



Shropshire Council  
Legal and Democratic Services  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Date: Thursday, 4 February 2021

**Committee:  
Licensing Act Sub-Committee**

**Date: Friday, 12 February 2021**  
**Time: 10.00 am**  
**Venue: THIS IS A VIRTUAL MEETING**

**Members of the public will be able to listen to this meeting by clicking on this link:**

[www.shropshire.gov.uk/licencingactsubcommittee12february2021/](http://www.shropshire.gov.uk/licencingactsubcommittee12february2021/)

Please note that this meeting will be made available through Microsoft Teams Live Events - your device will need to meet the minimum specification as detailed on the Microsoft website at this link: [Device Specification](#)

- You will need to download MS Teams (free) and click on the link to listen to the meeting if you are using a PC
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- Use the link at 10.00am on the day of the meeting and click on 'Join as Guest'
- You may receive an error message or a request for login details if you try to gain access before 10.00am

You are requested to attend the above meeting.  
The Agenda is attached

Claire Porter  
Head of Legal and Democratic Services (Monitoring Officer)

**Members of Licensing Act Sub-Committee**

Keith Roberts  
Dave Tremellen

Leslie Winwood

Your Committee Officer is:

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

# AGENDA

## **1 Election of Chairman**

To elect a Chairman for the duration of the meeting.

## **2 Disclosable Pecuniary Interests**

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

## **3 Application for a Premises Licence - Rumbling Tummies Cafe and Bistro, 37 Shropshire St, Market Drayton, TF9 3DA (Pages 1 - 82)**

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

Contact Ross O'Neil on 0345 6789026



Licensing Sub-Committee  
Friday 12<sup>th</sup> February 2021  
Online via Teams Live

Item

**Public**

## LICENSING ACT 2003

### APPLICATION FOR A PREMISES LICENCE

**Responsible Officer** Ross O'Neil, Public Protection Officer (Specialist)  
e-mail: [licensing@shropshire.gov.uk](mailto:licensing@shropshire.gov.uk) Tel: 0345 6789026

#### 1. Summary

To consider an application for a new Premises Licence.

Premises: Rumbling Tummies Café and Bistro, 37 Shropshire Street, Market Drayton, TF9 3DA

Shropshire Council being the authorised licensing authority for the above premises has received an application for a new premises licence.

The application has been accepted as a valid application and during the statutory consultation period relevant representations were made. The application is therefore required to be determined by way of a hearing of the Licensing Sub-Committee.

In determining the application the licensing authority must give appropriate weight to:

- the steps that are necessary to promote the licensing objectives;
- the representations (including supporting information) presented by all parties;
- Guidance issued under Section 182 of the Licensing Act 2003;
- Shropshire Council's Licensing Policy 2019 - 2024.

After considering all the relevant issues the licensing authority may grant the application in full or in part, subject to such conditions that are deemed necessary and appropriate. Any conditions imposed must be appropriate for the promotion of the licensing objectives.

Alternatively the application can be refused if it is considered appropriate for the promotion of the licensing objectives.

Following a hearing, the licensing authority should give its decision and provide reasons to support it. This will be important if there is an appeal by any of the parties.

All parties are required to be notified of a decision and that decision should be accompanied by information on the right of the party to appeal.

## **2. Recommendations**

That the Sub-Committee determines the application in accordance with the Statutory Guidance issued under s182 of the Licensing Act 2003, the Council's Statement of Licensing Policy, the information contained within this report, supporting documentation and having had due regard to the applicant and the parties/authorised bodies making relevant representations.

That the Sub-Committee determines the application in accordance with the options in paragraph 9.

That the Sub-Committee provides the reasons for its decision.

## **REPORT**

### **3. Human Rights Act Appraisal**

The Committee is required to consider the consequences of refusal or approval on the applicant's human rights.

### **4. Financial Implications**

None.

### **5. Purpose of Report**

To consider an application for a new Premises Licence for Rumbling Tummies Café and Bistro, 37 Shropshire Street, Market Drayton, TF9 3DA. (A copy of the location map and location photographs can be found at **Appendix A and B**).

### **6. Background**

- 6.1 Heidi O'Neill has made an application for a new Premises Licence. The premises are currently operating as a small café bistro, it is set within part of a terrace with residential properties either side and a flat above. The Premises is located on Shropshire Street within the town of Market Drayton, Shropshire. (A copy of the application and plan can be found at **Appendix C and D**).

A site visit was conducted during the consultation period by the Public Protection Officer as it is expected that the applicant works with the Council in an open and cooperative way and to disclose anything which the Council

would reasonable expect to know (27.1 of Shropshire Council's Licensing Policy 2019 – 2024).

The visit allows the applicant to demonstrate their understanding of each of the licensing objectives, which provides the Public Protection Officer with a better understanding of the application and plan to assist liaising with them, responsible authorities or other persons if necessary.

6.2 The requested licensable activities and opening hours are:

**Supply of Alcohol (Both - On and Off premises)**

Monday to Sunday - 09:00 to 00:00

To include non- standard timings for Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Easter Sunday, Valentine's Day and all recognised national bank holidays 09:00 – 01:00 the following day.

**Late night refreshment (Both - Indoors and outdoors)**

Monday and Sunday – 23:00 to 00:00

To include non- standard timings for Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Easter Sunday, Valentine's Day and all recognised national bank holidays 23:00 – 01:00 the following day.

**Opening Hours**

Monday to Sunday - 09:00 to 00:00

To include non- standard timings for Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Easter Sunday, Valentine's Day and all recognised national bank holidays 09:00 – 01:30 the following day.

6.3 For a new application, applicants are required to submit an operating schedule detailing how they intend to promote the four licensing objectives, these are the prevention of crime and disorder, promotion of public safety, the prevention of public nuisance and the protection of children from harm. The applicant has indicated that the following steps would be taken.

6.3.1 Prevention of Crime and Disorder

1] A camera CCTV system is in place covering all public areas of the premises.

2] The CCTV system shall continuously record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings will be stored for a minimum of 31 days and can be accessed and downloaded immediately when requested by the police or other authorised officer.

3] There will always be at least one person present whilst the premises is open to the public who is able to operate and download images from the CCTV.

4] An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which will record the following:

- All crimes reported to the venue
- Any complaints received
- Any incidents of disorder
- Any faults in the CCTV system
- Any visit by a relevant authority or emergency service
- All ejections of patrons
- All seizures of drugs or offensive weapons
- Any refusal of the sale of alcohol

#### 6.3.2 Public Safety

1] The Premises will be maintained in a safe manner at all times.

2] All exits will be kept unobstructed, easy to open and clearly signed.

#### 6.3.3 Prevention of Public Nuisance

1] All refuse will be disposed of in an appropriate manner. Staff will be instructed to maintain all external areas in a clean and presentable manner at all times.

2] Notices will be displayed asking patrons to leave the premises quietly and to have respect for local residents.

3] Substantial food and non- intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

4] No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

5] No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any person living or carrying on business in the area where the premises are situated.

6] No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.

7] No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 07:00 hours on the following day.

#### 6.3.4 Protection of Children from Harm

1] A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of ID are recognized photographic

identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.

2] The premises will operate a “No ID, No Sale” policy at all times for persons who look under 25. Staff will be trained in the understanding of this policy and training records maintained for inspection if requested by the police or any other responsible authority.

3] A record shall be kept detailing all refused sale of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorized officer of the Council at all times whilst the premises is open.

## 7. Representations received (Responsible Authorities)

- 7.1 Two authorities made objections to the application.
- 7.2 Environmental Health have objected, and this relates to Prevention of Public Nuisance and the impact of noise and odour on nearby residential properties. (A copy of the Environmental Health representation can be found at **Appendix E**. Additional supporting information has since been submitted, after the consultation period, for consideration which can be found at **Appendix N**).
- 7.3 Trading Standards reviewed the proposed Challenge 25 policy, relating to Protection of Children from Harm and the officer believes that the conditions need to be more robust and has requested the three proposed conditions on the application be replaced with their six. (A copy of the Trading Standards representation can be found at **Appendix F**).
- 7.4 Three authorities made comments on the application.
- 7.5 Planning stated “In commenting on the above mentioned licensing application as a responsible authority I can advise that planning do not object to a licence for the sale of alcohol being issues.

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/ restaurants 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 adapted 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 licence) is identified by the planning team and no objection to the issue of an alcohol licence”.

- 7.6 West Mercia Police stated “Applicant has been visited by SNT. I am also informed that an officer from Environmental Health, Shropshire Council has visited and discussed a drugs policy which will now be incorporated into the licence. 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 licence 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 licence. 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”.
- 7.7 Health and Safety stated “I wish to make the following comments: There is only 1 toilet which is only suitable for up to 25 seats. The applicant is also advised to contact Building Control to ensure their provisions are met including wheelchair access. No other comments”.
- 7.8 There are two outstanding objections from Responsible Authorities – Environmental Health and Trading Standards.

