmental health, development control, trading standards, health authority and the child protection agency.
- 4.10 The applicant is required to place a notice at the premises for a period of 28 days starting the day after the application is made and place an advert in a local newspaper within 10 days for submitting the application to the licensing authority.
- 4.11 Representations have been received from the Stanley Court Residents' Association, two Stanley court residents, the PEOPLE charity and Midsomer Norton Town Council. They express concern that the applicant's proposals shall undermine both the crime prevention and the prevention of public nuisance objectives (Annex C).
- 4.12 The following condition has been proposed by the Stanley Court Residents' Association:

“No alcohol to be served to the terrace area after 9:00pm”

In response, the applicant has agreed in writing to the following condition as detailed in Annex D:

“The terrace area will not be used after 9pm”

- 4.13 This report has not been sent to the Trades Union because they would have no involvement.

5 RISK ASSESSMENT

- 5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

6. EQUALITIES

- 6.1 An Equality Impact Assessment (Eq1A) has been completed. No adverse or other significant issues were found.

7 CONSULTATION

- 7.1 In accordance with the Licensing Act 2003 (Premises Licence and Club Premises Certificate) Regulations 2005, the applicant has given notice of the application to all the relevant Responsible Authorities and has advertised the application in the manner prescribed, both at the premises and within a local publication.

8 ISSUES TO CONSIDER IN REACHING A DECISION

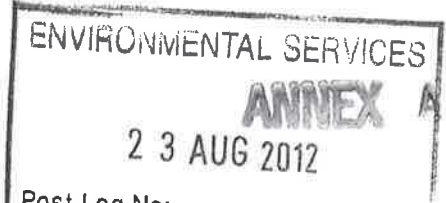
- 8.1 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.
- 8.2 Consideration must be given to the Human Rights Act 1998 and the “convention rights”.

9 ADVICE SOUGHT

- 9.1 The Council's Monitoring Officer (Divisional Director-Legal & Democratic Services), section 151 Officer (Divisional Director-Finance) and the Divisional Director have had the opportunity to input to this report and have cleared it for publication.

Contact person	Kirsty Morgan, Licensing Officer, 01225 396939
Background papers	Licensing Act 2003, Guidance issued under s.182 of the Licensing Act 2003, Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005, B&NES Statement of Licensing Policy

103119



Application for a premises licence to be granted under the Licensing Act 2003

Post Log No: ...
Receipt No: 807877
CH/CA £ 190.00

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 The Coco Lounge (South West) Limited
(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 The Coco Lounge 55 High Street Midsomer Norton			
Post town	Radstock	Post code	BA3 2DQ

Telephone number at premises (if any)	01761 411192
Non-domestic rateable value of premises	£12250

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- 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 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)					

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 The Coco Lounge (South West) Limited
Address 12 Dymboro Gardens Midsomer Norton Radstock BA3 2QT
Registered number (where applicable) 07529802
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A	S	A
P		

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

Day	Month	Year

Please give a general description of the premises (please read guidance note1)
 The premises are a coffee shop with a small offering of fresh food. It is the intention to offer a small range of bottled beers and wines to customers taking lunch and evening meals.

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 yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- 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)

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

Supply 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	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films 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)			<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			
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)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music 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 the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<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)		
Sat					
Sun					

F

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

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 type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<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					
Sun					

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><u>Please give a description of the type of entertainment you will be providing</u></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 type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur					
Fri			<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					
Sun					
			<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>		

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	

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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing		
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

K

<p>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)</p>			<p><u>Please give a description of the type of entertainment facility you will be providing</u></p>		
Day	Start	Finish	<p><u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>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</u> (please read guidance note 5)</p>		
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	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input 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	1100	1800			
Tue	1100	1800			
Wed	1100	1800			
Thur	1100	1800			
Fri	1100	2230			
Sat	1100	2230			
Sun					
			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)		

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

Name Rabinder Sidhu-Copsey	
Address 12 Dymboro Gardens Midsomer Norton Radstock	
Postcode	BA3 2QT
Personal Licence number (if known) TBA	
Issuing licensing authority (if known) TBA	

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)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	0800	1800	
Tue	0800	1800	
Wed	0800	1800	
Thur	0800	1800	<u>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</u> (please read guidance note 5)
Fri	0800	2230	
Sat	0800	2230	
Sun			

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

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

The premises are run and owned by Mr and Mrs Copsey, the owners of The Coco Lounge (South West) Limited.

Mrs Copsey will be trained to BII Award in Personal Licence Holders standard.

b) The prevention of crime and disorder

Acceptable forms of identification are (but not limited to) PASS approved proof of age cards, valid passport and photocard driving licence.

Staff are trained in under age sale prevention.

There will be no draft beer at the premises.

c) Public safety

An incident policy shall be adopted and maintained at the premises.

The premises have the benefit of a fire alarm and a full emergency lighting system.

Staff are fully trained in evacuation procedures.

d) The prevention of public nuisance

Guests will be encouraged to limit any noise when leaving or arriving at the premises.

e) The protection of children from harm

Staff are trained in under sale prevention (as above).

Acceptable forms of identification are as referred to above.

Please tick yes

- 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 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 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 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	Chebsey & Co.
Date	22 nd August 2012
Capacity	Solicitors for the Applicant.

