



REPRESENTATIONS PROCEDURE NOTES

- A representation can be made against an application for a premises to carry on a licensable activity within the 28 day consultation period. Representations can also be made against applications to make variations to an existing licence.
- Representations may be made by:
 - Responsible authorities
 - Other persons
- To make a representation you must complete and send this form to licensing@shropshire.gov.uk. Representations may also be submitted by post to: Licensing Team, Business & Consumer Protection Service, 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 stated on the site notice, newspaper notice and the Council's website, or it will not be accepted. Posted representations not received within a consultation period due to the postal system will be treated as late and not accepted.

- Where a representation is accepted as relevant, **the Council will share the representation in its entirety with the applicant and their agent.** This is to allow them an opportunity to consider the issues raised in the representation and discuss possible ways to mitigate the objector's concerns with them directly.
- Only in exceptional circumstances will personal details be redacted from representations. This will be when the Council considers that there is a genuine risk of intimidation / violence to the persons making representation. Persons making representations who consider this to be a risk should make it clear on their representation and they will be contacted to discuss further.
- At the end of the consultation period, if any representations remain, the name and address of persons making representations will be published on the report to the Licensing Sub Committee, which will be publicly available.

For further information and guidance please visit the 'current licence applications in consultation' page on our website www.shropshire.gov.uk/licensing where you can find further details on all applications and download our guidance on **Making Representations and what to expect in a Licensing Act Sub- Sub Committee.**



**Licensing Act 2003
REPRESENTATION FORM**

The boxes marked * are mandatory. Representations missing this information will be automatically refused

Other Persons

*Name/ Name of business/organisation you represent	Kevin Hadley
*Postal address	[REDACTED]
Telephone number	[REDACTED]
Email address This is the most reliable way for us to communicate with you, please provide an email address if you have one	[REDACTED]

*Name & address of premises for which the representation is being made 58 Sheinton Street, Much Wenlock

***Your representation must relate to one or more 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 CRIME AND DISORDER Unauthorised works to listed buildings is a criminal offence. This representation seeks to remediate that possibility. External and Internal alterations to listed buildings within the Historic conservation area of Much Wenlock require listed building consent and building control approval. This is especially so in conservation areas. #58 and #59 were granted listed status in 1974. The #58 and #59 listed building description states; ‘A shop and a house in brick with dentilled eaves and a tile roof. The shop on the left has two storeys and two bays, a 19th-century shop front on the ground floor and casement windows above. The house has two storeys and an attic, and one bay. The doorway has a moulded surround with pilasters and a small hood. The casement windows in the lower two floors have moulded segmental heads.[102]’ I request that the new use of the #58 property for alcohol sales / off sales (and any further consequential development following grant of an alcohol licence), shall observe lawful due process. With respect to heritage assets - the conservation area, Listed Building Consent and Planning control, a

publicly visible plan as to how the landlord and licensee intend to support conservation of the historic fabric of the building would be in the public interest and provide avoidance of doubt regarding its development. The property remains one of the Towns' important grade 2 listed buildings of the Georgian Era, and its significance to the conservation area scene is clear.

LBC is retroactive and applies to all listed properties from the date of listing. The authority must ensure that internal works that have occurred since listing, its recent modification to reconfigure the dwelling above and any future works to develop the property meet the lawful requirements of LBC and building control.

It is understood from social media posts that there is intent to expand commercial activities, though there is a lack of clarity of the actual intent. The licence application has a 'broad brush' all day operating schedule, which I consider excessive considering the property location which is outside of the main commercial area and in close proximity to residences.

Much Wenlock has ample locations for the off licence sale of alcohol within the commercial centre. The licence request operating schedule only identifies the request to supply alcohol. I request that off sales be prevented and on sales be controlled to times which prevent residential neighbour disturbance in adjoining dwellings and gardens.

The Baker and Cook Premises directly opposite the #58 location currently have an alcohol licence. I therefore do not understand the benefit to the community for another alcohol licence at the #58 new premises. The applicant should identify what community benefit it provides.

Grant of a new licence merely proliferates the opportunity of alcohol in a location which adjoins an enclosed and private car park where several incidents of vehicle vandalism have occurred in the past. There is a police record of trespass and property damage in the area as officers have attended the scene on several occasions over the years.

