



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 accepted.



LICENSING ACT 2003
REPRESENTATION FORM

Other Persons

Name/Company Name/Name of Body you represent	Sally Hobson
Postal & email address	[REDACTED]
Telephone number	[REDACTED]

Name & Address of premises for which the representation is being made
Rumbling Tummies Café and Bistro, 37 Shropshire Street, Market Drayton

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 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, is rejected.

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