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)

Messrs Chebsey & Co
51 London End

Post town	Beaconsfield	Post code	HP9 2HW
------------------	--------------	------------------	---------

Telephone number (if any)	01494 670440
----------------------------------	--------------

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
sjh@chebsey.com

Consent of individual to being specified as premises supervisor

I RABINDER SIDHU - CORSEY
[full name of prospective premises supervisor]

of 12 DYMBORO GARDENS
MIDSOMER NORTON
RADSTOCK, BATH
BA3 - 2QT

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

NEW PREMISES LICENCE
[type of application]

by

THE COCO LOUNGE SOUTHWEST LIMITED
[name of applicant]

relating to a premises licence N/A
[number of existing licence, if any]

for THE COCO LOUNGE
55 HIGH STREET
MIDSOMER NORTON
RADSTOCK BA3 2DQ

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

THE COCO LOUNGE (SOUTH WEST) LIMITED
 [name of applicant]

concerning the supply of alcohol at

The COCO LOUNGE AND COFFEE
 55 THE HIGH STREET
 MIDJOMER NORTON
 BA3 - 764 2DQ

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

TBA

[insert personal licence number, if any]

Personal licence issuing authority

TBA

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

RJ Copsey

Name (please print)

RABINDER SIDHU - COPSEY

Date

14/06/12

<p>Bath and North East Somerset: District Online</p>	<p>Date: 27-9-2012 Scale: 1:1250</p>	<p>Bath & North East Somerset Council</p>	
<p>The Coco Lounge - New Premises</p>	<p>Map Centre - easting / northing: 366759 / 154522</p>	<p>Crown copyright and database right. All rights reserved (100023334) 2012</p>	



11 Stanley Court
Midsomer Norton
Radstock BA3 2DU

17th September 2012

Licensing Team
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath
Somerset
BA1 1JG

Bath And North East
Somerset Council

18 SEP 2012

Received

Dear Sirs

**Premises: Coco Lounge, 55 High Street, Midsomer Norton,
Radstock, BA3 2DQ**

We, the residents of Stanley Court, High Street, Midsomer Norton, have met with Mr. Peter Copsey the proprietor of the Coco Lounge. We are satisfied that he is aware of the various possible causes of nuisance that would affect the quality of life of the elderly residents of our retirement development who live close to his premises.

However, you will see from the photograph enclosed that the two flats, numbers 38 and 39 Stanley Court, above our entrance archway, are very close to the decked terrace at the front of the Coco Lounge.

The occupant of number 38 Stanley Court very strongly objects to the sale of alcohol in the Coco Lounge because he believes that this will inevitably lead to increased noise nuisance. Over and above the existing noise levels in the High Street.

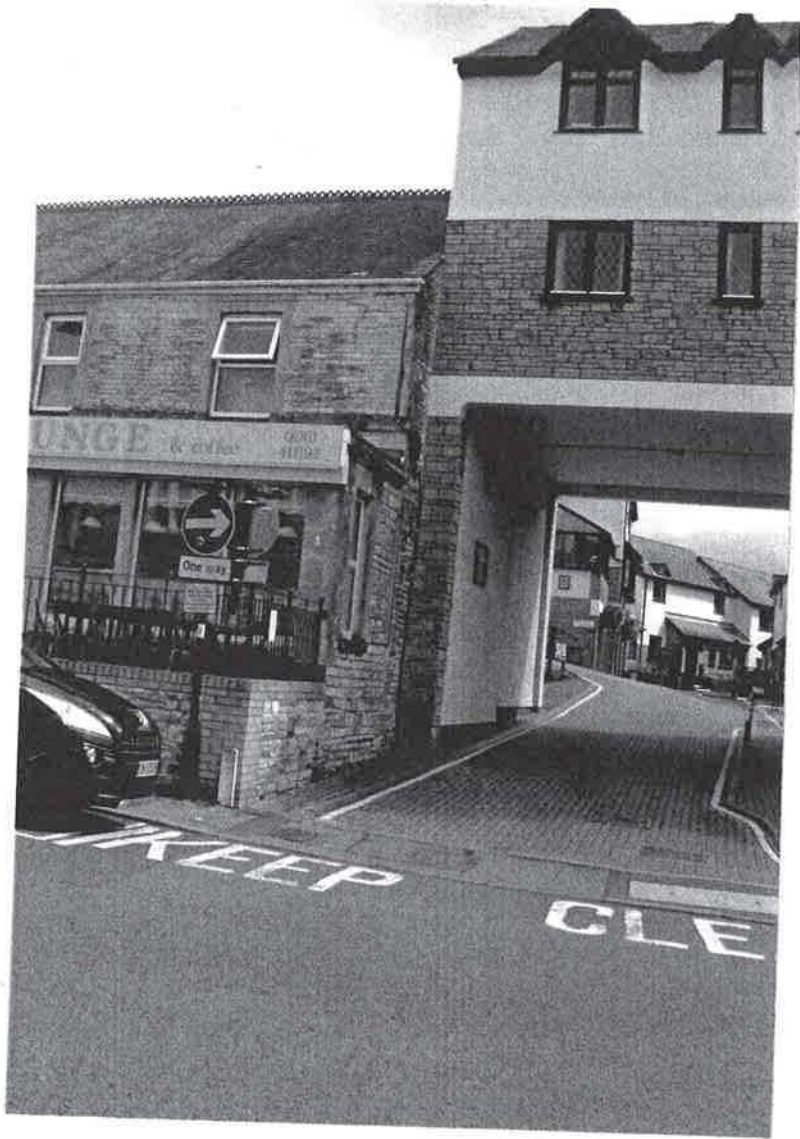
In our chat with Mr. Copsey he offered to stop serving to the terrace area **AFTER 9.0 p.m.**

We think that a restriction should be made part of the licence that is being applied for, namely that alcohol must not be served on the terrace of the Coco Lounge **AFTER 9.0 P.M.**

Yours faithfully

W. R. Willis

W. R. Willis, Secretary,
Stanley Court Residents' Association.



LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

Please read the notes at the back of this form prior to completing it.