## **8. Representations received (Other Persons)**

- 8.1 Six objections have been received from other persons, who have concerns in respect of Public Nuisance. The representation map displays the location of representations in relation to the premises. (A copy of the ‘other persons’ location map can be found at **Appendix G**).
- 8.2 Principally the concerns relate to the nuisance that could potential be caused from the premises and also the nuisance currently been caused by cooking odours. (Representations can be found at **Appendix H – M**).
- 8.3 All aspects of representations have been accepted, for consideration, giving the benefit of the doubt to the person/s making the representation to allow them to amplify or clarify at the hearing.
- 8.4 The Public Protection Officer encouraged and supported all parties to attempt to negotiate and mediate during the consultation period in order to remove the need for a hearing (28.18 of Shropshire Council’s Licensing Policy 2019 – 2024). The representations have not been withdrawn and the applicant has indicated they wish to continue with the application as submitted.



## **9. Options for Consideration**

9.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:

- To refuse to grant the licence
- To grant the licence with conditions
- To grant the licence but restrict the licensable activities
- To grant the licence with restricted times

9.2 If the application is to be granted in line with the submitted operating schedule then conditions detailed in paragraph 6.3 of this report would need to be included in the licence, if deemed necessary and appropriate, with an appropriate decision.

9.3 Additional conditions or restrictions to licensable activities and/or times should only be imposed if considered appropriate for the promotion of the licensing objectives. If other law already places certain statutory responsibilities on a premises, it would not be appropriate to impose similar duties.

9.4 Members of the Sub-Committee should be advised that the applicant or any other person who made relevant representations in relation to the application may appeal against the decision made to the Magistrates' Court within 21 days of the date on which they were notified.

## **10. Standard of Decision Making**

10.1 In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all applications where a relevant representation has been made need to be determined by this Sub-Committee.

10.2 When determining the application, the Sub-Committee should only consider issues, which relate to the four licensing objectives. The licensing objectives are:

- The prevention of Crime and Disorder
- Public Safety
- The prevention of a Public Nuisance
- The protection of Children from Harm

10.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.

10.4 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

Shropshire Council Licensing Policy 2019 – 2024

<https://www.shropshire.gov.uk/media/12345/statement-of-licensing-policy-2019-to-2024.pdf>

Guidance issued under section 182 of the Licensing Act 2003 (April 2018)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

The Licensing Act 2003 (Hearings) Regulations 2005

<https://www.legislation.gov.uk/ukxi/2005/44/contents/made>

The Licensing Act 2003 (Hearings) (Amendment) Regulations 2005

<https://www.legislation.gov.uk/ukxi/2005/78/made>

Application form (and plan)

Copies of representations received and additional supporting information

**Cabinet Member (Portfolio Holder)**

Cllr G Butler

**Local Member/s**

Cllr Roger Hughes and David Minnery

**Appendices**

Appendix A – Location map

Appendix B – Location photographs

Appendix C – Application

Appendix D – Premises plan

Appendix E – Representation – Environmental Health

Appendix F – Representation – Trading Standards

Appendix G – Location of ‘other persons’ representation map

Appendix H – Representation Cordova

Appendix I – Representation Hare

Appendix J – Representation Hobson

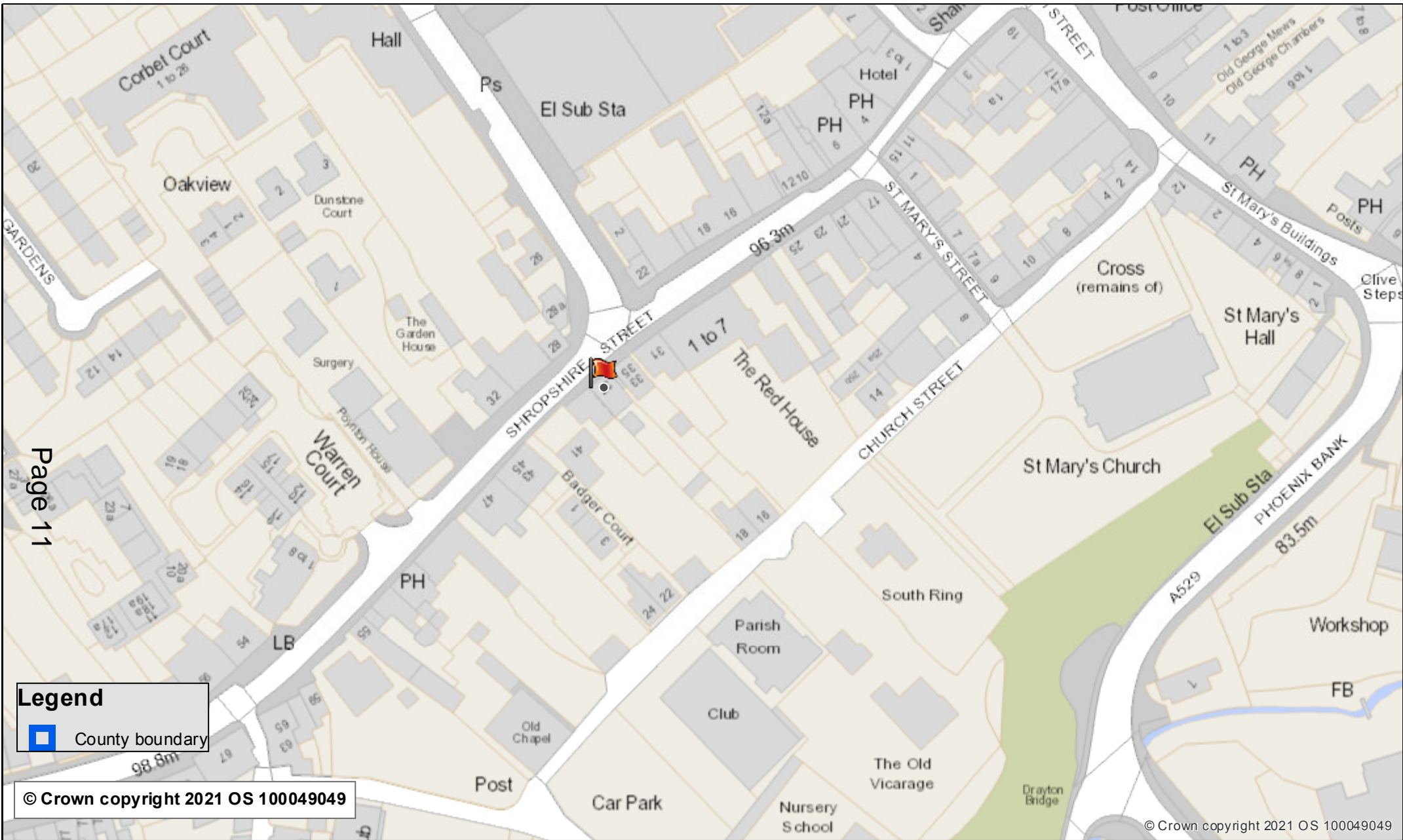
Appendix K – Representation Hughes

Appendix L – Representation Phillpot

Appendix M – Representation Walton

Appendix N – Supporting information – Environmental Health

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**Legend**  
 County boundary

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# Rumbling Tummies (red flag - premises)



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## Rumbling Tummies, 37 Shropshire Street, Market Drayton



- Front view of the premises -



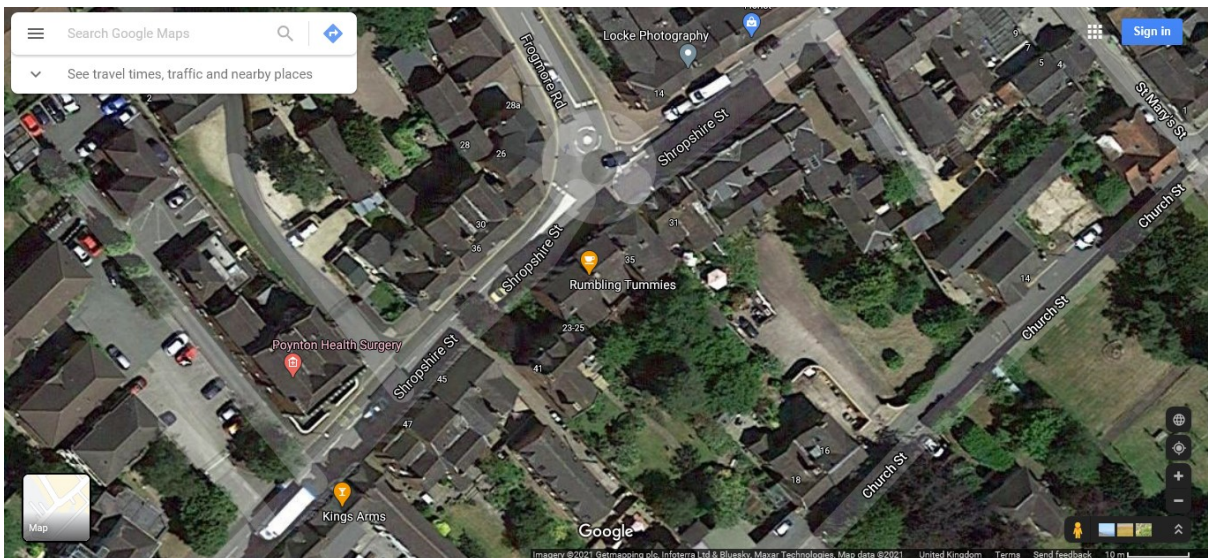
- View from West to East down Shropshire Street – Premises on right -



