



Date: Friday, 12 February 2021

Time: 10.00 am

Venue: THIS IS A VIRTUAL MEETING - PLEASE USE THE LINK ON THE AGENDA TO LISTEN TO THE MEETING

Contact: Tim Ward, Committee Officer  
Tel: 01743 257713  
Email: [tim.ward@shropshire.gov.uk](mailto:tim.ward@shropshire.gov.uk)

## LICENSING ACT SUB-COMMITTEE

### TO FOLLOW REPORT (S)

#### **3 Application for a Premises Licence - Rumbling Tummies Cafe and Bistro, 37 Shropshire St, Market Drayton, TF9 3DA (Pages 1 - 10)**

Report of the Public Protection Officer (Specialist) is attached, marked 3.

Contact Ross O'Neil on 0345 6789026

This page is intentionally left blank

# Agenda Item 3

FW: Food Hygiene Visit

On Wednesday, 3 February 2021, 18:14:22 GMT, Diane Roberts wrote:

Hello Heidi,

Thank you for your time yesterday. The main purpose of my visit was to determine the adequacy of the existing ventilation system under food hygiene

regulations and to see if any remedial actions could be taken to prevent odour nuisance to surrounding properties. From the food hygiene perspective the law demands that ventilation is both suitable and sufficient to reduce high humidity, room temperatures, cooking odours and airborne particles. I do believe that your existing system meets these requirements in respect of the level of catering undertaken as you have an extraction hood with removable grease filters and fan that exhausts to the outside. As you rightly pointed out a thorough deep-clean of the filters, ducting and external grill should improve the exhaust fumes, and revising your menu to reduce the amount of frying should help you in maintaining the cleanliness of the system. I would also recommend that, over the longer term, you explore options for improving the overall air quality throughout the premise by increasing natural ventilation such as window vents or fans.

I also observed that you now have a Licensed Waste Contract in place for trade waste.

We also discussed fire safety and I wanted to advise that you should complete a Fire Risk Assessment. The enforcing authority for this is Shropshire Fire and Rescue, but you can access guidance on this from the HSE, GOV.UK or Shropshire Fire and Rescue <https://www.hse.gov.uk/toolbox/fire.htm>

<https://www.gov.uk/government/publications/fire-safety-risk-assessment-offices-and-shops>

Shropshire Fire and Rescue Telephone  
Email: [businessfiresafety@shropshirefire.gov.uk](mailto:businessfiresafety@shropshirefire.gov.uk)

If you have any concerns or queries then please do not hesitate to contact me.

Kind regards,

Diane Roberts

Public Protection Officer

Health Protection Team

Regulatory Services

Shropshire Council

Tel:

FW: Food Hygiene Visit

Email:

Web: [www.shropshire.gov.uk](http://www.shropshire.gov.uk)

Working Week – Mon-Weds

 [Public Protection on facebook](#)



*"If this is a request for information under the Freedom of Information Act, or similar legislation, please submit your request using our online form, at [www.shropshire.gov.uk/access-to-information/request-general-information/](http://www.shropshire.gov.uk/access-to-information/request-general-information/)"*

[For information about Coronavirus click here/image below](#)



\*\*\*\*\*  
If you are not the intended recipient of this email please do not send it on to others, open any attachments or file the email locally.  
Please inform the sender of the error and then delete the original email.  
\*\*\*\*\*

**From:** Ross O'Neil < > **On Behalf Of** Licensing  
**Sent:** 18 January 2021 17:16  
**To:** Chris < >  
**Subject:** RE: Licensing - Rumbling Tummies and Cafe, Market Drayton

Hi Chris,

As promised, I have pulled everything together. Attached are 3 further representations from members of public. A email address for Hare is

Also, below are comments from the **Police** and **Planning**.

