



LICENSING ACT 2003
REPRESENTATION FORM

Other Persons

Name/Company Name/Name of Body you represent	James Lloyd and Angelina Kostenova
Postal & email address	[REDACTED]
Telephone number	[REDACTED]

Name & Address of premises for which the representation is being made Belinda Jayne Griffiths, 19 Wyle Cop, SY1 1XB

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

1. Sleep deprivation particularly in children

I am aware that a number of children live in the area and my wife and I are also hoping to have children soon. Children are usually put to bed between 7-8pm. The noise of the venue is likely to materially affect their sleep patterns as is the light pollution from the venue shining through windows.

Lack of restorative sleep can compromise the physical and emotional health of children and interfere with normal growth and development.

2. Smoke inhalation

This matter is covered in public safety but is relevant to the prevention of harm to children

3. Disease from Vermin

This matter is covered in public safety but is relevant to the prevention of harm to children

TO PREVENT PUBLIC NUISANCE

1. Noise

1a: Noise from members of the public attending the bar and restaurant.

The application fails to provide details of the full capacity of the proposed outside bar and restaurant. The Site Plan appears to show indicate seating for 9 tables of 4 and possible a table for 10. This provides for a capacity of 46. However, the Application also refers to seating in the Walled Courtyard, which is not indicated on the Site Plan. The Application also makes references to tables for 2 people. Again, this is not indicated on the site plan.

I can only surmise that the License Application is for a bar and restaurant with a capacity of over 50 people. Possibly more. This is a large number of people situated in a quiet residential area surrounded by residential gardens and housing. Whilst the front of these residential properties are on the busy Wyle Cop and Dogpole streets. The rear residential gardens are quiet and peaceful.

A large 50+ cover bar and restaurant with people drinking alcohol and dining will inevitably lead to large amounts of noise from socialising.

The layout of the Site exacerbates the noise issue. The Site adjoins tall houses in a quiet courtyard type setting which means that the noise echoes around the buildings and resonates around the entire residential area.

The Application seeks to allow these large number of people in the outside space 7 days per week until 11pm every night. I do not think this is acceptable for a quiet residential area.

1b: Noise from the outside kitchen and bar.

The Application seeks to use an outside kitchen and bar. Kitchens and bars are usually located inside the premises which, to a greater extent, contains the noise of cooking, plating up, service, cleaning at the end of service etc.

A busy kitchen and bar service 50+ covers will generate a large amount of noise. Examples include, but are not limited to:

- Empty bottles wine and beer bottles being thrown into bottle collect bins.
- Shouts for service at the pass etc.
- Noise of plating up.
- Collection and washing of plates and cutlery.
- Blenders and other kitchen equipment

All the above is usually contained inside a premises.

In addition, noise could well be generated outside of the licensing hours of 10am to 11pm. Bars will need to be restocked, the kitchen will need to be cleaned every night after service.

It cannot be conceivable that after having over 50 people catered for, and then out of the premises by 11pm, the staff in that time will also have:

- Finished collecting glasses and plates from the tables
- Washed everything up, cleaned the outside kitchen to a sufficient level to prevent rats, mice, foxes and other outside vermin
- Fully swept the entire premises (again to prevent rats, mice etc)

Therefore it must be noted that this Application will cause noise both during the licensed hours and outside of such licensed hours.

1c: Recorded Music

I note the Applicant has not applied to play recorded music on the premises, either inside or outside.

Since the Applicant currently plays recorded music both inside and outside in the garden, I understand that this will now immediately cease.

2. Odour and Smoke

I have grouped these two categories into a single section as the outside kitchen will generate both odour and smoke.

Catering for a 50+ cover bar and restaurant will require a large amount of cooking and the Applicant aims to undertake such activity 7 days a week from 10am to 10pm.

It appears from the Application that a large amount of the cooking activity will be on BBQ grills. There is no detail in the application about the nature of such grills. Are these gas grills? Are these charcoal grills?

Either way, the nature of this style of cooking gives off a large amount of smoke and odour.

The Application fails to provide any details of how this smoke and odour will be extracted sufficient such that it does not drift into the adjoining residential properties. There is no mention of extraction systems or filtration systems.

Again, on this point the Applicants site plan is misleading.

The site not only adjoins neighbouring properties, but these properties are on a terrace directly above the outside kitchen and bar. Therefore, any smoke and odours produced by the outside kitchen will disperse directly into the above residential properties.

Because the site is sheltered by these residential properties, the smoke and odours linger.

I know from the Applicant's activities last year that the level of smoke and odour is considerable. Whilst the Applicant appears to have switched from wood fired pizzas to BBQ grilling, the smoke, fatty airborne deposits,

smells and smoke will be no less overbearing.

3. Lights

The Application makes no mention of the lighting scheme for the outside bar and restaurant. Given the opening hours it is assumed that the site will be lit in some way by artificial light. I assume that for public health and safety reasons the entire area will have to be well lit with artificial lighting.

I ask that the Applicant submit a full lighting scheme so that the effect of light pollution on neighbouring residential properties can be assessed.

We also note that, given the hours of operation, it is conceivable that lighting will be used on the site after 11pm so that staff are able to clean the site.