- View from North to South down Frogmore Road – Premises to right of mini roundabout -



- View from East to West down Shropshire Street – Premises on left -



- Satellite view of premises on Shropshire Street -



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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Heidi Estelle O'Neill

*(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 <b>Rumbling Tummies Café &amp; Bistro</b> <b>37 Shropshire Street</b>			
<b>Post town</b>	MARKET DRAYTON	<b>Postcode</b>	TF9 3DA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£6,415.00</b>

**Part 2 - Applicant details**

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

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership  please complete section (B)
  - ii as a partnership (other than limited liability)  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 (by ticking yes to one box below):

- 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 checked="" type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> O'Neill			<b>First names</b> Heidi Estelle		
<b>Date of birth</b> [REDACTED]		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
<b>Nationality</b> British					
Current residential address if different from premises address		[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]		
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>		[REDACTED]			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

**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)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/> Please tick yes		
<b>Nationality</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)

Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

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

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

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

Please give a general description of the premises (please read guidance note 1)  
 Small café bistro. Selling breakfasts, lunches & dinners throughout the day and evening.

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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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



**Supply of alcohol** (if ticking yes, fill in box J)



**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

## B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)	
Day	Start	Finish		
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)	
Tue				
Wed				
Thur				<b><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></b> (please read guidance note 6)
Fri				
Sat				
Sun				



# D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Wed			<b><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></b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

# G

Performances of dance Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Wed			<b><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></b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Thur			<b><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></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23:00	00:00	<b>Please give further details here</b> (please read guidance note 4)		
Tue	23:00	00:00			
Wed	23:00	00:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5) Christmas Eve, Christmas Day, New Years’ Eve, New Years’ Day, Easter Sunday, Valentine’s Day, all national bank holidays: 23:00 – 01:00		
Thur	23:00	00:00			
Fri	23:00	00:00	<b>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</b> (please read guidance note 6) Christmas Eve, Christmas Day, New Years’ Eve, New Years’ Day, Easter Sunday, Valentine’s Day, all national bank holidays: 23:00 – 01:00		
Sat	23:00	00:00			
Sun	23:00	00:00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5) Christmas Eve, Christmas Day, New Years’ Eve, New Years’ Day, Easter Sunday, Valentine’s Day, all national bank holidays: 09:00 – 01:00  <b>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</b> (please read guidance note 6) Christmas Eve, Christmas Day, New Years’ Eve, New Years’ Day, Easter Sunday, Valentine’s Day, all national bank holidays: 09:00 – 01:00		
Mon	09:00	00:00			
Tue	09:00	00:00			
Wed	09:00	00:00			
Thur	09:00	00:00			
Fri	09:00	00:00			
Sat	09:00	00:00			
Sun	09:00	00:00			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b> Heidi Estelle O'Neill	
<b>Date of birth</b> [REDACTED]	
<b>Address</b> [REDACTED]	
<b>Postcode</b>	[REDACTED]
<b>Personal licence number (if known)</b> [REDACTED]	
<b>Issuing licensing authority (if known)</b> [REDACTED]	

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 9).  
 N/A

**L**

<p><b>Hours premises are open to the public</b>          Standard days and timings (please read guidance note 7)</p>			<p><b><u>State any seasonal variations</u></b> (please read guidance note 5)          Christmas Eve, Christmas Day, New Years' Eve, New Years' Day, Easter Sunday, Valentine's Day, all national bank holidays: 09:00 – 01:30</p>
Day	Start	Finish	
Mon	09:00	00:00	
Tue	09:00	00:00	
Wed	09:00	00:00	
Thur	09:00	00:00	
Fri	09:00	00:00	
Sat	09:00	00:00	
Sun	09:00	00:00	
<p><b><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></b> (please read guidance note 6)          Christmas Eve, Christmas Day, New Years' Eve, New Years' Day, Easter Sunday, Valentine's Day, all national bank holidays: 09:00 – 01:30</p>			



## M

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

Consideration of the Shropshire Council Licensing policy and has been carried out to ensure the promotion of the four licensing objectives

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

A camera CCTV system is in place covering all public areas of the premises  
The CCTV system shall continuously record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings will be stored for a minimum of 31 days and can be accessed and downloaded immediately when requested by the police or other authorised officer  
There will always be at least one person present whilst the premises is open to the public who is able to operate and download images from the CCTV  
An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which will record the following:

- All crimes reported to the venue
- Any complaints received
- Any incidents of disorder
- Any faults in the CCTV system
- Any visit by a relevant authority or emergency service
- All ejections of patrons
- All seizures of drugs or offensive weapons
- Any refusal of the sale of alcohol

**c) Public safety**

The premises will be maintained in a safe manner at all times  
All exits will be kept unobstructed, easy to open and clearly signed

**d) The prevention of public nuisance**

All refuse will be disposed of in an appropriate manner. Staff will be instructed to maintain all external areas in a clean and presentable manner at all times  
Notices will be displayed asking patrons to leave the premises quietly and to have respect for local residents  
Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises  
No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance

No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated

No deliveries to the premises shall take place between 23:00 and 07:00 on the following day

No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 07:00 hours on the following day

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

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of ID are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram

The premises will operate a “No ID, No Sale” policy at all times for persons who look under 25

Staff will be trained in the understanding of this policy and training records maintained for inspection if requested by the police or any other responsible authority

A record shall be kept detailing all refused sale of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE**

**KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	██████████
Date	21 <sup>st</sup> December 2020
Capacity	Acting/Licensing Agent

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 13). **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 14)			
██████████ ██████████ ██████████			
Post town	██████████	Postcode	██████████
Telephone number (if any)	██████████		

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

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar

- community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the

premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

**15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state

or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
  
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.



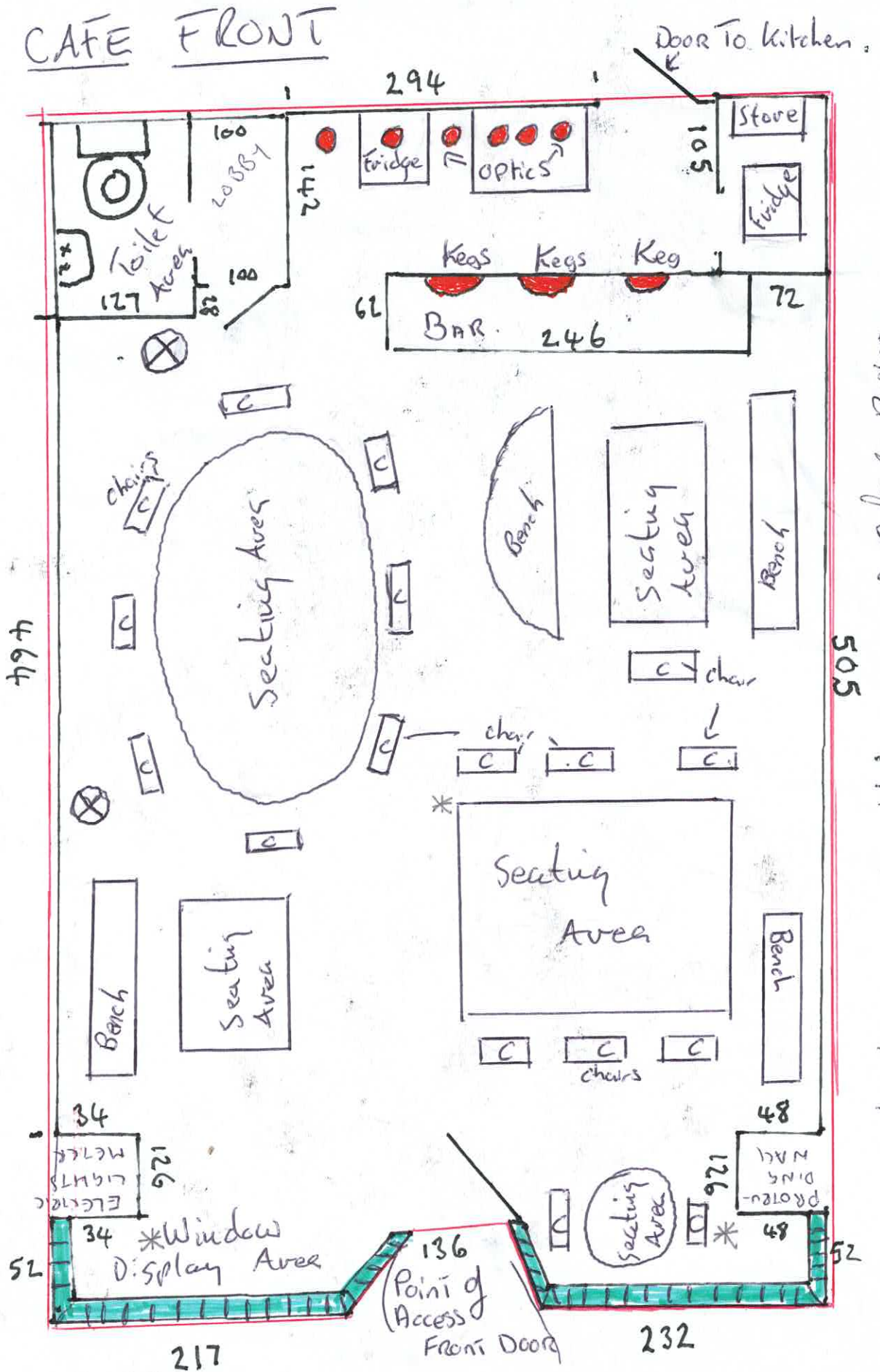
To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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# CAFE FRONT