I/We object to the following application:

Application number:	12/03119/LAPRE
Applicant's name:	The COCO Lounge South West Ltd
Premises name and address:	COCO Coffee Lounge 55 High Steet Midsomer Norton BA3 2DQ
Application for a:	LICENCE TO SERVE ALCOHOL

Objector Details:

Objector's Name:	PEOPLE Charity
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	55a High Steet Midsomer Norton BA3 2DQ
Organisation name if applicable:	PEOPLE Charity

Objection Details:

My/our representation is relevant to the following licensing objective(s):

Prevention of crime and disorder

Prevention of public nuisance

Protection of children from harm

Public safety

Please detail your objection(s) as fully as possible in the box below. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

I/We have already made a written representation and have no further comments

The premises are in Midsomer Norton High Street, an area already with a high concentration of licensed premises with the associated crime and disorder issues that come with it. It is accepted that most of these premises are to the bottom end of the High Street it is our concern that if Coco Coffee Lounge is granted a licence to serve alcohol this will cause a movement of patrons further up the High Street and may also be used as a stopping off point for drinkers heading towards the Stones Cross.

The premises has a patio area at the front of the premises where customers will consume alcohol. Clientele of Coco Coffee Lounge have to cross the front of PEOPLE in order to access this premises. PEOPLE carry out a number of activities in their premises next door involving people with disabilities. We are concerned that the presence of people on the patio would affect those entering our premises and make them reluctant to approach the site.

The clientele of PEOPLE have many vulnerabilities including physical and learning disability, mental health and recovering addicts (alcohol in particular) PEOPLE are concerned of the impact of the close proximity of alcohol provision within its parameters. The impact on PEOPLE should not be negated as the vulnerability of our clientele may make them reluctant to enter PEOPLE if people are drinking outside and the consequent abuse that may be forthcoming from those who have drunk to excess.

You may be willing to offer a concession in that no alcohol is served on the patio after 1700.

I am aware that a full copy of my representation (including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing on this matter.

Signed J Clifford (for and on behalf of PEOPLE Charity)

Date 19th September 2012

Contact telephone number(s) 01761 402687
(This is essential as we may need to contact you at short notice)

There will be a hearing to determine this application. We will send you details of the time, date and location at least 10 working days before the hearing.

This section of the form must be returned to us a minimum of 5 working days before the hearing. If you wish, you may complete this now. Alternatively, you can keep this page and return it to us once you have received details of the hearing.

Name PEOPLE Charity

I will be attending the hearing I will not be attending the hearing

I will be represented at the hearing by _____

I will be calling the following witness(es):

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>

Please delete as appropriate: I consider a hearing to be necessary / unnecessary

Form to be returned to:

Licensing Services
Public Protection
Lewis House
Manvers Street
Bath BA1 1SN

LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

Please read the notes at the back of this form prior to completing it.

I/We object to the following application:

Application number:	12/03119/LAPRE
Applicant's name:	Mr P Copsey
Premises name and address:	CoCo Lounge 55 High Street Midsomer Norton Radstock BA3 2DQ
Application for a:	Premises License

Objector Details:

Objector's Name:	Mr Michael Whittock/Mrs Jane Tiley
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	38 Stanley Court High Street Midsomer Norton Radstock BA3 2DU
Organisation name if applicable:	

Objection Details:

My/our representation is relevant to the following licensing objective(s):

Prevention of crime and disorder



Prevention of public nuisance



Protection of children from harm



Public safety



The Licensing Department
Bath and North East Somerset Council
Lewis House
Manvers Street
BATH
BA1 1JG



12th September 2012

Dear Sirs

License Application 12/03119/LAPRE
CoCo Lounge 55.High Street.Midsomer Norton

We write to object most strongly to the above License Application. We own and reside at No 38 Stanley Court. High Street. Midsomer Norton.

Stanley Court is a private sheltered housing complex for the over 55 years of age and is established almost 20years. Our property is next to and very adjacent to the CoCo Lounge, please see enclosed photographs and location plan.

Our worries are that a licensed premises (Bar) so close, could have a negative effect on our property value, plus the obvious potential noise and nuisance problems associated with alcohol. This is already a major problem in Midsomer Norton, within a radius of 300 yards there already exist five alcohol outlets and possibly twelve in the High Street area.

The site now occupied by the CoCo Lounge has in the past been subject to various planning applications. Please see enclosed Delegated Report. All have safeguarded the amenities of nearby residents. The planning permission which it now operates under does the same.

We have no problems with the operations of the CoCo Lounge at present with the operating hours and sale of teas, coffee and light snacks. However we feel very strongly that an alcohol license in this location and with additional opening hours is totally unacceptable.

Yours faithfully,

Michael Whittock

Jane Tiley

Please detail your objection(s) as fully as possible in the box below. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.


Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

I/We have already made a written representation and have no further comments



[Empty rectangular box for providing objections or supporting documents.]

I am aware that a full copy of my representation (including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing on this matter.