The licensee of #5 Baker and Cook is also the proposed licensee of #58. Baker and Cook have hosted parties and events that may have infringed their licencing conditions on occasions such as Halloween and Christmas / New year celebrations 2023. The lawful behaviour of licensees and their willingness to adhere to licencing conditions is a cornerstone of public responsibility. Deviations should not be tolerated. I request that grant of the new licence be carefully considered with regard to the potential for 'lock ins', 'private parties' and subsequent un-neighbourly activities.

As the licensee will be responsible to supervise two separate locations, there is increased risk of unmanaged behaviours. A plan is needed to address this.

PUBLIC SAFETY

As the #58 property has only one doorway entrance, consideration of fire safety and escape into a busy street with fast moving traffic should be made - even more so if exiting customers are intoxicated.

The side of the property is bounded by an access for parking of resident vehicles. This is a private car park with severely limited visibility of pedestrians and oncoming vehicles. Customers may be endangered by traffic movements in and out of the carpark.

The business shall provide safe access for disabled / physically impaired customers. A scheme of safe entrance / exit to the #58 premises should be considered in the interest of safe and proper inclusion for such individuals. Facility for Parking Wheeled Mobility scooters is required. Currently these are left either outside Baker and Cook or under the windows of adjoining properties, which causes pavement access issues and nuisance.

Careful consideration of the licensees / employers liability towards employees and the public with regard to safe working practices when carrying waste off the property. It may be that a risk analysis has not yet been conducted for the current waste management movements from Baker and Cook into the private car park. A plan for waste movements from #58 is required.

The co-joined #59 floor space currently does not benefit from building control approval for location of the kitchen and toilet facilities (consider the previously identified unlawful omission of LBC to works in this property). Subsequently, until due process is complete, patrons to #58 may be required to exit the property and cross the busy road to use facilities in #5 'Baker and Cook'.

Refer to the 'harm to children' section of this representation for road traffic issues – this also impinges on public safety.

THE PREVENTION OF PUBLIC NUISANCE

Grant of licence and subsequent development of #58 must observe a 'good neighbour' policy with regard to the control of noise emanating from and in the course of operating the business,

There is currently no plan as to how the #58 premises will manage waste. As the entry / exit door is on the highway, waste must therefore either be carried through that door to some receptacle or held within the premises.

The safe storage of waste generated from the existing Baker and Cook premises was a planning condition stipulated previously for use of the #5 Sheinton Street café in planning approval reference BR/APP/FUL/01/0488. There has been no application to the planning authority to vary that condition. The conditions held within the historic planning approval set a precedent regarding sealed waste containers to be secured and stored expressly within the premises. Conditions also exist which control external noise and fume nuisance. I believe that such planning conditions still apply and are relevant, though are not complied with.

The planning conditions were imposed to control vermin infestation. The issue now is remote from the Baker and Cook business but relocated adjacent to a neighbours boundary fence in the private car park. The location of the commercial waste bins violates access restrictions to the area as Veolia COMMERCIAL waste operators do not have wayleave to enter the car park. The same issue will affect the new licenced premises.

The Commercial waste bins situate on the private car park are not sealed or locked. There is a risk of public access to their contents and they are prone to fire and vandalism.

The rear of the #58 property is currently a private car park, which adjoins quiet residential properties. A number of commercial waste bins have been placed on car park spaces within the private car park on two spaces that serve #1 and #2 Priory Court. These adjoin the boundaries of a neighbouring property, which owns the boundary fence. The parking spaces are owned by Mr Andrew Smyth, the applicant and have restrictive covenants, and are subject to deeds property charge from Newry Credit Union, based in Newry, County Down, Northern Ireland. (title register SL252519 refers).

Dumping of large quantities of bottles into plastic waste containers located on the car park currently causes a significant noise nuisance. I consider that this will increase with use of the new premises.

I would welcome elimination of that particular disruption emanating from both the existing and proposed licenced premises.

The review panel should consider the legitimacy of the commercial waste bin location, should the #58 new business intend to access that location.

The visual amenity of the Conservation area is currently compromised by the unapproved location of the Commercial waste bins / plastic bread trays and occasional fly tipping of Business / commercial / domestic waste onto land designated as a car park. Development and licencing approval should consider and prevent deterioration of the amenity of the conservation area.