Rumbling Tummies Cafe & Bistro,  
37 Shropshire Street, Market Drayton  
TF9 3DA

10/12/2020

KEY: ⊗ Fire Point (Foam)

▨ Glass Windows

☐ chairs

▬ Licensable Area

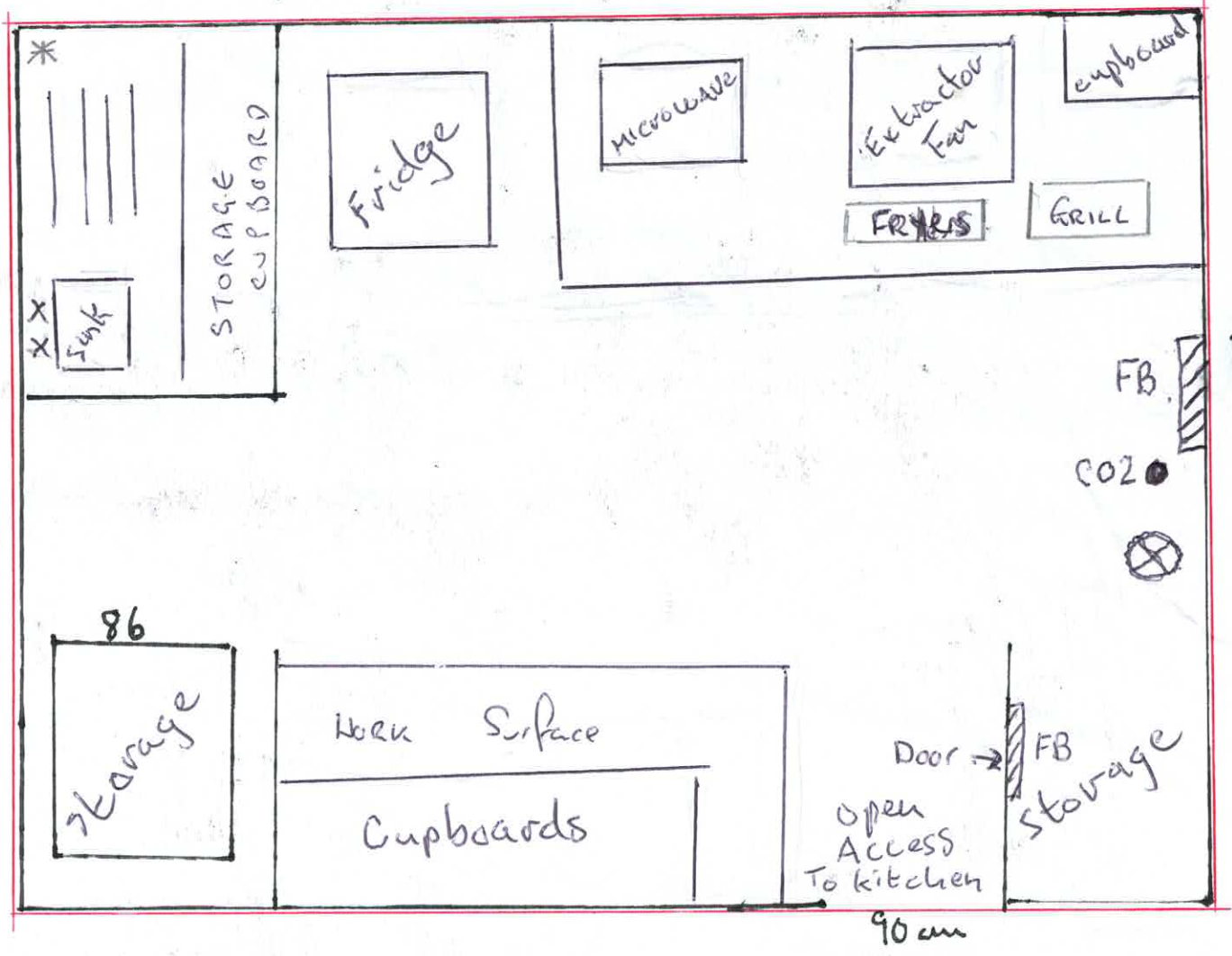
\* : CCTV

Measures : CM's

●●● : Optics

●K : Kegs

440cms



215 Cms

# KITCHEN AREA

Measures : CM

KEY: ⊗ Fire Point (Foam)

▨ FB Fire Blanket

● CO2 Canister

— Licensable Area

\* CCTV

Acting as the responsible authority for The Prevention of Public Nuisance I have reviewed the application and wish to formally object on the afore mentioned grounds.

## Noise

The Premises is in a residential area, with residential properties on either side and a flat above. The fabric of the building is poor in terms of containing sound. There are 2 large single glazed windows to the front of the premises. There is no entrance lobby system to contain sound, and the installation of such a system would severely impact on the available space for customers. A party wall is shared with No. 39 Shropshire Street, and it has been suggested that the sound absorption properties of this wall is poor, in part due to a chimney between the 2 properties.

A noise assessment has not been carried out by the applicant to consider the impact of people noise and/or the noise of cooking operations and/or music noise. As such there is not considered to be enough detailed information contained within the report to evidence that noise will not have an unacceptable impact on adjacent noise sensitive receptors.

For the reasons stated above I believe there is scope for noise nuisance thereby undermining the Licensing Objective. Should the applicant come forward with a noise assessment to quantify the likely impact of noise transmission through the fabric of the building to adjacent residential areas (expressly the flat at 1<sup>st</sup> floor level at no 37 and number 39 Shropshire Street) which finds noise levels are acceptable or mitigation is available this concern may be removed allowing additional aspects to be considered and relevant conditions proposed. For completeness sake the application has been assessed to provide detail on what future condition could look like to allow the applicant to consider if carrying out further work to pursue the application is desirable.

I note that a comprehensive set of conditions have been volunteered as part of the application, including conditions that relate to noise and odour, which read as follows :

*No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises which gives rise to nuisance.*

*No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated*

however I have concerns that the conditions cannot be achieved, and would be breached once the Premises Licence was granted and utilised by the business.

I consider that there is significant potential for noise disturbance from both music and people inside the venue, and also outside as patrons enter and leave, and potentially gather outside to smoke or wait for taxis etc. Additionally, there is a need to future proof the Premises Licence to ensure that the business remains as a bistro/restaurant and doesn't evolve to become a bar although it is accepted that this would require a change of use planning application from class E to A4.

To minimise these concerns I would suggest the following changes:

**Opening Times –Close at 22:00 Sunday – Thursday, 23:00 Friday & Saturday with no additional hours of activity outside of these times (including bank holidays, Christmas eve, new years eve and any other specific date). This would be the latest times considered suitable. Should noise assessment show noise impact prior to these times additional consideration of times will be required.**

### **Additional Conditions:**

- **No alcohol to be taken off site in open containers**
- **Alcohol is only to be served to Patrons having a meal.**

I am open to the idea of minor changes to the above condition provided the underlying meaning is maintained, that the venue cannot be used as a drinking establishment is maintained

## Odour

The kitchen cooker hood vents to external environment via a small domestic type extractor fan. The discharge point is at low level and close to the boundary of a residential property. There is no other ventilation in the kitchen to remove cooking odours and steam. Discharge of extracted air is horizontal into a narrow passageway where air cannot circulate easily. **Page 43** any extract air and odour associated with it is

likely to be trapped in the area for significant periods due to its inability to disperse. The extraction system in its current form is not considered acceptable and is likely to give rise to a nuisance. The increased use from extended hours proposed should a premises license be granted is expected to result in both more intense odour and increased duration and frequency of odour in the locality. This is considered unacceptable given that the extraction system is found to be deficient in its current state.

During the site visit on the 12th January 2021 at a time when the café was not busy due to lockdown (only doing take-away) grease and bacon odours could clearly be detected in a neighbouring garden.