**Good Afternoon**

**Regards the new application for "Rumbling Tummies" in Market Drayton  
This has been reviewed by PS Barnes and the following is his update ...**

**"Applicant has been visited by SNT. I am also informed that Rob Bowland from Shropshire Council has visited and discussed a drugs policy which will now be incorporated into the license. I do not now intend to duplicate the work that has already been done in relation to this. CCTV condition outlined on application and should be reflected in the license with the wording " colour CCTV system of evidential quality" as this wording is not included. Challenge 25 covered in application and to be reflected in the license. I am not aware of any previous crime and disorder at this premises or any other reports. There is nothing recorded that it has previously caused demand to West Mercia Police. No objections."**

Thank You

Duncan  
ASB and Licensing Administrator

--

**Dear Ross,**

**In commenting on the above mentioned licensing application as a responsible authority I can advise that planning do not object to a license for the sale of alcohol being issued.**

**The premises most recent implemented planning permission appears to be for a1 retail use, it appears that the current café use on site originated as a sandwich shop selling cold snacks and reheated food in around 2014, which would fall under the a1 retail category. At some point in the premises history the business model has altered such that the use would fall in what was known as a3 café/restaurant use. Our information indicates this was around 2016. As such there would have been an identifiable breach of planning control at this time.**

Subsequently however, significant changes to the use class order have been adopted in September 2020, such that Class E now overrides the previous A1 and A3 use and the premises can change to a café without express planning permission.

As such planning would uphold no objection to the continued use as a café/restaurant, and it would not be expedient for any formal action to be taken in this regard.

Resultantly, no objection to the ongoing use (which planning have no record of complaints being received in relation to, prior to the submission of this alcohol license) is identified by the planning team and no objection to the issue of an alcohol license.

If you have any further queries please don't hesitate to contact me.

Kind Regards,

**Shannon Franklin**  
Technical Specialist Planning Officer

Kind regards

**Ross O'Neil**  
Public Protection Officer - Specialist  
Trading Standards & Licensing

**From:** Ross O'Neil **On Behalf Of** Licensing  
**Sent:** 18 January 2021 13:34  
**To:** Chris < >  
**Subject:** RE: Licensing - Rumbling Tummies and Cafe, Market Drayton

Hi Chris,

Works for me, I will give you a call at 4pm

Kind regards

**Ross O'Neil**  
Public Protection Officer - Specialist  
Trading Standards & Licensing

**From:** Chris < >  
**Sent:** 18 January 2021 12:22  
**To:** Licensing < >  
**Subject:** RE: Licensing - Rumbling Tummies and Cafe, Market Drayton

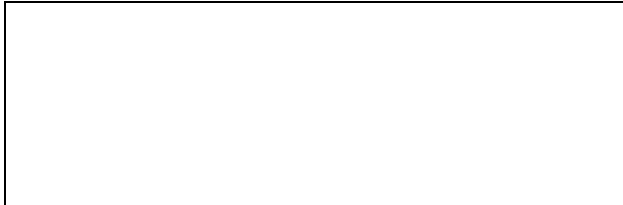
Hi Ross,

I can be free around 4pm today if that works for you?

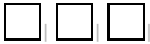
Kind Regards,

**Chris Nixon**

Co-Ordinator, Licensing Agent | [email](#)



134 The Barracks | White Cross Business Park | South Road | Lancaster LA1 4XQ  
tel Direct Dial: | [knight.training](#) | [email](#) | [map](#)



**Confidentiality Note:** This email and any files transmitted with it are confidential and may be privileged. It is intended solely for the use of the individual or the entity to whom it is addressed. If you are not the named addressee or have received this in error, please contact the sender and delete the material immediately. Any unauthorised disclosure or copying is strictly prohibited. Emails and any information transmitted there under may be intercepted, corrupted or delayed. As a result, Knight Training does not accept responsibility for any errors or omissions howsoever caused. Whilst all reasonable endeavours are taken by Knight Training to screen all emails for known viruses, Knight Training cannot guarantee that any transmission will be virus free.

**From:** Ross O'Neil **On Behalf Of** Licensing

**Sent:** Friday, January 15, 2021 4:41 PM

**To:** Chris < >

**Subject:** RE: Licensing - Rumbling Tummies and Cafe, Market Drayton

Hi Chris,

I will be, let me know a time and I will call you. I have since sent you the Environmental Protection representation and now I have received further off an A.Hughes – attached.