Signed 



Date

14th. September 2012

Contact telephone number(s)
(This is essential as we may need to contact you at short notice)

01761 413453

ANNEX C

There will be a hearing to determine this application. We will send you details of the time, date and location at least 10 working days before the hearing.

This section of the form must be returned to us a minimum of 5 working days before the hearing. If you wish, you may complete this now. Alternatively, you can keep this page and return it to us once you have received details of the hearing.

Name Mr Michael Whittock/Mrs Jane Tiley

I will be attending the hearing I will not be attending the hearing

I will be represented at the hearing by _____

I will be calling the following witness(es):

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>

Please delete as appropriate: I consider a hearing ~~to be necessary~~ / unnecessary

Form to be returned to:

Licensing Services
Public Protection
Lewis House
Manvers Street
Bath BA1 1SN



Midsomer Norton Town Council

Council Offices, Town Hall, The Island, Midsomer Norton, Bath BA3 2HQ
Tel: 01761 418701 Email: townclerk@midsomernorton-tc.gov.uk

Mayor: Cllr Paul Myers

Town Clerk: Mr Michael J Curry

Ruby Jordan
Licensing Support Officer,
Lewis House
Manvers Street
Bath
BA1 1JG

Tuesday, 18th September 2012

Dear Ruby,

**Re. New Premises Licence Application 12/03119/LAPRE
The Coco Lounge 55 High St Midsomer Norton**

I am writing on behalf of the Town Council's Planning Committee, who as an interested party representing local residents, considered the new premises licence application ref 12/03119/LAPRE from the Coco Lounge.

The Planning Committee resolved to support the application conditionally. The need for a condition arose to avoid public nuisance because of the premise's close proximity to residential properties. In particular the Coco Lounge is next to Stanley Court, a complex of retirement homes.

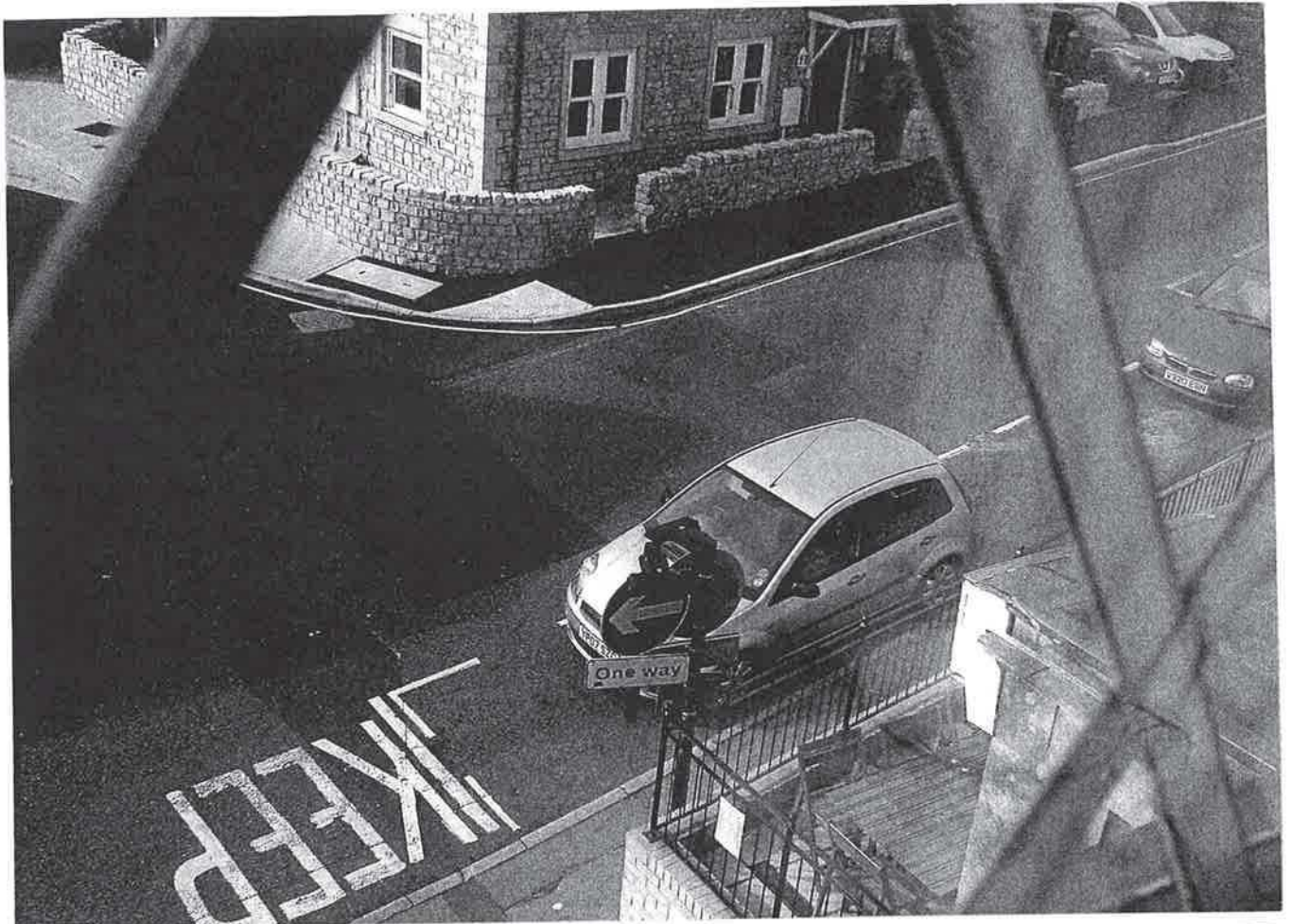
The Town Council's Planning Committee's wish is to avoid disturbance to residents such as noise emanating from the applicant's terrace on Friday and Saturday nights after 9:00pm. The Planning Committee defer to you the precise formulation of the condition necessary to achieve this aim.