**Accordingly, I object to the application on the grounds of odour nuisance.**

If a suitable extraction system appropriate to a commercial kitchen was installed, with a discharge point of a suitable height to minimise odour nuisance then I would withdraw the objection. Any system should have due regard to the DEFRA document Guidance on the control of odour and noise from commercial kitchens exhaust. It is acknowledged that this guidance document has been withdrawn by DEFRA however it is still considered to provide good practise by Shropshire Council's regulatory service department. For information it is likely that any system visible to nearby residential properties or to the town more widely would require planning permission.

In summary an objection to the proposed application on potential odour and noise nuisance is submitted. The likelihood of nuisance noise is based on scrutiny of the application details and a site visit coupled with experience of similar types of premises carrying out similar activities in a similar setting, residential properties adjoining and/or above, where nuisance was found to occur requiring the service of legal notice. It is not uncommon for such notices to restrict businesses to the point that they may struggle to operate as they had anticipated. The comments above are not placed to try and be overly restrictive. They are stated to ensure the premises has considered all aspects of the business which require licensing and may create an impact on the locality. By ensuring thought is given upfront this may where possible remove the potential for additional unforeseen restrictions to the business which it has not accounted for and cannot achieve.

A significant amount of work is required to address the concerns raised which are likely to require a significant amount of resource and additional regulated activity through other regimes such as planning approval for certain aspects.

**Rob Bowland**

**Public Protection Officer – Environmental Health**

**Regulatory Services**

07.01.2021 – 10:53 via internal system

Emailed requested to agent -

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

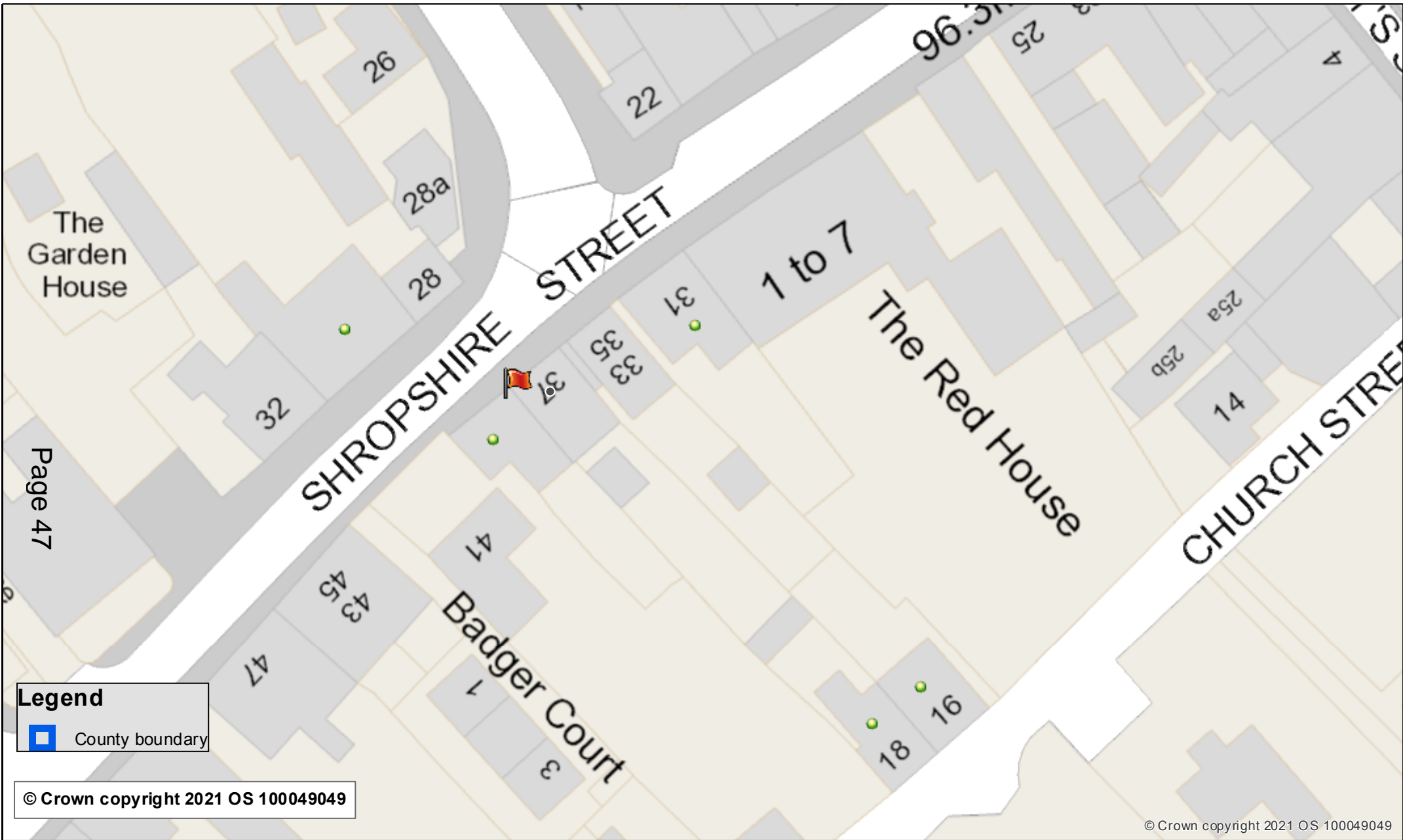
- 1. A Challenge 25 Policy will be implemented with appropriate signage displayed at points of sale.**
- 2. The only forms of identification that will be accepted are a passport, photo card driving licence, PASS photo card and/or military ID photo card.**
- 3. A challenge log for Challenge 25 and refusals 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.**

**Stacey Arnold**

**Trading Standards**

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Rumbling Tum mies (red flag - premises, green dots - representations)



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To Whom it may Concern,

18 January 2020

I am writing to raise my concerns about the license application for Rumbling Tummies at 37 Shropshire Street, Market Drayton.

I live in the house behind the café, and my shed backs onto the area behind the premises. My biggest concern is regarding the noise aspect if the licence was granted, and the back area was developed into a sort of beer garden. There is huge potential for noise disruption, and it would be very obtrusive over my back garden.

With that in mind, I am worried about what it would mean for the future, and any further developments.

I am also concerned about where the visitors to this café would be parking, as well as how deliveries would happen – the road to the front is very busy, and unsuitable for lorries and vans to be stopping outside.

I wish for my concerns to be considered when discussing this application.

Yours Faithfully,

Jennifer Cordova

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## REPRESENTATIONS PROCEDURE NOTES

- A representation can be made against an application for a premise to carry on a licensable activity within the 28 day consultation period. Representations can also be made on premises that are making variations to an existing licence.
- Representations are made by:
  - Responsible authorities
  - Other persons
- Fill in the appropriate form and send to Licensing Team, Public Protection, Shirehall, Abbey Foregate, Shrewsbury SY2 6ND

**PLEASE NOTE: The representation form must be received by the Licensing Team before the end of the consultation period or it will not be acce**

**LICENSING ACT 2003  
REPRESENTATION FORM**

**Other Persons**

<b>Name/Company Name/Name of Body you represent</b>	William and Amanda Hare
<b>Postal &amp; email address</b>	[REDACTED]
<b>Telephone number</b>	[REDACTED]

<b>Name &amp; Address of premises for which the representation is being made</b>
Rumbling Tummies café & Bistro, 37 Shropshire Street, Market Drayton.

<b>Your representation must relate to one of the following four Licensing Objectives. Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary.</b>
<p><b>THE PREVENTION OF HARM TO CHILDREN</b></p> <p>No objection</p>
<p><b>TO PREVENT PUBLIC NUISANCE</b></p> <p>In the recent past the proprietor has been witnessed disposing of a (presumably) non-working microwave oven in a derelict building adjacent to her property that she neither owns or has right of access to. This surely brings in to question the intent of the applicant to maintain a clean and safe environment.</p> <p>How can it be guaranteed that no noise or vibration that emanates from the premises will cause a nuisance?</p> <p>The premises is situated passed what would be a natural transition into a largely residential area and so is likely to cause a nuisance by its very location.</p>

Its proximity to the mini roundabout at the junction of Frogmore Road and Shropshire Street is entirely unsuitable for deliveries at any time of day and is already subject to parking restrictions.

**TO PREVENT CRIME & DISORDER**

No objection

**PUBLIC SAFETY**

Consider the proximity of the main pedestrian entrance/ exit to Shrewsbury Road and the mini roundabout

**Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary - refer to checklist.**

Limit opening times to standard licensing hours. The additional daily opening times would only serve to prolong the periods of nuisance to local residents.

Generally if there is to be a hearing to determine the premises licence application, the sub-committee will only be able to consider matters that have been previously disclosed. No new evidence can be introduced at the hearing. It is therefore imperative that you detail all matters that you wish to be considered on this initial representation. Please attach additional sheets if necessary.

If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal process. All representations in their entirety, including your name and address, will be disclosed to the applicant for the premises licence and any other interested parties. If all parties agree, the application can be dealt with without holding a hearing.