TO PREVENT CRIME & DISORDER

1. Security

The application states that venue will be open until 11pm even at weekends. It is the norm for bars serving alcohol in Shrewsbury to have security staff at weekends to prevent crime and disorder. Shrewsbury at the weekend is very busy and I anticipate a spill over of inebriated patrons from the Nags Head next door when that venue becomes too busy.

This has not been addressed in the license application and I believe this is necessary before any application can be considered further.

PUBLIC SAFETY

I refer to points I have discussed in Public Nuisance section which are likely to affect Public Safety

1. Smoke Inhalation

Inhaling carcinogens - Smoke produced by grilling contains carcinogens and other pollutants that damage health. This smoke can be inhaled directly from the grill and can enter the body through the lungs. Smoke from the grill also contributes to local air pollution.

High-temperature cooking methods, including grilling, also produce carcinogens known as heterocyclic amines (HCAs). This happens when meat and poultry are cooked at temperatures higher than 300 degrees, causing a reaction of amino acids, sugar and creatine. Well-done, grilled and barbecued chicken and steak have high levels of HCAs, which have been linked to cancer of the colon, rectum, stomach, breast, lung and prostate.

The inhalation of smoke from the grill is a health risk. Barbecue smoke contains PAHs, which are carcinogenic and easily absorbed in the lungs. Smoke from charcoal or wood also produces hydrocarbons, a type of volatile organic compound, and soot particles, which are inhaled deep in the lungs and contribute to a variety of respiratory illnesses.

2. Pest and Vermin

Rats can transmit several diseases to humans including Weil's disease, a bacterial infection that attacks the kidneys and liver, and can be deadly. It can be transmitted through cuts and scratches or the lining of the mouth, throat or eyes, after contact with infected rat urine or contaminated water.

There is no mention of pest control in the licence however I believe with the best will in the world it is impossible to keep vermin away from an outside food venue where food that is dropped on the floor is likely to exacerbate an

existing problem.

There is no question that these vermin will be a risk to public safety.

Rats are already attracted by the food in the pub garden further away from the applicant. I have enclosed a picture of said rat as evidence.



3. Fire Risk

The applicant has already carried out all the building works necessary to operate the venue. We have seen that as well as the cooking facilities a fire pit has also been installed underneath a tree with a tree protection order. There is considerable fire risk associated with both the outdoor cooking facilities and the fire pit setting light to this and other trees in the area.

The impact of a fire in this historic part of the town is twofold:

- It would cause considerable damage to both my house which is listed and other neighboring listed buildings. The venue also backs onto the list and historic towns walls and these are also at risk of fire damage.
- It would put at risk the lives of the residents some of whom are elderly and less likely to be able to escape in the case of a house fire.

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.

There is nothing in this application that suggests any attempts to mitigate noise from drinkers and diners, noise from the outside kitchen and bar, smoke, odour and light.

The Application is for a large-scale bar and restaurant operation and the noise, smoke, pest and vermin, odour and light issues will create a considerable public nuisance.

To mitigate these factors I make the following suggestions to the Applicant:

- Limiting the capacity of outside dining to not more than 20 people.
- Moving the kitchen inside the premises, as is the norm for a bar and restaurant.
- Moving the bar inside the premises, as is the norm for a bar and restaurant.
- Restricting the hours that the garden is in operation for both guests and staff.
- No fires or combustion of any kind to be carried out outside including fire pits.

In terms of the opening hours, whilst I understand the Licensing Officer must look at the facts of this application on its own merits, I would like to draw their attention to the Shrewsbury Cathedral Café on Town Walls as a similar case to this. In the same way, the Shrewsbury Cathedral Café has a courtyard garden adjoining residential properties and is located in a residential area. These are their hours of operation are:

Sunday 9am–3pm

Monday 10am–3pm

Tuesday 10am–3pm

Wednesday 10am–3pm

Thursday 10am–3pm

Friday 10am–3pm

Saturday 9am–3pm

I believe that similar hours of operation for this site, combined with relocating the outside kitchen and bar to inside the premises, will help mitigate the serious impact this application will have on us as a neighbour.

Finally, I list further points that give me cause for concern about this Application:

A fence has been erected to prevent staff and public falling down a considerable drop along the side terrace of the bar and restaurant. This fence has been erected without the necessary planning permissions and listed building consents which should normally be obtained in a conservation area. Because of this lack of planning consent, it is difficult to assess whether this fence structure meets the necessary requirements to help prevent a fall.

In the same manner, the outside kitchen and bar and a new staircase have been constructed in a conservation area without the necessary planning consents. Again it is difficult to assess whether these are suitable for

commercial use.

I believe that the Bar and Kitchen is also constructed against the Grade II* listed Town Walls and therefore listed building consent and the scrutiny of Historic England and other interested parties should be sort prior to the commencement of any building works.

The premises itself currently trades as an A1 retail premises. There appears to be no planning application for change of use and no listed building consents for the works undertaken to change the premises into a bar and restaurant.

I understand that Home Office Guidance to the Licensing Act 2003 states that the licensing and planning regimes 'involve consideration of different (albeit related) matters. Licensing Committees are not bound by decisions made by a Planning Committee and vice versa.' However, given intended scale of this bar and restaurant operation, its position next to the Grade II* Listed Town Walls, its location in a conservation area and its location in a residential area I ask, at the very least, that the License Officer refuses this Application or adjourn the hearing until the issue of planning has been addressed.

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:

[Redacted Signature]

Date:

19/04/2021

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