The potential of trespass by customers and / or staff at the new premises, onto land not owned by the applicant and not having been granted third party rights of access is high. Staff at the proposed new premises (and from the existing Baker and Cook location) will access the private car park without knowledge of the trespass. Access to the car park spaces within the area is granted for residents only to pass and repass on foot or with vehicles. The land registry confirms easements, covenants and restrictions regarding access via the street entrance to the car park. I believe that no such easement exists for customers or staff of the existing or proposed new business. The review panel should assure that proposed use of the new premises complies with covenants and restrictions regarding the use and access of the car park. Register of Title SL17300 refers. Signage should be mounted to alert the public of vicarious risk and the privacy of the car park.

Customers and staff access into the car park when smoking / making mobile phone calls etc. must be prevented to maintain the quiet nature of the location. Smokers / vapers frequenting the proposed licensed property will stand on the pavement directly outside or to the side and potentially to the rear of the premises. This will cause litter and noise for immediate residential neighbours. Conflict may arise when neighbours challenge individuals or groups.

It is probable that customers will attempt to use the private car park to avoid on street parking, causing issue to legitimate users and landowners, with potential for disagreement and disruption.

The potential of having 3 businesses, within metres of each other causes several nuisance issues:

- Noise - (rowdiness, laughter, loud music, property doors and car doors slamming in uncontrolled ways with patrons under the influence of alcohol)
- Traffic movements, on street parking making entry and egress to adjoining carparks / access paths hazardous.
- Customers parking on street – immediately outside the businesses which currently causes congestion / traffic flow issues.
- Overlapping times of operation of each business results in a potential seven days a week / all day until 11pm disruption of what was until recently a relatively quiet residential street.
- Parking adjacent to the businesses by people who refuse to observe traffic control guidance,

parking restrictions and who will not use the paid public car parks in the town centre due to its distance from the premises.

- Bicycles being left on pavements by customers.
- Customers' mobility scooters left on pavements, obstructing pedestrian / pram movements.
- A boards causing obstruction of narrow public highways.

Grant of the new premises licence will increase these nuisances and add to the on street risks.

THE PROTECTION OF CHILDREN FROM HARM

The proposed license applies to a premises served by a door opening directly onto a busy street.

The street is used by Children and parents on their way to and from the two local schools. There is already a pedestrian and street safety issue. This was reported to Cllr David Turner in June 2016 and improvement in street safety measures regarding on street parking and entrance / egress visibility was approved by Alice Dilly of Shropshire highways in November 2016.

Input from P.C. Jane Cowan and P.C. 3646 Jessica Hindley between 2016 and 2019 regarding traffic hazards affecting pedestrians and especially school children resulted in Shropshire council traffic engineering department proposing waiting restrictions at this street location.

The Highways authority witnessed and recognized the issue regarding on street parking outside the café directly opposite the proposed premises and committed to implement remedial measures. This work remains in 'consultation', awaiting funding / approval by council.

These issues were acute when the #5 premises 'priory tearooms', which preceded Baker and Cook, was a much smaller enterprise. Logically with grant of a new premises license, the risks of accident will increase.

Cars frequently mount the pavement on the street side of # 58 Sheinton Street causing danger to pedestrians and hazard with regard to entry and egress of the Door Serving #58. Cllr. Dan Thomas is aware of the issue and since 2020 has pursued the incorporation of no parking areas and safety improvements in the danger zone immediately outside the premises. There are electronic records of traffic incursion onto the pedestrian pavement directly outside # 58 Sheinton street – these can be made available to the review panel.

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.

Applicants for a new premises license must ensure that the correct planning permission is in place for the proposed use of the premises. The granting of a premises license authorizes the use of the premises for licensable activities; it does not replace or remove the requirements to have the correct planning permission in place. Planning permission for change of use within category E commercial grouping requires closer scrutiny when applied in conservation areas / areas of natural beauty / affecting listed buildings. The change of use in this instance affects the amenity of two immediately adjacent listed buildings and several others in close proximity with regard to noise, road safety and quiet enjoyment of the residences.

The alcohol licence merely approves the licensee to provide alcohol to the public.