Signed:

Date:

**Please return this form along with any additional sheets to the address below:**

Licensing Team  
Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

**This form must be returned within the statutory period, which is generally 28 days from the date the notice was displayed on the premises or the date specified in the newspaper advert.**

For confirmation on this date please contact the Licensing Team on 0345 678 9026

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## REPRESENTATIONS PROCEDURE NOTES

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LICENSING ACT 2003  
REPRESENTATION FORM

Other Persons

<b>Name/Company Name/Name of Body you represent</b>	Sally Hobson
<b>Postal &amp; email address</b>	[REDACTED]
<b>Telephone number</b>	[REDACTED]

<b>Name &amp; Address of premises for which the representation is being made</b>
Rumbling Tummies Café and Bistro, 37 Shropshire Street, Market Drayton

<b>Your representation must relate to one of the following four Licensing Objectives. Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary.</b>
<b>THE PREVENTION OF HARM TO CHILDREN</b>
<b>TO PREVENT PUBLIC NUISANCE</b> Whilst the legislation for licensing focuses on all 4 statutory objectives, the prevention of public nuisance in this instance is the area I object the most strenuously to. I understand that in determining the application the committee may grant the license subject to conditions which can ensure the promotion of the relevant licensing objectives. I feel however that in the case of this premises and its locality that such conditions would not afford me appropriate protections from nuisance and by granting a license for sale of alcohol by retail and late-night refreshment this would not result in the promotion of the licensing objective for public nuisance.

Before the pandemic the cafe typically operated as a 9-5 business. During the pandemic this has changed slightly to offer early evening take-away. By allowing the business to offer late-night refreshment until 00:00 this would extend the operational hours by 7 hours and this would result in a shift to a greater proportion of take-away sales. Due to the location of the café

there is very restrictive parking provision in place. In other words, there is no parking outside the premises. The location of the business is on a roundabout resulting in customers potentially parking unlawfully and obstructing access. The business has not commented how it will prevent this and where customers should park when picking up takeaways.

My final concern relates to noise. This is noise from the extended hours of operation due to street noise. I live in close proximity to 2 pubs, and by allowing late night refreshment for off-sales this will encourage customers into the premises from nearby pubs. I currently experience street noise from patrons on their way home, but as this is people passing by, this has been a transient issue and short-lived. However, by allowing the premises extended operational hours this will cause people to congregate for longer.

I understand that by granting a license for the retail of alcohol, premises are automatically permitted to provide regulated entertainment (between the hours of 08:00 – 23:00), in particular live and recorded music. I understand that music would not be licensable by virtue of an alcohol license. Therefore, it means this cannot be conditioned to ensure promotion of the public nuisance objective. This runs in contrary to the applicant’s statement “no noise generated on the premises .... shall emanate from the premises nor vibration be transmitted” and this appears to us to be a false statement. I understand the only way in which conditions can be added to control noise from musical entertainment would be by way of license review, however, I would have to be subjected to nuisance before such a review could be applied for.

**TO PREVENT CRIME & DISORDER**

The application includes CCTV within the property but does not include coverage of the front or side access alley, which leaves overspill disorder from the premises lacking coverage.

**PUBLIC SAFETY**

There is no route to the rear garden without exiting through the front of the property. This would mean open containers of alcohol being carried onto the footpath to access the rear garden. A lack of alternative outdoor space would lead to patrons congregating outside the front of the property or outside of adjacent residential properties, resulting in second hand smoke ingress into said residential properties.

There is also limited space externally to the property to allow storage of waste between collections and also the application states “no waste or recyclable materials including bottles shall be moved, removed from or placed in outside areas between 23:00 and 07:00 hours”. What will happen with food waste from late night refreshments? There is also no commercial waste contract in place currently as domestic waste services are used at present.

**Suggested conditions that could be added to the license to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary - refer to checklist.**

This property has already suffered from over development due to lack of sound proofing, ventilation and lacking fit for purpose facilities for a daytime cafe (from what was previously a computer shop). As such we would suggest the application, especially with regards extended hours, be refused.

At the very least sound proofing, ventilation, waste provision concerns need to be addressed prior to the consideration

both of extended hours and of the alcohol license.

We would also recommend shortened permitted hours, no off sales, no extended hours both for late night refreshments and public holidays and customers are precluded from using the rear garden.

Generally if there is to be a hearing to determine the premises licence application, the sub-committee will only be able to consider matters that have been previously disclosed. No new evidence can be introduced at the hearing. It is therefore imperative that you detail all matters that you wish to be considered on this initial representation. Please attach additional sheets if necessary.

If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal process. All representations in their entirety, including your name and address, will be disclosed to the applicant for the premises licence and any other interested parties. If all parties agree, the application can be dealt with without holding a hearing.

Signed:

Sally Hobson -14/01/2020

Date:

**Please return this form along with any additional sheets to the address below:**

Licensing Team  
Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

**This form must be returned within the statutory period, which is generally 28 days from the date the notice was displayed on the premises or the date specified in the newspaper advert.**

For confirmation on this date please contact the Licensing Team on 0345 678 9026

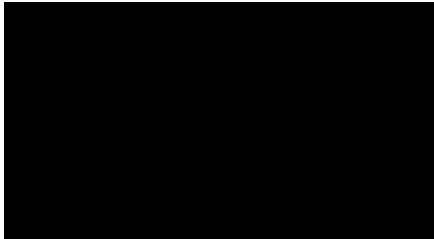


To the Licensing Team,

My property is next door to Rumbling Tummies, Cafe and I am raising concerns that a licence to serve alcohol on this property could cause further problems to this area of our street for the following reasons.

In normal times when public houses are open, we have people congregating outside our house on their way home possibly because of the street light, we have arguing, fighting sometimes the police are involved to sort out their disputes several times in the past .We also get rubbish thrown in front of the house. We also have to clean up after people have vomited on our doorstep. Damage to our property with windows been smashed on more than one occasion also items ornaments by objects been thrown inside the house.

I feel that another licensed premises so near would be detrimental to our area. I have no objection at all to the café I opposed this application due to the close proximity of our house and also the music been played late would be inappropriate for people in other houses nearby to tolerate should they have to get up early in the morning.





LICENSING ACT 2003  
REPRESENTATION FORM

Other Persons

Name/Company Name/Name of Body you represent	Annette Hughes.
Postal & email address	[REDACTED]
Telephone number	[REDACTED]

Name & Address of premises for which the representation is being made

Rumbling Tummies Cafe & Bistro  
35 Shropshire Street

Your representation must relate to one of the following four Licensing Objectives. Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary.

THE PREVENTION OF HARM TO CHILDREN

TO PREVENT PUBLIC NUISANCE ✓ Reasons on my attached letter.

TO PREVENT CRIME & DISORDER ✓

PUBLIC SAFETY

With the access to "Rumbling Lummies Cafe" as the road and crossing is difficult as the roundabout is in close proximity deliveries to the property would cause problems.

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary - refer to checklist.

Generally if there is to be a hearing to determine the premises licence application, the sub-committee will only be able to consider matters that have been previously disclosed. No new evidence can be introduced at the hearing. It is therefore imperative that you detail all matters that you wish to be considered on this initial representation. Please attach additional sheets if necessary.

If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal process. All representations in their entirety, including your name and address, will be disclosed to the applicant for the premises licence and any other interested parties. If all parties agree, the application can be dealt with without holding a hearing.

Signed:

[Redacted Signature]

Date:

January

Please return this form along with any additional sheets to the address below:

Licensing Team  
Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

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LICENSING ACT 2003  
REPRESENTATION FORM

Other Persons

<b>Name/Company Name/Name of Body you represent</b>	Luke and Emma Phillpott
<b>Postal &amp; email address</b>	[REDACTED]
<b>Telephone number</b>	[REDACTED]

<b>Name &amp; Address of premises for which the representation is being made</b>
Rumbling Tummies Café and Bistro, 37 Shropshire Street, Market Drayton

<b>Your representation must relate to one of the following four Licensing Objectives. Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary.</b>
<b>THE PREVENTION OF HARM TO CHILDREN</b>  If off-site sales are allowed, it is our understanding that this would allow use of the rear garden. This would mean outside noise and disturbance of our young children, whilst playing in our adjacent garden.
<b>TO PREVENT PUBLIC NUISANCE</b> Whilst the legislation for licensing focuses on all 4 statutory objective, the prevention of public nuisance in this instance is the area we object under the most strenuously. Noise, noxious smell and litter pollution could and should all be deemed unreasonable and disproportionate to this application. We have detailed our current issues we experience with the premises, and issues we are likely to expect should the committee be minded to grant the application. We understand that in determining the application the committee may grant the licence subject to conditions which can ensure the promotion of the relevant licensing objectives. We feel however that in the case of this premises and its locality that such conditions would not afford us appropriate protections from nuisance and by granting a licence for sale of alcohol by retail and late night refreshment this would not result in the promotion of the licensing objective for public nuisance. PTO....

Due to way in which the premises currently operates, we are concerned that by allowing it to extend its hours of operation we will be unduly impacted by refuse, noise and odour (noxious smells).