Kind regards

**Ross O'Neil**

**Public Protection Officer - Specialist**

**Trading Standards & Licensing**

**From:** Chris < >

**Sent:** 15 January 2021 16:28

**To:** Licensing < >

**Subject:** RE: Licensing - Rumbling Tummies and Cafe, Market Drayton

Afternoon Ross,

Thanks for sending, obviously there's quite a few things to go through here, are you free on Monday for a call to discuss this application?

Thanks!

Kind Regards,

**Chris Nixon**

Co-Ordinator, Licensing Agent | [email](#)



134 The Barracks | White Cross Business Park | South Road | Lancaster LA1 4XQ  
tel      Direct Dial:      | [knight.training](#) | [email](#) | [map](#)



**Confidentiality Note:** This email and any files transmitted with it are confidential and may be privileged. It is intended solely for the use of the individual or the entity to whom it is addressed. If you are not the named addressee or have received this in error, please contact the sender and delete the material immediately. Any unauthorised disclosure or copying is strictly prohibited. Emails and any information transmitted there under may be intercepted, corrupted or delayed. As a result, Knight Training does not accept responsibility for any errors or omissions howsoever caused. Whilst all reasonable endeavours are taken by Knight Training to screen all emails for known viruses, Knight Training cannot guarantee that any transmission will be virus free.

**From:** Ross O'Neil **On Behalf Of** Licensing

**Sent:** Friday, January 15, 2021 8:58 AM

**To:** Chris < >

**Subject:** RE: Licensing - Rumbling Tummies and Cafe, Market Drayton

Hi Chris,

We have received 2 x representations, as attached Phillipot and Hobson. They are the same, but off two residents and one has also included some photographs.

Can you let me know that you have received my three emails this week as I have not had any correspondence back off you?

Also from speaking to the Licensing authority officer, there is no drinking up time on the application and late night refreshments is for both indoors and outdoors, when the plan is only an indoor premises. Can you confirm that you are happy to reduce the supply of alcohol times to 30 minutes before close and that late night refreshments is indoors only?

Let me know if you would like a phone call, I appreciate there has been a lot of correspondence in relation to the application.

Kind regards

**Ross O'Neil**

**Public Protection Officer - Specialist**



## Trading Standards & Licensing

**From:** Ross O'Neil **On Behalf Of** Licensing  
**Sent:** 13 January 2021 17:25  
**To:**  
**Subject:** RE: Licensing - Rumbling Tummies and Cafe, Market Drayton

Hi Chris,

I have received the following off Trading Standards, can you let me know your thoughts –

***Protection of Children from Harm conditions could be amended slightly in order to be more robust to say:***

- 1. A Challenge 25 Policy will be implemented with appropriate signage displayed at points of sale.***
- 2. The only forms of identification that will be accepted are a passport, photo card driving licence, PASS photo card and/or military ID photo card.***
- 3. A challenge log for Challenge 25 and refusals will be maintained and made available to any authorised authority on request. The challenge log can be kept either electronically or in a hard backed/bound book.***
- 4. Training on the Challenge 25 procedures, proxy sales and their responsibilities under the licensing act 2003 will be held for all persons supplying alcohol.***
- 5. Refresher training on Challenge 25, proxy sales and their responsibilities under the licensing act 2003 to be provided no less than annually. Training records retained and available at the premises to any authorised authority on request.***
- 6. All persons under 18 must be accompanied by an appropriate and responsible adult at all times.***

Kind regards

**Ross O'Neil**  
**Public Protection Officer - Specialist**  
**Trading Standards & Licensing**

**From:** Ross O'Neil **On Behalf Of** Licensing  
**Sent:** 13 January 2021 09:29  
**To:**  
**Subject:** Licensing - Rumbling Tummies and Cafe, Market Drayton

Hi Chris,

I completed a site visit yesterday along with Rob Bowland from Environmental Health. We spoke to Heidi in detail who made notes but wanted to refer back to yourself. From a licensing perspective I just wanted to clarify the public nuisance conditions on the application.

From completed the site visit it became clear that the extractor fan at the back of the premises as well as the location of the premises being a terrace that the conditions in relation to the odour and the noise are likely to be breached as soon as the licence is in place. Although Music has not been

applied for Heidi stated that she is looking at having parties and some sort of music. I just wanted to clarify if these are standards conditions that you expect your clients to adhere to or are they specific for that premises from you completing a site visit?