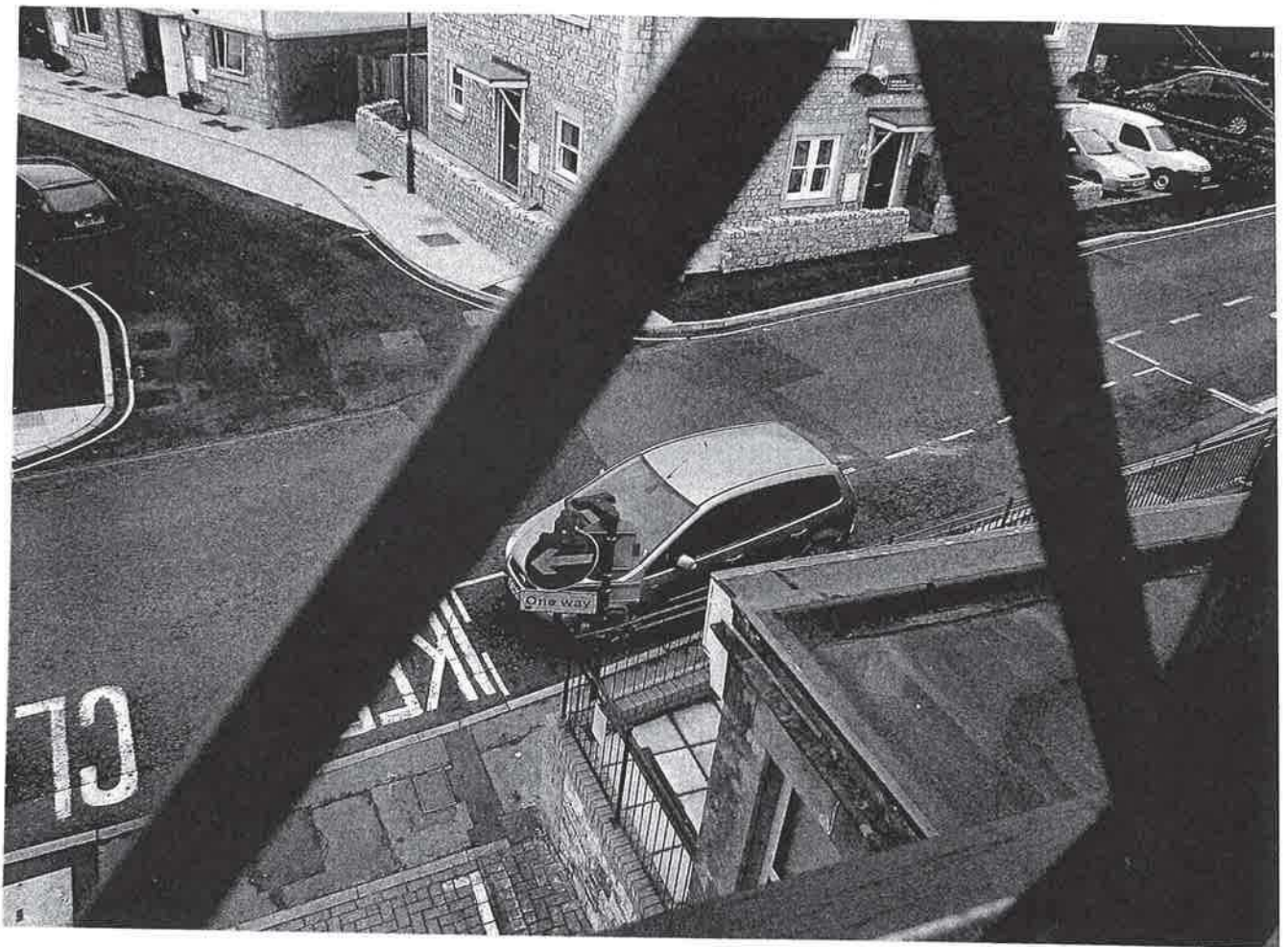
Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Curry'.

Michael Curry
Town Clerk







ANNEX C

Bath & North East Somerset Council

Planning Services
PO Box 5006, Bath, BA1 1JG
Telephone: (01225) 394041
Development_control@bathnes.gov.uk
www.bathnes.gov.uk

Fax: (01225) 394199
DX: 8047 (Bath)
Date: 23rd June 2011
Our Ref: 11/01673/FUL

Matthew Bissex Architectural Design
Littlebrook House
Meadow View
Radstock
BA3 3QT

Dear Sir/Madam

Town and Country Planning Act 1990

Address to which the proposal relates: Application No: 11/01673/FUL
55 High Street Midsomer Norton Radstock Bath And North East Somerset

Description of proposal: Date registered: 4th May 2011
Change of use of tea rooms/kitchen showroom (mixed use class A1 & A3) to cafe (class A3)
incorporating ramped access and new shop front

Name of Applicant: Mr P Copsey

With reference to the above application for planning permission, please find enclosed a copy of the Local Planning Authority's notification of decision. Your attention is drawn to the notes that accompany the decision notice which give guidance on matters such as making appeals, serving purchase notices and compensation issues. However, if you require further assistance on any of the above areas, please contact Planning Services.

