

Application for full variation to a premises licence at 19 Wyle Cop, Wyle Blue World Bar/Restaurant

Licensing Team,
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury SY2 6ND

3 January 2023

Representation: Mr M. P. Higgins

Dear Sir/Madam,

1. Proposed variation to the Premises Licence and related planning application 22/05558/FUL

1.1 I am a neighbour of the business concerned. Full variation of the licence in the terms proposed, namely extending the licensable area internally as in the timings listed (10.00 am to 11.00 pm every day, all year round) and removing the meal condition inside, would contravene the very terms on which the licence was initially granted and further erode the amenity of this conservation area.

1.2 Shropshire Council's *Development Management Report* for the Planning Decision 22/00228/FUL states:

'The proposal as first submitted was for a mixed use including drinking establishment which is a sui generis use.

The application form also indicated **opening hours to 11pm each evening and the applicant was advised that both the proposed opening hours and a use that included drinking establishment was unacceptable.** The agent on behalf of the applicant confirmed agreement to the change of the description and a condition to restrict the opening hours to 7pm.' 22_00228_FUL-OFFICER_REPORT-4579210 paras 1.2 and 1.3 (March 2022).

When considering the variation to the planning decision 22/00228/FUL VAR, which involved extending hours and allowing music to be played, Shropshire Council's related *Development Management Report* stated the following about an impending application for a drinking establishment on the site:

'RS officers have now visited the premises and have also confirmed that an application to **vary the premises licence which permits the sale of alcohol has also been submitted.** It is proposed that the variation to the licence will restrict the sale of alcohol to accompany food only and therefore customers will **not** be able to order alcoholic drinks and not food. This would be **in accordance with the planning permission** which is for use as a cafe/restaurant **and not a drinking establishment.**' 22_02816_VAR-OFFICER_REPORT-4700824 para. 6.1.4 p. 4 (August 2022).

This latest proposal, to expand and extend the licence in hours and scope, is a cynical attempt to undermine the very basis for the approval of the planning decision in the first place and to create through the licensing route what has repeatedly been refused through planning decisions, namely a late night 'drinking establishment' on site, **the effects of which could not be confined internally**.

1.3 The planning application '22/05558/FUL/Erection of a free standing timber framed building to house toilet and baby changing facility' is linked to this application to vary the licence. The changes proposed would result in a significant increase in the consumption of alcohol on the site requiring this need for more toilets. Should the planning application be granted and the licence variation permitted, then customers will be using the outdoor areas (e.g. the toilet facilities and for smoking) throughout the duration of the indoor hours, i.e. until 11.00 pm, making the restriction of hours stipulated in the planning decisions for the outdoor areas (22/00228/FUL and VARIATION) **impossible to uphold**. The Licence Variation would also significantly compromise the licensing objectives, which have been undermined during the tenure of the business to date.

2. The prevention of crime and disorder

2.1 Extending the licence internally and removing the meal condition would create another late night bar by default. The last thing the area needs is yet more noise and disturbance late at night from a bar. There are enough bars already operating in the area and a recent application for a nearby address was turned down on this basis. The planning application 22/05558/FUL and accompanying licence variation evidently anticipate **an increase in drinking without food on site**, with all the related problems that will ensue as a result in terms of noise, drunkenness and anti-social behaviour.

2.2 The danger of noise and anti-social behaviour is not an idle one. For instance on 19-20 September 2021 disturbance from this business extended into the early hours with music being played and foul language being shouted around the Upper Terrace area until 01.45 am (evidence available). Contrary to previous assurances, on 26 August 2021 the business advertised and hosted live music to excessive volume, so that the police were called by neighbours and complaints were submitted on the Shropshire portal (evidence available).

3. Public Safety

3.1 The proposed changes could increase overcrowding in the premises, create hazards in the cramped doorways and metal staircases and also increase the risk of accidents as people emerge onto the narrow pavement of Wyle Cop simultaneously with other establishments.

4. The prevention of public nuisance

4.1 The proposal of full extension to all the year round breaks the original terms which were seasonal and restricted to six months. The suggestion that the internal drinking and serving area would not affect the outdoor operation is nonsensical as noise and music inevitably extend into the surrounding area and, as stated above, customers from the internal bar would continually be going outside rendering the planning conditions on the outdoor bar/restaurant ineffective. Such a situation would also mean that this business would compete yet further in noise and disruption with The Nag's Head next door.