Based on its current operation the business is not compliant with its requirement for disposal of trade waste. As we understand it, all commercial business must be able to demonstrate where their waste goes. This will normally involve disposal by means of a licensed waste contractor, and the business produce waste transfer notes to show how their waste is disposed of. However the problem has been that the business has, for many years, been disposing of waste using ours and neighbours domestic waste provision. This has led to problems with overflowing bins and obstructions to the rear access at the back of our home. When the access becomes blocked this also gives additional cause for concern since this is a fire escape route (the photographs detail the problems we have experienced).

With the proposed expansion of the business we are worried that the build-up of waste will become worse, obstructions more frequent and issues with odour from improperly stored refuse.

Cooking odours has also been a substantial issue for us. The photograph attached shows the business has a low-level extraction which terminates outside our back door. We would also highlight that the current ventilation is unsuitable due to the scorch marks and heat damage to the vent grills. We have taken our measures to try and mitigate the odour problems by installing double height gate to lessen cooking odours entering our garden and prevent our washing from smelling of grease and fat.

Before the pandemic our neighbours typically operated as a 9-5 business. During the pandemic this has changed slightly to offer early evening take-away. By allowing the business to offer late-night refreshment until 00:00 this would extend the operational hours by 7 hours each day. This would extend the duration and frequency to which we experience objectionable cooking odours.

We understand that committee may use conditions to address unacceptable impacts, thus ensuring promotion of the licensing objectives. Best practice guidance for the control of odour and noise from commercial kitchens, may outline how the potential nuisance from odour may be off-set. However this often requires high level extraction and visible ductwork to disperse odour away from residential property. Such installations require planning permission.

Planning permission is subject to approval granted by the local authority. Therefore the committee would be unable to condition an odour control system on the basis it would be unreasonable on the business. There is no guarantee the business would obtain consent for an odour extraction system since the determination on acceptability sits with another department of the Council. We also understand that the minimum time-scale for a planning application to be determined is 12 weeks.

The operating schedule submitted by the applicant advises that no fume, steam or odour shall be emitted from the premises so as to cause a nuisance. However from the evidence we have presented there would be a required upgrade of the kitchen ventilation system to avoid this state of affairs. Absent a planning consent, the premises cannot demonstrate how it can ensure nuisance will be avoid, and that currently this cannot be condition by committee.

Whilst the premises operates as a café, by allowing late night refreshment this would result in a shift to a greater proportion of take-away sales. Due to our location there are very restrictive parking provisions in place. In other words there is no parking outside the premises. The location of the business is on a roundabout meaning customers could park unlawfully and obstruct access. The business has not presented how it will prevent this, and where customers should park when picking up takeaways.

Our final concern relates to noise. This is noise from the extended hours of operation due to street noise and noise passing through from the premises. We share a party wall with the business. We live in close proximity to 2 pubs, and by allowing late night refreshment for off-sales this will encourage customers into the premises from nearby pubs. We currently experience street noise from patrons on their way home, but as this is people passing by this has been a transient issue and short-lived. However by allowing the premises extended operational hours this will cause people to congregate for longer. PTO....

We also understand that by granting a license for the retail of alcohol, the premises is automatically permitted to provide regulated entertainment (between the hours of 08:00 – 23:00), in particular live and recorded music. We understand that music would not be licensable by virtue of an alcohol license. Therefore it means this cannot be conditioned to ensure promotion of the public nuisance objective. Since we adjoin the neighbouring business loud music would be sufficient to pass through the party wall and therefore have a detrimental impact on our property. This has already been suffered through the use of (unlicensed?) live acts included guitars, singers and amplifiers. The applicant is aware of this noise nuisance created, as a result of complaints being made in person at the time of said events. This runs in contrary to the applicant's statement "no noise generated on the premises .... shall emanate from the premises nor vibration be transmitted" and this appears to us to be a false statement. We understand the only way in which conditions can be added to control noise from musical entertainment would be by way of licence review however, we would have to be subjected to nuisance before such a review could be applied for.

#### **TO PREVENT CRIME & DISORDER**

The application includes cctv within the property but does not include coverage of the front or side access alley, which leaves overspill disorder from the premises lacking coverage.

#### **PUBLIC SAFETY**

There is no route to the rear garden without exiting through the front of the property. This would mean open containers of alcohol being carried onto the footpath to access the rear garden. A lack of alternative outdoor space would lead to patrons congregating outside the front of the property or outside of adjacent residential properties, resulting in second hand smoke ingress into said residential properties.

There is also limited space externally to the property to allow storage of waste between collections and also the application states "no waste or recyclable materials including bottles shall be moved, removed from or placed in outside areas between 23:00 and 07:00 hours". What will happen with food waste from late night refreshments? There is also no commercial waste contract in place currently as domestic waste services are used at present.

#### **Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary - refer to checklist.**

This property has already suffered from over development due to lack of sound proofing, ventilation and lacking fit for purpose facilities for a daytime cafe (from what was previously a computer shop). Adjacent listed building are already suffering from the humidity overspill and noise nuisance. As such we would suggest the application, especially with regards extended hours, is rejected.

At the very least sound proofing, ventilation, waste provision and odour elimination concerns need to be addressed prior to the consideration both of extended hours and of the alcohol license.

We would also recommend shortened permitted hours, no off sales, no extended hours both for late night refreshments and public holidays and customers are precluded from using the rear garden.

Generally if there is to be a hearing to determine the premises licence application, the sub-committee will only be able to consider matters that have been previously disclosed. No new evidence can be introduced at the hearing. It is therefore imperative that you detail all matters that you wish to be considered on this initial representation. Please attach additional sheets if necessary.

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Signed:  Date:

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Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

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For confirmation on this date please contact the Licensing Team on 0345 678 9026

Extractor fan from kitchen, alongside 7ft gate we had built to help alleviate some of the smells in our garden.



Volume of recycling from our property and that of the café, using domestic collections, despite being closed for around 5 days for Christmas.



Condensation at 8am Weds 6th January – No-one in Café.



Damp visible on our adjoining wall; never before been a problem in the 9 years we have lived here.



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**LICENSING ACT 2003  
REPRESENTATION FORM****Other Persons**

Name/Company Name/Name of Body you represent	<i>Mr James Walton</i>
Postal & email address	[REDACTED]
Telephone number	[REDACTED]

<b>Name &amp; Address of premises for which the representation is being made</b> <i>Ref No 20/03000/LPREM Rumbling Tummies Cafe and Bistro 37 Shropshire Street, Market Drayton, Shropshire TF9 3DA</i>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>Your representation must relate to one of the following four Licensing Objectives. Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary.</b>
<b>THE PREVENTION OF HARM TO CHILDREN</b>
<b>TO PREVENT PUBLIC NUISANCE</b> <i>Please see separate sheet</i>

TO PREVENT CRIME & DISORDER

PUBLIC SAFETY

**Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary - refer to checklist.**

Generally if there is to be a hearing to determine the premises licence application, the sub-committee will only be able to consider matters that have been previously disclosed. No new evidence can be introduced at the hearing. It is therefore imperative that you detail all matters that you wish to be considered on this initial representation. Please attach additional sheets if necessary.

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Signed:

[Redacted Signature]

Date:

18/01/2021

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Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

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Representation ref no 20/03000/LPREM Rumbling Tummies Café And Bistro,  
37 Shropshire Street, Market Drayton TF9 3DA

As the owner and landlord of 33 & 35 Shropshire Street Market Drayton, which are adjacent to the Rumbling Tummies Café. I list for you below the reasons that I object to them being granted any form of alcohol licence.

My tenants are already bringing to my attention that the garden at the back of the property in question, is already being used to store rubbish. There have been cases when I have found rubbish from there, in my garden. With the addition of alcohol sales the increase in rubbish and the storage of recycling in an already overcapacity outside space, I have a major concern with regards to rubbish and the vermin rubbish attracts. The disposal of this volume of rubbish will bring an increase of vehicles more notable commercial vehicles to dispose of the increase rubbish volume.

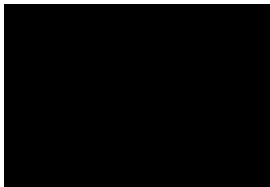
The café is surrounded on all sides by residential dwellings, the only access to the café is on the main ring road of the town on the outskirts of the CBD, they have no parking or safe area to receive deliveries. The increased deliveries will have a large impact on the traffic in that area which is directly on a mini roundabout. This area has high volumes of traffic at all hours due to the layout of the one way system, it is a confluence point.

The smells coming from the property are already a concern as my tenants have complained on numerous occasions that they can smell the cooking and the rubbish.

The noise impact in that area not only to my tenants most of whom have been with me for many years, but also the residents in the area. I worry they may convert what small outside area they have to provide smoking area which again has a huge impact on noise, then when they come to leave the premises at such a late hour. Which also brings the issue of the after effects alcohol brings with vomit deposits in the streets and front gardens and potential for damage to property whilst under the influence of alcohol. My other concern with regards to the noise is the provision of any music or entertainment in the establishment that may follow the grant of a licence.