The licence approval process considers nuisance relevant only to the supply and consumption of alcohol, however this approval then sets a precedent for further development during the building control approval process and possibly hinders effective applications of control of unsocial issues.

Lessons Learnt from the effects of the existing 'Baker and Cook' business upon neighbours and with regard to its exciting but uncontrolled development of the premises should compel the review panel to carefully examine the acceptability of a new licence.

This request is pertinent as the licence applicant currently opens the access door of #5 Sheinton Street to provide cooling air into the establishment and cooking odours to escape. Evidential records can be made available should the licencing team wish to review them. The owners of Baker and Cook made a substantive refit of their kitchen which resulted in cooking odours being ejected into the rear courtyard of #4 Sheinton Street. This was done without benefit of planning permission / LBC and due consideration to the effects of such effluent regarding smell and noise was not given to their neighbour.

I fear that a similar approach may be taken with the proposed new premises and consequently request the review panel consider such behaviour.

Storage of waste from both #5 and #58 properties (comprising the combined food /cardboard/ bottle disposal) in a secure space in accordance with the original planning conditions of 2001 would be welcomed. An application to vary the existing planning condition would demonstrate intent of the licensee to address non conformances and explore formally approved methods of mitigation which support the new premises license application.

Collection of commercial waste from the proposed #58 business must be lawful and outside of the night noise curfew hours to prevent sleep disturbance on the residential street. Veolia have recently amended their collection schedule (following noise nuisance complaint to SCC environmental health and MWTC town council intervention) from the Baker and Cook business to be after 07:00 hours (was previously cir-

ca 05:00 hours twice a week).

Refusal to grant 'off sales' of alcohol from the premises would be welcomed, as there are several businesses already providing that service to the town and in close proximity to the proposed new premises.

Limitation of alcohol sales 'on premises', accompanying food only, to between midday and 19:00 hours and 5 days a week would be welcomed. Adjacent residents have a reasonable expectation of quiet enjoyment of their properties and gardens, without disturbance from the new business.

Please consider a license condition preventing wedging open of any external doors and windows that serve either #58 or #59 locations and face the Private Car park. Existing sealed windows at ground level shall not be opened or replaced with opening lights.

Access to the rear of #59 should be prevented as it violates the right of access covenant for the private car park. Doors opening to the private car park should be sealed and used for fire escape only. This mitigation will prevent trespass and vicarious risk.

SCC planning must consider control of noise and cooking odours emanating from the business due to open doorways / open windows. Smell is not anticipated to be an issue for the purpose of the alcohol license – however if there is a future intent to expand the business into #59 Sheinton Street there must be controls applied to minimise the loss of amenity and quiet enjoyment of neighbouring properties. Fume extraction in accordance with good practice and state of the art for commercial businesses in close proximity to residential areas shall be observed. Kitchen noise, extractor fan noise, odours and staff activity affecting the kitchen and garden of 60 Sheinton Street must be mitigated by an effective regime of nuisance prevention and I would welcome a plan from the landlord and licensee to show their willingness to engage such mitigations prior to launch.

The licensee of Baker and Cook is aware of the frustrations of his neighbours regarding inconsiderate parking in an area designated to allow 'tuck in' of contra flow traffic before entering the restricted width area of the street - however does not participate in sharing neighbours' concerns to clientele. The business is a popular and thriving one but is inconsiderate of the effects of its success on the residents nearby. A pro-active approach by the licensee to prevent street side conflict is desirable and would be welcome.

Delivery of goods to the businesses should not impede traffic flow or cause unsafe / inappropriate manoeuvres onto adjoining pavements. Early morning deliveries of bread and supplies to the existing Baker and Cook business currently disrupt the street during school 'rush hour' between 07:00 to 08:30 hours. This adds to street congestion and pedestrian risk during commuting. I request that this be considered with regard to resident disturbance and street safety risk.

It is brought to the attention of the review panel that the information within the on line application register which references a single property (#58) does not reflect the information present on the licencing planning notice (#58/59). If it is intended that the licence application is to apply to both properties, then correction of the on line application register is required to assure the removal of doubt. That will then perhaps elicit a different representation to some of those issues recorded above and I respectfully request that the licencing review closure date be then extended to allow the licence applicant to fully disclose the intent for the site.

