

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE

Tuesday 16th October, 2012

Present:- Councillors:- Gabriel Batt, Gerry Curran (Chair) and Dine Romero (In place of Douglas Nicol)

Also in attendance: Francesca Smith (Senior Legal Adviser) and Kirsty Morgan (Licensing Officer)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

The Sub-Committee **RESOLVED** that a Vice-Chair was not required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Douglas Nicol had sent his apologies to the Sub-Committee. Councillor Dine Romero acted as his substitute for the duration of the meeting.

4 DECLARATIONS OF INTEREST

Councillor Dine Romero declared a non-pecuniary interest during agenda item 8 (Application for a Premises Licence - The Coco Lounge, 55 High Street, Midsomer Norton, BA3 2DQ). Councillor Romero stated that she had met the applicant, Mrs Copsey a number of years ago when her eldest daughter had attended a school where Mrs Copsey was employed.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 MINUTES - 9th August 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 for premises licence - The Coco Lounge, 55 High Street, Midsomer Norton, BA3 2DQ

Applicant: The Coco Lounge (South West) Limited, represented by Sally Hills (Chebsey & Co) and Mr & Mrs Copsey (Co-owners of The Coco Lounge (South West) Limited).

The Licensing Officer summarised the application, which was for a new Premises Licence. The details of the application were set out in paragraph 4.2 of the report.

She confirmed that representations had been received from the Stanley Court Residents' Association, two Stanley Court residents, the PEOPLE charity and Midsomer Norton Town Council over their concerns that the applicant's proposals would undermine both the crime prevention and the prevention of public nuisance objectives.

She added that the Stanley Court Residents' Association had proposed a condition that 'No alcohol be served to the terrace area after 9.00pm'. In response to this the applicant had agreed in writing to the following condition:

'The terrace area will not be used after 9.00pm'

Sally Hills stated the case for the applicant. She explained that the premises were currently in use as a coffee shop that also served food and that the intention would be to become more of a bistro to compliment the current menu and the new tapas menu. She informed the Sub-Committee that they planned to serve a small range of wine and bottled beer.

She confirmed that Mr Copsey had met with residents of Stanley Court and agreed the proposed additional condition.

In reply to questions from the Sub-Committee Mrs Copsey stated that alcohol would only be served with food and that the outside area would be used for dining during the day.

Councillor Linda Dunford, Midsomer Norton Town Council addressed the Sub-Committee to say that having been approached by residents over noise concerns they were pleased to see that a condition had been agreed.

Dr Jenny Clifford, on behalf of PEOPLE charity addressed the Sub-Committee to say that they were concerned over the use of the terraced area after 5.00pm because some of their service users were recovering alcoholics.

Following an adjournment, the Sub-Committee **RESOLVED** to grant the application, subject to the mandatory conditions for the sale of alcohol, the additional condition proposed by the applicant, i.e. the terrace would not be used after 9.00pm (Friday and Saturday), and to the conditions consistent with the Operating Schedule. Authority was granted to the Licensing Officer to issue the licence accordingly.

REASONS

Members have today determined an application for the grant of a new premises licence for The Coco Lounge, 55 High Street, Midsomer Norton.

In doing so they have taken 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 necessary and proportionate 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 Interested Parties, in reaching a decision.

Members noted that representations had been made by residents of Stanley Court, a private sheltered housing complex, who lived close to and adjacent to the premises and believed that, if the licence was granted, it would inevitably lead to an increase in the noise and nuisance problems already experienced in the area.

The charity PEOPLE, made representations based on the fact that it works with disabled and vulnerable persons, including recovering alcohol addicts, who may be put off from attending the charity due to the proximity of the Coco Lounge to its premises.

Representations were also made on the basis that the already high concentration of licensed premises in the area, and the existing anti-social behaviour associated with these other premises, would worsen the situation by attracting patrons to the Coco Lounge.

Members noted that no relevant presentations had been received from the Police, Environmental Services or the Primary Care Trust.

The Members noted that the PEOPLE charity had requested that the terrace was closed at 5.00pm. However, the applicant had already offered a condition that the terrace area would not be used after 9.00 pm (Friday and Saturday)

The Midsomer Town Council stated at the hearing that it would support the application if the condition was imposed that the terrace would not be used after 9.00pm (Friday and Saturday).

The Members also noted that representations had been made on planning and property values which do not fall to be considered under the Licensing Act and therefore disregarded these.

Members considered that, if the condition was imposed, it would ensure that the licensing objective of the prevention of public nuisance and the prevention of crime and disorder would be upheld as the closure of the terrace at 9.00 pm (Friday and Saturday) would minimise the impact of noise and nuisance that may be caused to residents and users of the charity and would be kept to a minimum.

They were unable to control the potential of patrons from other premises causing a nuisance in the street as this would be outside the applicant's control.

Members considered that these type of premises would attract a more mature clientele and was a positive addition to the night time economy.

They therefore granted the licence as applied for together with the mandatory conditions for the sale of alcohol, the conditions consistent with the Operating Schedule and the condition proposed by the applicant i.e. the terrace area would not be used after 9.00 pm (Friday and Saturday).

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

The meeting ended at 11.10 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services