I few other concerns I had which I will raise with the food team and fire separately were –

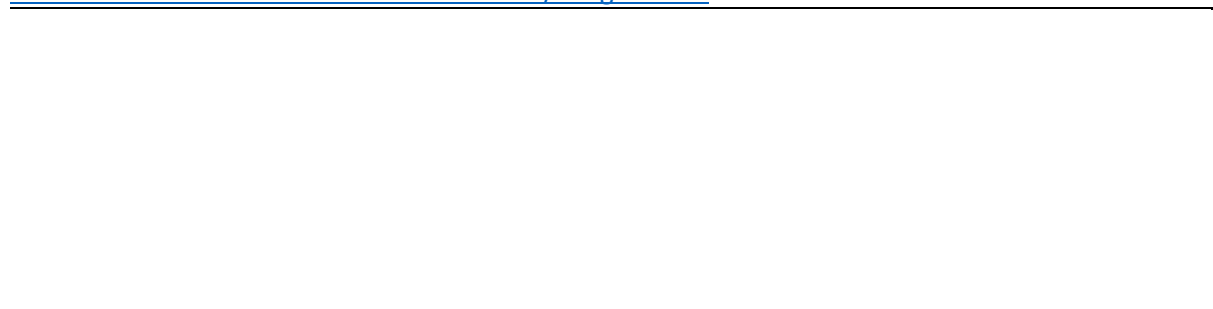
- Heidi stating that customers been allowed to smoke down the side alley way which is an enclosed area
- A resident living above the premises and only one entrance to the premises

I look forward to your thoughts.

Kind regards

**Ross O'Neil**  
**Public Protection Officer - Specialist**  
**Trading Standards & Licensing**

[For information about Coronavirus click here/image below](#)

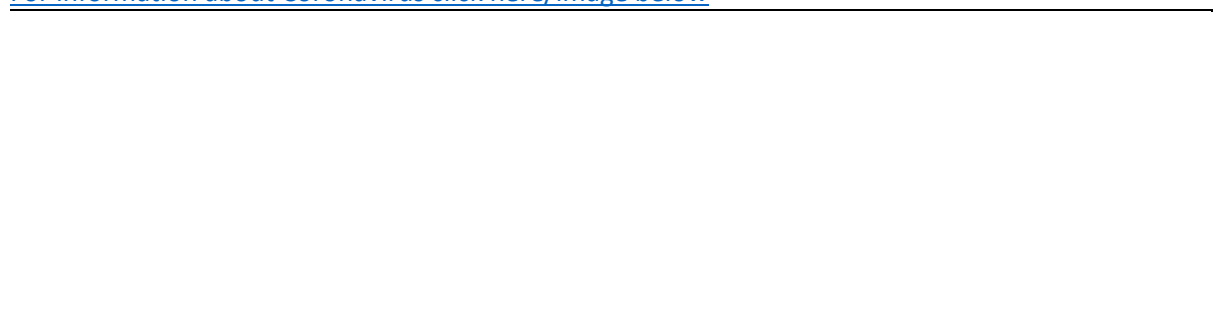


\*\*\*\*\*

If you are not the intended recipient of this email please do not send it on to others, open any attachments or file the email locally.  
Please inform the sender of the error and then delete the original email.

\*\*\*\*\*

[For information about Coronavirus click here/image below](#)

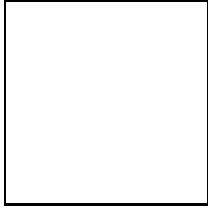


\*\*\*\*\*

If you are not the intended recipient of this email please do not send it on to others, open any attachments or file the email locally.  
Please inform the sender of the error and then delete the original email.

\*\*\*\*\*

[For information about Coronavirus click here/image below](#)



\*\*\*\*\*

If you are not the intended recipient of this email please do not send it on to others, open any attachments or file the email locally.

Please inform the sender of the error and then delete the original email.

\*\*\*\*\*

This page is intentionally left blank