Yours faithfully



Lisa Bartlett
Development Manager, Planning & Transport Development

**Bath & North East
Somerset Council****Town and Country Planning Act 1990****NOTIFICATION OF DECISION**Application Type: **Full Application** Application No: **11/01673/FUL**Address to which the proposal relates: **55 High Street Midsomer Norton Radstock Bath And North East Somerset**Description of Proposal: **Change of use of tea rooms/kitchen showroom (mixed use class A1 & A3) to cafe (class A3) incorporating ramped access and new shop front**Application submitted by: **Mr P Copsey**

The above development is **PERMITTED** in accordance with the application, plans and drawings submitted by you subject to the condition(s) set out below:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2 The use hereby permitted shall not be operated outside the hours of 08:00 to 18:00 Monday to Saturday or at any time on Sunday or Bank Holidays. The use of the outside seating areas shall not be occupied by customers outside of these normal operating hours.

Reason: To safeguard the amenities of nearby occupiers, and to prevent usage at unsocial hours.

3 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

The development shall be carried out strictly in accordance with the details shown on the following drawings/documents:

Justification statement, 2011/COPSEY/01 - 2011/COPSEY/03 date received 18/04/11

ADVICE NOTE:

The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 prior to commencing works within the limits of, or on the application site frontage to the public highway.

The applicant is advised that the installation of any ventilation system in the premises would require a separate planning application.

REASONS FOR GRANTING APPROVAL

1. The proposed development would not have an adverse impact upon the street scene or the amenity of the surrounding residential occupiers. This does not affect the character of the Conservation Area.

Bath & North East Somerset Council
(PEFULZ)

Please read the notes that accompany this decision notice.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

BH.6, D2, D4, ES.10, ES.12, S.1 and S.8 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

Date of Decision: 23rd June 2011



Lisa Bartlett
Development Manager, Planning & Transport Development

IMPORTANT NOTE - The above decision refers to Planning Permission only and does not grant or imply Listed Building Consent, Advertisement Consent, Building Regulation or other consents under any other legislation.

APPEALS TO THE FIRST SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice (8 weeks for Advertisement appeals).
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pca.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

PURCHASE NOTICES

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

COMPENSATION

- In certain circumstances compensation may be claimed from the local planning authority if permission or consent is refused or granted subject to conditions by the First Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

DELEGATED REPORT

Application No: 11/01673/FUL

Case Officer: Victoria Griffin

Details of location and proposal and Relevant History:

55 High Street, Midsomer Norton, Radstock, Bath And North East Somerset, BA3 2DQ

The building is a terraced property situated at the top end of the High Street and is located within the main town centre.

This application relates to the change of use of the tea rooms/kitchen showroom (mixed use class A1 & A3) to cafe (class A3) incorporating ramped access and new shop front with canopy. To the front of the building is a small terrace area with proposed seating that would be enclosed by a small boundary wall.

The site falls within the Conservation Area and Housing Development Boundary.

PLANNING HISTORY:

DC - 00/00370/FUL - RF - 9 June 2000 - Change of use from offices to restaurant (Use Class A3) - Appeal dismissed 05/01/01

Grounds for refusal:

- noise generated until late at night (23:00hrs)
- parking and highway safety
- loss of amenity to nearby residential properties

DC - 01/00883/FUL - PERMIT - 27 September 2001 - Change of use to dental surgery, as amended by plans received 11th June 2001 and 6th August 2001

DC - 08/04555/FUL - PERMIT - 30 January 2009 - Change of use from showroom (Use Class A1) to mixed use of showroom (Use Class A1) and tea room (Use Class A3)

10/03893/FUL - Change of use from shop (Use Class A1) to restaurant (Use Class A3) - Refused 10/11/10

Reason for refusal - The proposed change of use to restaurant (use class A3) has the potential to generate levels of noise and odour from extraction and ventilation systems and it has not been demonstrated that the proposed development will not be harmful to the amenity of nearby residents.

Summary of Consultation/Representations:

Midsomer Norton Town Council: Support

Environmental Protection: I refer to your consultation memo of 10 May 2011 in relation to the above application and confirm that I have no objections.

Highways: Neither the existing nor proposed developments have the benefit of vehicular access or off-street parking. However, this is a highly accessible town centre location where adequate opportunities exist for both on-street and off-street parking. The proposed works on the site frontage involve the construction of a new access route from the public highway and the

construction of a new wall along the highway boundary/back of footway. This will involve works having to take place from within the limits of the public highway and, therefore, adequate notice must be given to the Council's Highway Maintenance Team prior to the commencement of works in order that measures to ensure the safety of users of the public highway can be agreed and put in place. Bearing the above in mind, the highway response is one of NO OBJECTION, subject to the following advisory note being included on the Notice of Decision for any planning permission granted:

The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 prior to commencing works within the limits of, or on the application site frontage to the public highway.

Representations: One letter of support raising the following points (summarised):

I agree that there is a niche for a coffee shop at the top of the high street offering a large place to sit and enjoy a coffee, also think it would be a great venue for mothers with a baby and pram also for teenagers to have a safe environment to meet with friends and relax, also the fact that the previous coffee shop cafe amour closing leaves a perfect gap. This would also revive the top end of town offering something new, - also since the opening of the new skatepark there is a increased number of visitors to the town and at present nowhere large enough to accommodate them. At present we prefer to visit Wells to shop and have a coffee as there is no facility available in Midsomer Norton high street to do this in comfort and space. This kind of establishment is well overdue.

