

1.1

“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”

We are not intending to contravene any terms from a completely separate application where different objections were made and have not since been cited or raised by any neighbours.

This is an opinion, not fact. Mr Higgins is referring to the alfresco garden and not the inside of 19 Wyle Cop.

The general belief of our customers and other businesses is that the outside restaurant has added to the conservation area and allowed the town to engage with it and bring it to light.

1.2

“a cynical attempt to undermine the very basis for the approval of the planning decision “

This is again an opinion and is not a fact. Mr Higgins is referring to the alfresco garden not the inside of 19 Wyle Cop, therefore this is irrelevant.

“namely a late night ‘drinking establishment” this is an inaccurate assumption and language being used to inflame and provoke. I am, in fact, trying to create an upmarket, tapas café/restaurant to compliment the success of my alfresco garden. I have not applied to open a “late night drinking establishment” and will also not be serving draught beer as a conscious attempt to avoid this type of culture.

1.3

“The Licence Variation would also significantly compromise the licensing objectives, which have been undermined during the tenure of the business to date”

Once again this is Mr Higgins personal opinion and is unsubstantiated and untrue.

Should the variation be approved, customers will use the facilities of an outdoor toilet and smoking area. As discussed with Rob Bowland earlier this week, I have agreed to have the following conditions put in place:

The external areas to the rear of the building (courtyard and terrace) to be cleared of patrons by 17:00 Monday – Tuesday, and 20:00 Wednesday to Sunday.

A gate to be fitted at the bottom of the metal staircase that leads to the Terrace, and the gate closed and locked at the above times to prevent unauthorised access to the terrace.(Note this condition may fit better under Public safety)

No drinks to be taken into, or consumed in the Courtyard or Terrace after 17:00 Monday to Tuesday, and after 20:00 Wednesday to Sunday.

The rear door to the building to be closed after 20:00 until the end of trading except for access and egress.

2.1

“removing the meal condition would create another late night bar by default.”

I would like to reiterate I am not opening a late-night bar and this is Mr Higgins’ opinion and not fact. This is the culture we have managed to avoid with the outdoor area. My establishment will be an upmarket, tapas café/restaurant to complement the success of my alfresco garden.

“There are enough bars already operating in the area and a recent application for a nearby address was turned down on this basis.”

Separate applications should be judged on that very basis; separately, and not be influenced by previous applications by other businesses. I would add that the council is currently mandated to support existing local businesses to diversify in order to continue operating.

“with all the related problems that will ensue as a result in terms of noise, drunkenness and anti-social behaviour”

I feel this is an unjustified accusation against myself and my business. In the three seasons I have been operating the garden, I have had lovely clientele of a mixture of ages and certainly no antisocial behaviour of any kind.

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2.2

“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).”

Mr Higgins mentions an incident on 19-20th September 2021. I would personally like to address this matter so that you are fully aware of what happened. This was not the business extending its hours, but a personal party. I fully take responsibility for this and was naively unaware that since the change of use, I am no longer permitted to hold personal gatherings in the garden. This has not happened since and a mistake for which I apologise for.

In reference to the incident on 26th August 2021, an acoustic event took place in the garden. As licensing said I could play music, however Planning said I could not. This was also a mistake on my behalf and both departments were informed by myself the next day. There has never been a recurrence. It was Mr Higgins that called the police, when I contacted the police the following day, they had noted Mr Higgins’ complaint and had no concerns and did not take any actions.

3.1

“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”

My restaurant/café will operate predominantly through a booking system, allowing us to stagger guests' arrival and departure, therefore customers will be leaving throughout the evening, not all at once.

The doorway concerned is actually larger than a standard doorway and the comments regarding the metal staircase will be moot as this will be closed off to the public when the garden area is not in use.

The pavement outside my premises is a standard size pavement which is predominant throughout the town and for which other restaurants and cafes currently operate without any problems.

4.1

“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 Nag’s head has a beer garden, with exponentially more customers and is frequently in use until 1am in the morning. My alfresco garden will close at 8pm, therefore this has no relevance to my application.

If Mr Higgins has an issue with the Nags head, I suggest he take it up with them.

4.2

“Case Officers have repeatedly stated would be wrong for this site, namely a pub style use unrelated to food.”

My establishment is not a pub, nor do I want it to be. Again, we will not be serving beer on draught and my aim is to create an upmarket, tapas café/restaurant to compliment the success of my alfresco garden.

4.3

“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”

Following a site visit it was agreed that music could be played creating an atmospheric ambience as long as it is barely audible. To ensure that the level of music was correct I sat in the garden of Mr Higgin’s neighbours at Kenneth House, Kenneth Court and adjusted the volume of the speakers until it could not be heard from their garden.

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.”

I am not encouraging young people or large groups and have strict policies in place. My reason for applying for the baby changing facility is because the garden is often frequented by mothers at lunch time, and they have a right to have adequate baby changing facilities in place.

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”

“Many” is ambiguous and not based on fact in relation to the local population. I would suggest the council has a better idea of exactly how many children are living close by. See previous responses regarding loud, drunken and anti-social behaviour and language.

“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).”

The terrace garden is closed to the public after 8pm and there is strictly no access to the gardens of the surrounding properties. The steps on my side of the garden have been removed and are inaccessible.

6. 1

“would have a substantial and adverse effect on the licensing objectives and would undermine and contravene previous related planning decisions.”

I have worked tirelessly with the relevant departments to achieve an outcome that we are all happy with. I have submitted this Licence Variation to allow my business to survive during the current economic climate, operating as a retail outlet has proven really difficult and is becoming unviable.

I have created an establishment that is an asset to the town and that is appreciated and frequented by both locals(including various neighbours to Mr Higgins on Dogpole) and tourists. I would like it to be known that it is still my aim to work with Mr Higgins and find a way forward for us all to work together for the good of our beautiful town, Shrewsbury.