The second *Development Management Report* states:

'... to extend the operating hours from those permitted for the temporary permission... **will have a cumulative impact on the existing noise issues in the area.**'

'I recommend that the site in question would only be suitable for a café use i.e. premises only in use up to 7pm and that **the pub style use described in this application is not suitable for this location.**' Development Management Report 22/00228/FUL, section 4.1.3 page 4 (August 2022).

4.2 This 'cumulative impact' of the proposed hours extension would be intolerable for nearby residents and removal of the meal condition would precisely create what Shropshire's own Case Officers have **repeatedly stated would be wrong for this site, namely a pub style use unrelated to food.**

4.3 It should be noted that the variation of the planning decision 22/00228/FUL was made only four months after the 'final' decision granting change of use. The applicant submitted clearly false statements in support of this application, such as the assertion that no neighbours complained about the music, which is blatantly false as emails from Officers and warnings made by them to her clearly show. The applicant also compared her business to one in the Square, which is a completely different environment. Even after the variation was granted, however, the proprietor continued to play background music from the speakers on the Upper Terrace, against **even the variation decision** and the speakers **still remain on the Upper Terrace for this very purpose.**

5. The protection of children from harm

5.1 This is a sensitive site and has been a long standing residential haven in a conservation area. Again the second *Development Management Report* captures this point well:

'Whilst this is a town centre location the application site is located in a relatively quiet area surrounded by residential buildings and gardens and hence the proposed change of use is likely to have a significant affect on the amenity (of) the surrounding properties.' (Ibid. p. 4)

5.2 It is important that all Officers recognise the enormous implications of these changes and the potential harm caused, especially to children. The original licence application stated 'We will not encourage young people or large groups' but the related planning application for a baby changing facility 22/05558/FUL contradicts this assurance.

5.3 Many of the surrounding properties have young children who could be disturbed and potentially exposed to harm from these changes, including the increased risk of loud, drunken, anti-social behaviour and foul language (as cited above). The business also poses an increased security risk for residents, especially if it is open late at night, since it affords access via steps to the back gardens of surrounding properties (e.g. 1 Dogpole Court, currently unoccupied).

6. Conclusion

6.1 It is reasonable to maintain that variation of the licence for Wyle Cop in the terms proposed would have a substantial and adverse effect on the licensing objectives and would undermine and contravene previous related planning decisions. Should such a variation be granted, then there would be strong grounds for a full review of the licence during which the operation of the business, relevant evidence and all contacts and communications with Officers could be examined in full.

I object to this application.

Yours sincerely,

Mr. Paul Higgins, BA Hons; MA (Cantab); PGCE (Cert. Ed.)



3 January 2023

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Additional -

Fri 03/02/2023 14:52 - attached a bowdlerised transcript of an incident referred to in my representation (2.2) and commented upon by Mrs Griffiths which I wish to be included as supplementary evidence concerning noise, disturbance and anti-social behaviour (Licensing Objective Public Nuisance).

Wyle Blue World, 19 Wyle Cop SY1 1BX: TRANSCRIPT REDACTED

Site: Upper Garden Terrace

Date: Event: 19 – 20 September 2021

Time 0.49 pm (20 September 2021)

Below is a transcript and description of a short section of the incident that occurred at this time and place for which there is also an audio recording.

People are gathered on the Upper Terrace. A string of festoon lights along the terrace are on. Talking, laughter and shouting can be heard with a mix of male and female voices. Throughout music is being played from the outside speakers on the Upper Terrace. Only words that are relevant or clearly distinguishable are transcribed below.

After a few moments:

Female voice: Oh no!

Male voice: Fxxxing fighting! Fxxxing fighting!

More shouting. A mix of male and female voices can be heard reacting. Shouting at increased volume (very loud). Screams. Laughter.

Male voice 1: shouts No fighting! No fxxxing fighting!

Male voice 2: slowly No fxxxing fighting!

Male voice 1: No fighting! No fighting! No fxxxing fighting!

Raucous laughter and shouting continues.