Policies/Legislation:

The following policies are material considerations:

- D.2: General design and public realm considerations
- D.4: Townscape considerations
- B.H.6: Development within or affecting Conservation Areas
- S.1: Hierarchy of shopping centres and the need to maintain and enhance them
- S.8: Retention of shops in district, local and village centres
- ES.10: Noise Quality
- ES.12: Noise and Vibration

Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

Officer Assessment:

The key issues in the consideration of this proposal relate to the impact of the change of use on the viability of local shops, amenity of surrounding buildings and the impact on the Conservation Area.

Impact on the viability of local shops

The building is located within a row of shops that provide local amenities to the area of the city that is primarily in A1 use. In this row there is a vacant shop florists, a second hand shop and a number of takeaways. An officer assessment of town centre uses in Autumn, 2010 demonstrated that overall it was estimated that approx. 53% of town uses were A1 (retail) which was evident upon site inspection. Furthermore the existing premises has a split use which includes A3.

Policy S.8 of the Local Plan states that the change of use away from A1 in district, local and village centres will only be supported when it does not adversely impact the vitality and viability of the

centre. As a good proportion units remain in A1 use it is not considered that the proposed change of use will adversely affect the vitality and viability of the centre and the proposal would comply with Local Plan policy S.8.

Impact on residential amenity

To the rear and side of the building are residential properties and whilst no comments or objections have been raised consideration has been given to the level of potential noise and nuisance an A3 use may cause. Comments received from our Environmental Health officer has raised no objection. Noting the amenity issues that may arise it is relevant that conditions are attached to this permission to ensure that hours of operation are between 0800 - 1800 Monday to Saturday and that the use relates to a cafe only. The installation of any ventilation system at the premises would also need to be subject to a separate planning application and are not included within this proposal. It is also considered relevant to attach a condition that requests an operational statement for the running of the cafe.

It is considered that the nature of the business and the hours within which it will operate subject to conditions would not have a significant adverse impact on neighbouring properties and is considered to be acceptable.

Impact on the Conservation Area and World Heritage site

The proposed alterations to the shop front would remove an unsightly fascia board with new signage and canopy. This would be viewed alongside the side projection of the adjoining property no. 55a. Other minor alterations include replacement windows and the reinstatement of a low boundary wall with side ramped access. The proposal would not cause harm to the character or appearance of the Conservation Area.

The proposal is therefore recommended for permission subject to conditions as it would accord with Local Plan policies D2, D4, ES10, ES12, BH6, S1 and S8.

Recommendation:

PERMIT

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2 The use hereby permitted shall not be operated outside the hours of 08:00 to 18:00 Monday to Saturday or at any time on Sunday or Bank Holidays. The use of the outside seating areas shall not be occupied by customers outside of these normal operating hours.

Reason: To safeguard the amenities of nearby occupiers, and to prevent usage at unsocial hours.

3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for a cafe selling teas, coffees and light snacks and for no other purpose in Class A3 of the schedule to that Order.

Reason: The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority.

4 Prior to the commencement of the development, an operational statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the nature of catering arrangements, proposed delivery times and rubbish collection . The development shall thereafter be carried out/occupied in accordance with the approved method statement/operational statement. Reason: To ensure the safe operation of the highway and to safeguard the amenity of nearby residents.

5 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

The development shall be carried out strictly in accordance with the details shown on the following drawings/documents:

Justification statement, 2011/COPSEY/01 - 2011/COPSEY/03 date received 18/04/11

ADVICE NOTE: The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 prior to commencing works within the limits of, or on the application site frontage to the public highway.

The applicant is advised that the installation of any ventilation system in the premises would require a separate planning application.

REASONS FOR GRANTING APPROVAL

1. The proposed development would not have an adverse impact upon the street scene or the amenity of the surrounding residential occupiers. This does not affect the character of the Conservation Area.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

BH.6, D2, D4, ES.10, ES.12, S.1 and S.8 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

55 HIGH STREET, MIDSOMER NORTON, BA3 2DQ
CHANGE OF USE OF TEA ROOMS/KITCHEN SHOWROOM (MIXED USE CLASS A1 & A3) TO CAFÉ (CLASS A3) INCORPORATING RAMPED ACCESS AND NEW SHOP FRONT.
JUSTIFICATION/DESIGN/ACCESS STATEMENT.

Drawings with the application:

2011/COPSEY/01 – EXISTING PLANS

2011/COPSEY/02 – PROPOSED PLANS

2011/COPSEY/03 – LOCATION PLAN/BLOCK PLAN

1.0 INTRODUCTION

- 1.1 55 High Street is a premises at the top end of Midsomer Norton High Street currently arranged under a mixed use class of A1 kitchen showroom and A3 tea rooms.
- 1.2 Permission was granted in January 2009 for the mixed use under BANES planning reference 08/04555/FUL. There is one parking space allocated to the rear of the building.
- 1.3 The building is accessed via a front door arrangement. Alternatively there is rear access door but this is a fire exit.

2.0 THE DESIGNERS BRIEF GIVEN BY THE APPLICANT

- 2.1 The applicant wants to apply for a change of use to full A3 use.