Shropshire council licencing office confirmed verbally that there was evidence regarding the lawful and timely display of the licencing application notice. However, it was stated that the media notice was placed on 15th July and photographic evidence of the on-site display was provided on the 17th July. A public social media post from the business stated that 'contracts are signed' regarding use of the site on 22nd July. There appears to be a missing 4 days.

The legal notice is positioned at waist level on the premises, not in a prominent eye level position for the attention of passers by. Due to the narrowness of the public footpath, the notice is only easily visible when standing in the middle of the road. None of the immediate neighbours were alerted to its existence (as would be with the planning process). As so, most residents were surprised by this application and became aware of it essentially from 31st July.

I consider that this is a failure to effectively communicate intent and request a deadline extension.

Please consider the following observation –

The licencing panel should assess the future impact of granting an alcohol license to the new premises upon neighbouring properties:- Properties in close proximity affected by the licencing application are as follows :

#2, #3, #4, #5, #6, #8, #10, #58a, #55, #56 and #60 Sheinton Street.

#1, #2, #3, #4,, #5, #6, #7, #8, and #9 Priory Court

The properties potentially most affected by noise and traffic nuisance from the development are #5, #56, #58a and #60 Sheinton Street and #1, #2, #3, #7, #8 and #9 Priory Court.

#5 Sheinton Street, #1 an #2 Priory court are owned by the license applicant, who uses the upper roof apartment as his permanent residence and the first floor apartment as an air B&B. The owner thus has properties with beneficial interest in the new premises – they will not make representation.

#58,#59 and #58a are owned by persons also having beneficial interest in the new business – they will not make representation. Consequently, there are 6/10 (60%) premises in the vicinity with beneficial

interest.

The license applicant and those having beneficial interest are aware of the high population density of properties nearby, the demographic of an ageing population and the number of absent landlords / residents. The representation process is computer dependent and I.T. heavy, which prevents response from those not having access to I.T. or able to utilize it effectively. These form the majority of possible respondents.

As a good neighbour, the applicant could have engaged a wider response from the community had they chosen to alert their immediate local populace who predominantly are elderly and non-computer literate. I request that a more complete process be undertaken to establish nearby resident feelings regarding the New Premises application.

The license application, if granted, as I understand it, will be indefinite.

As the opportunity for representation has been minimal due to timescales / process difficulty and there is a heavy bias towards those having business interests in the area above those who reside in the area, I therefore request a finite period be placed on a new license to allow residents to re-evaluate the benefits of the new development and its impact upon their living area and wellbeing.

I request a license probationary period of 2 years be applied, with review of re-approval pending demonstrable compliance performance.

The review panel should consider that the vast majority of on street residential dwellings on Sheinton Street are Grade II listed. Resident owners are typically proud of this and are aware of, and comply with, the law. Typically then the ability of the householders to provide noise mitigation at the dwelling (double glazing, insulated doors, internal cladding etc.), is severely limited due to cost and sometimes prohibited by LBC in order to maintain the historic character of the buildings. With this in mind, a commercial enterprise intending to be a good neighbour can mitigate noise nuisance with appropriate noise controls at its premises (or could subsidize improvement cost with individual properties).

I welcome a plan from the licensee or his developer that addresses this potential, which would be cost effective for the majority.

- Generally, if there is to be a hearing to determine the premises license application, the Licensing 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 sheet if necessary.
- If you make a representation, you will be expected to attend the Licensing Sub Committee hearing and any subsequent appeal process. **All representations in their entirety, including your name, address and contact details will be disclosed to the applicant for the premises license and their agent.**
- If limited or withheld personal details are redacted from representations, where notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.

I/We fully understand that this representation will be made available to the applicant and included in the Sub Committee's Hearing papers which are publicly accessible documents, and any subsequent appeal court proceedings.

K.R.Hadley

07/08/2020

Signed:

Date:

If this form is sent as an email attachment, its transmission will confirm that you have agreed the above conditions

Please return this form along with any additional sheets to:

licensing@shropshire.gov.uk or by post to: Licensing Team, Business & Consumer Protection Service, Shropshire Council, Shirehall, Abbey Foregate,

Shrewsbury, SY2 6ND

This form must be returned within the statutory consultation period, which is displayed on the premises site notice, the newspaper advert, and on the Council's website.

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