I am aware that there are businesses close by who sell alcohol, however there is a layby directly in front of these properties for safe delivery or a secondary access point at the rear of the properties to allow deliveries to take place without obstruction of a main road, directly on a roundabout. The other establishments in the vicinity are in a parade of businesses and not surrounded on all 4 sides with residential properties.

The property has been a day time operational business, in different formats for the years I have owned the property, changing it to a night time and late licence will dramatically impact on the immediate area and primarily the ability for me to rent out my flats in the future.



James Walton

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**Rumbling Tummies  
37 Shropshire Street  
Market Drayton  
TF9 3DA**

**New Premises Licence Hearing – 20/0300/LPREM**

**Date of Hearing 12<sup>th</sup> February 2021**

**Representation from Environmental Protection – Responsible Authority  
for Licensing Objective Prevention of Public Nuisance**

**The following report outlines objections to the application on the grounds  
of Odour and Noise**

**Prepared by :**

**Rob Bowland  
Public Protection Officer  
Environmental Protection Team  
Regulatory Services**

**&**

**Matthew Clark  
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Regulatory Services**

**Date 1st February 2021**

# **Rumbling Tummies Licence Hearing**

## **Executive Summary**

Acting as the responsible authority for The Prevention of Public Nuisance I have reviewed the application and wish to object on the grounds of noise and odour.

The Premises is surrounded by residential properties on either side, to the rear, and above there is a residential flat. The fabric of the building raises concerns about the ability to contain noise either from people, music or cooking operations in a busy kitchen environment. The applicant has provided no information on sound transmission or mitigation measures. Concerns also exist about potential noise from patrons gathered outside the premises.

The kitchen is ventilated by a basic extraction system that vents at a low level to the rear of the building within 2m of a residential garden. Cooking odours were witnessed during the site visit on 12.01.21. Clearly the increased hours associated with evening trade will magnify this issue. A busy commercial kitchen would normally have odour abatement controls and a high-level discharge. Noxious smells and odour are specifically mentioned in the section 182 Guidance of the Licensing Act 2003 as factors to be considered under The Prevention of Public Nuisance

Prior to making representations due regard was made to Shropshire Councils Statement of Licensing Policy 2019-2024. It is clear from this document that conditions must be appropriate to the premises in question, achievable and enforceable.

The Executive Summary states “there is a need for rigorous and enforceable licences”

Paragraph 9:6 states “Licensing will ensure premises are appropriate for their proposed use”

Paragraph 33:5 states “The Council will take the opportunity to ensure that premises licences contain relevant, fit for purpose and enforceable conditions”

The applicant has provided comprehensive conditions in relation to both odour and noise. However, these appear generic in nature and do not seem tailored or specific to the premises in question

Following the site visit I have concluded that on the balance of probability the conditions offered are not achievable, and that a breach is likely to occur shortly after opening, which in all likelihood would result in a Licence Review due to a public nuisance affecting adjacent dwellings should the application be granted in its current form.

## **Detail of the Objection**

A site visit was undertaken on 12.1.21 at 10:00 to gain a better understanding of the layout and positioning of the Premises in relation to neighbouring properties. I have reviewed the application taking into account the site-specific circumstances, and in order to support the Licensing objective Prevention of Public Nuisance have to formally object to the application on the following grounds.

### **Noise**

The Premises is in a residential area, with residential properties on either side and a flat above. (see photograph 1 attached). The fabric of the building is poor in terms of containing sound. There are 2 large single glazed windows to the front of the premises. There is no

entrance lobby system to contain sound, and the installation of such a system would severely impact on the available space for customers. A party wall is shared with No. 39 Shropshire Street, and it has been suggested that the sound absorption properties of this wall is poor, in part due to a chimney between the 2 properties.

A noise assessment has not been carried out by the applicant to consider the impact of people noise and/or the noise of cooking operations and/or music noise. As such there is not considered to be enough detailed information contained within the report to evidence that noise will not have an unacceptable impact on adjacent noise sensitive receptors. This aspect would usually be expected to be considered at planning approval stage. The last planning change of use granted for the site was to residential end use (planning class C3). No planning permission for A3 use can be found for the premises. The fact that it may be normal to expect a particular aspect to be considered at the planning regime rather than the licensing regime does not prohibit the licensing regime from considering the aspect (ref: *Gold Kebab Ltd v Secretary of State for Communities and Local Government [2015] All ER (D) 48 (Sep)*). In addition given that going forward a planning change of use class will not be required to move between A1 (shops), A2 (financial and professional services) and A3 (restaurants and cafes) land uses it is reasonable to expect that matters which may once have been considered at planning stage now require more consideration through the licensing regime as the new E class planning use removes the need for planning applications which may otherwise have allowed impact on amenity to be considered in respect of noise and odour impacts. This planning change came into force in September 2020.

For the reasons stated above I believe there is scope for noise nuisance thereby undermining the Licensing Objective. Should the applicant come forward with a noise assessment to quantify the likely impact of noise transmission through the fabric of the building to adjacent residential areas (expressly the flat at 1<sup>st</sup> floor level at no 37 and number 39 Shropshire Street) which finds noise levels are acceptable or mitigation is available this concern may be removed allowing additional aspects to be considered and relevant conditions proposed. For completeness sake the application has been assessed to provide detail on what future condition could look like to allow the applicant to consider if carrying out further work to pursue the application is desirable.

I note that a comprehensive set of conditions have been volunteered as part of the application, including conditions that relate to noise and odour, which read as follows :

*No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises which gives rise to nuisance.*

*No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated*

however I have concerns that the conditions cannot be achieved, and would be breached once the Premises Licence was granted and utilised by the business.

I consider that there is significant potential for noise disturbance from both music and people inside the venue, and also outside as patrons enter and leave, and potentially gather outside to smoke or wait for taxis etc. Additionally, there is a need to future proof the Premises Licence to ensure that the business remains as a bistro/restaurant and doesn't evolve to become a bar although it is accepted that this would require a change of use planning application from class E to A4.

To minimise these concerns I would suggest the following changes:

**Opening Times –Close at 22:00 Sunday – Thursday, 23:00 Friday & Saturday with no additional hours of activity outside of these times (including bank holidays, Christmas eve, new years eve and any other specific date). This would be the latest times considered suitable. Should noise assessment show noise impact prior to these times additional consideration of times will be required.**

**Additional Conditions:**

- **No alcohol to be taken off site in open containers**
- **Alcohol is only to be served to Patrons having a meal.**

I am open to the idea of minor changes to the above condition provided the underlying meaning is maintained, that the venue cannot be used as a drinking establishment and a noise assessment can be provided which evidences that this would not create a public nuisance.

**Odour**

The kitchen cooker hood vents to external environment via a small domestic type extractor fan (see photograph 2). The discharge point is at low level and close to the boundary of a residential property. There is no other ventilation in the kitchen to remove cooking odours and steam. Discharge of extracted air is horizontal into a narrow passageway where air cannot circulate easily. As such any extract air and odour associated with it is likely to be trapped in the area for significant periods due to its inability to disperse. The extraction system in its current form is not considered acceptable and is likely to give rise to a nuisance. The increased use from extended hours proposed should a premises license be granted is expected to result in both more intense odour and increased duration and frequency of odour in the locality. This is considered unacceptable given that the extraction system is found to be deficient in its current state.

During the site visit on the 12th. January 2021 at a time when the café was not busy due to lockdown (only doing take-away) grease and bacon odours could clearly be detected in a neighbouring garden.

**Accordingly, I object to the application on the grounds of odour nuisance.**

If a suitable extraction system appropriate to a commercial kitchen was installed, with a discharge point of a suitable height to minimise odour nuisance then I would withdraw the objection. Any system should have due regard to the DEFRA document Guidance on the control of odour and noise from commercial kitchens exhaust. It is acknowledged that this guidance document has been withdrawn by DEFRA however it is still considered to provide good practise by Shropshire Council's regulatory service department. For information it is likely that any system visible to nearby residential properties or to the town more widely would require planning permission.

**Conclusion**

In conclusion an objection to the proposed application on potential odour and noise nuisance is submitted. The likelihood of nuisance noise is based on scrutiny of the application details and a site visit coupled with experience of similar types of premises carrying out similar activities in a similar setting, residential properties adjoining and/or above, where nuisance was found to occur requiring the service of legal notice. It is not uncommon for such notices to restrict businesses to the point that they may struggle to operate as they had anticipated. The comments above are not placed to try and be overly restrictive. They are stated to ensure the premises has considered all aspects of the business which require licensing and may



create an impact on the locality. By ensuring thought is given upfront this may where possible remove the potential for additional unforeseen restrictions to the business which it has not accounted for and cannot achieve occurring later.

A significant amount of work is required to address the concerns raised which are likely to require a significant amount of resource and additional regulated activity through other regimes such as planning approval for certain aspects.

Photograph 1 – Front of Premises



Photograph 2 – Kitchen Extractor Vent

(wooden gate is boundary of residential garden)