3.0 THE PROPOSAL

- 3.1 Some minor internal alterations will be carried out along with a part new shop front and ramped access.
- 3.2 A new retractable canopy will be fixed to the frontage. Tables will be placed outside on the existing terrace.
- 3.3 The café will operate between the hours of 08.00am-6.00pm Monday to Saturday. Teas, Coffees and light snacks will be served.
- 3.4 2 part time staff and 2 full time staff will be required.

4.0 DESIGN ISSUES

- 4.1 There were no design issues as the alterations proposed are all internal. There are no extensions to the building.

5.0 CONCLUSIONS

- 5.1 The building available is of a sufficient size to sustain this proposal and provide a service to customers at this top end of the high street.
- 5.2 Half of the building is already A3 use so to change to full A3 use is not deviating from a use already associated with the building and a use that has shown significant demand to utilise more of the floor space in this regard.
- 5.3 The proposal meets the brief given by the applicant and satisfies the requirements of such whilst taking into account the planning and design considerations.

55 HIGH STREET, MIDSOMER NORTON, BA3 2DQ

CHANGE OF USE OF TEA ROOMS/KITCHEN SHOWROOM (MIXED USE CLASS A1 & A3) TO CAFÉ (CLASS A3) INCORPORATING RAMPED ACCESS AND NEW SHOP FRONT.

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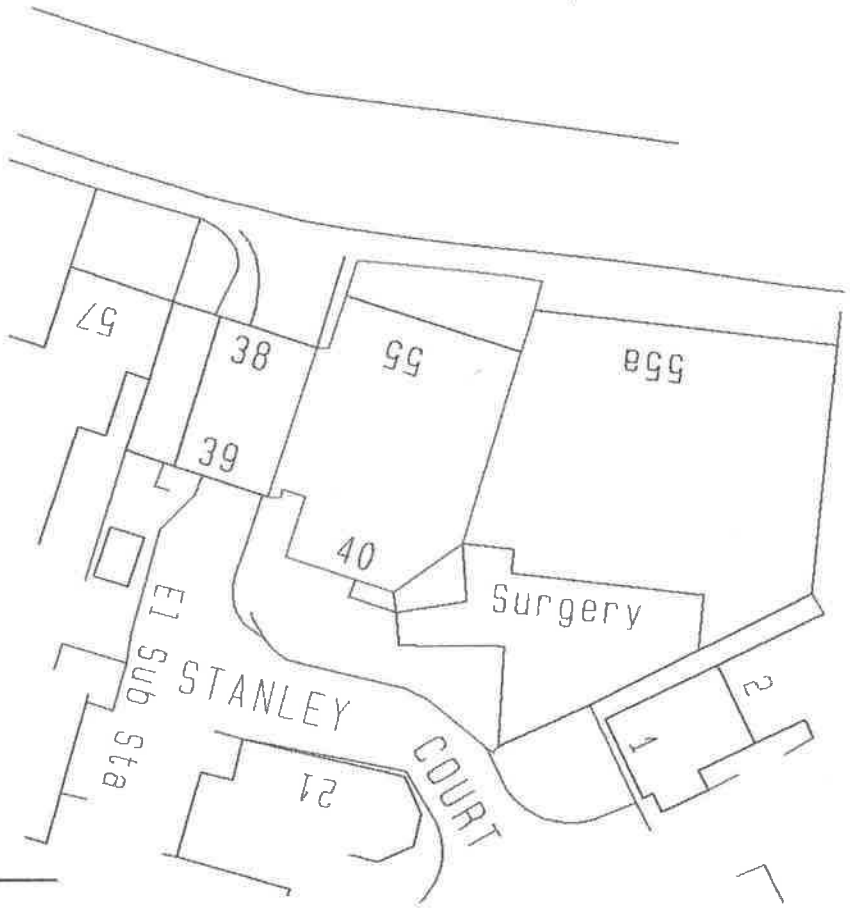
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Stanfords VectorMap



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Location plan 1:1250



Block plan 1:200

Rev	Date	Details	File

Proposed change of use of tea room/kitchen showroom (link
 use class A1 & A3) to cafe (Class A3) incorporating ramped
 access and new shop front.

55 High Street
 Midsomer Norton
 BA5 2DQ

LOCATION PLAN/BLOCK PLAN

CLIENT: Mr P. Capsey

SCALE: 1:1250 & 1:200 @ A2

DATE: APRIL 2011
 DRAWN: M. BIRBY
 DRAWING NO: 2011/00PSEV/03

LITTLEBROOK HOUSE
 LEADLOW VIEW
 RADSTOCK
 BA3 3QT
 Tel: 01761435661
 www.mhbd.co.uk
 mhbd@mhbd.co.uk



Terrill Wolyn

From: Sally Hills <sjh@Chebsey.com>
Sent: 25 September 2012 10:15
To: Kirsty Morgan
Cc: copseyp@aol.com
Subject: Coco Lounge, 55 High Street, Midsomer Norton - New Premises Licence

Dear Kirsty

I write further to our telephone conversation of yesterday and to my email in relation to the objection received from the Stanley Court Residents Association. I confirm that my Clients would be amenable to the condition they have suggested as follows:

“That the terrace area will not be used after 9 pm”

(The Residents Association Secretary had indicated that “alcohol” should not be served on the terrace after 9 pm but I believe that they would prefer that the terrace not be used at all after this time)

I look forward to hearing from you with confirmation of the hearing date in due course.

Kind regards

**Sally Hills
Chebsey & Co**

www.chebsey.com

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