



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	Luke and Emma Phillpott
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 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.
TO PREVENT PUBLIC NUISANCE 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.

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

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.

