

From: Mike Richardson <[REDACTED]>
Sent: 10 December 2021 09:49
To: [REDACTED]
Cc: Kasey Conway <[REDACTED]>; Licensing
<Licensing@haverling.gov.uk>
Subject: SRU135999 - Premises licence application for Aozora, 13 Elm Parade

Dear Sirs

I refer to your recent application for a premises licence at the above address. The matter has been passed to me, as a responsible officer, to comment regarding the licencing objective to "Prevent a Public Nuisance", and in particular regarding disturbance from noise.

The Public Protection Unit has no issues with the application in principle regarding the sale of alcohol from the premises, however I have a concern regarding the lack of conditions to the operating schedule which would address any potential issues that may arise from the sale of alcohol. I note that the application is for both on and off sales of alcohol, but there is no indication if alcohol is to be provided exclusively with a meal, or if one can purchase alcohol only without the need to buy a meal. I would like to see this addressed, to reduce the likely occurrence of a public nuisance from the premises becoming a drinking establishment, or unofficial "off licence" with the benefit of the off sales part of the licence, rather than an eating establishment (although I appreciate that this probably not the intention of your client, but it is to future proof the licence should the ownership/nature of the premises change).

If there is no condition relating to the sale of alcohol ancillary to a table meal (for on sales) and for takeaway (for off sales), there is a possibility that the premises would become an unofficial "off licence", and may give rise to a public nuisance.

I am also concerned regarding the provision of late night refreshment, but this is only because of the character of the area is a mixed residential and commercial (with commercial properties below the residential units). Most of the commercial premises (which provide food and drink) close around 22.00 hours (apart from the Bank Bar and Restaurant). As such, the area is much quieter after 22.00 hours, and I am of the opinion that a terminal hour for late night refreshments and the sale of alcohol at midnight 7 days a week will give rise to a public nuisance for the local residents. I also note that the restaurant/takeaway currently closes at 22.00 hours each night.

Similarly, a public nuisance will arise from the noise of delivery drivers/customers coming and going to the shop, which would include conversations between delivery drivers outside the premises, and associated vehicle noise, such as engines and slamming car doors. Residents above the premises will also be affected by the associated noise of the extract flue which serves the cooking range, which will be allowed under the late night refreshment licence. Additionally, the removal of waste/clear up will also go into the early hours, which will cause a public nuisance to the neighbouring residential premises.

Therefore, I object to the proposed licence, and will be making representations against the licence, unless the following conditions are added to the operating

schedule, in order to prevent a public nuisance, and that the terminal hour is reduced to 23.00 hours Monday-Saturday and 22.00 hours on a Sunday and Bank Holiday (which also removes the need for the late night refreshment part of the licence). If the following are agreed (or your client is able to suggest agreeable alternative conditions which meet the objective to prevent a public nuisance) I will be happy to withdraw my representations.

This is also a good opportunity to ensure that any deliveries of stock and collection of waste is controlled, to ensure that these activities do not cause an issue to neighbours.

1) Hours of sale of alcohol

11.00-23.00 hours Monday – Saturday
11.00-22.00 hours Sunday and Bank Holidays

2) Sale of alcohol

Alcohol shall only be served ancillary to a table meal in the restaurant, or ancillary to an order of takeaway food for consumption off the premises.

Reason: To prevent a public nuisance.

3) Noise from deliveries of stock.

No deliveries shall be received at the premises outside of the following hours:

08.00-18.00 Monday-Friday

08.00-13.00 Saturday

No deliveries on Sunday, Public and Bank Holidays

Reason: To prevent a public nuisance from deliveries at unreasonable times.

4) Noise from waste collections

No waste collections shall occur at the premises outside of the following hours:

07.00-18.00 Monday-Friday

08.00-13.00 Saturday

No deliveries on Sunday, Public and Bank Holidays

Reason: To prevent a public nuisance from waste collections at unreasonable times.

5) Deliveries of food and alcohol

No deliveries of food and alcohol shall be collected from the premises outside the licensable hours.

Reason: To prevent a public nuisance from deliveries at unreasonable times.

6) Signage

Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

Reason: To prevent a public nuisance from customer noise.

If you choose to add the conditions to the operating schedule, and agree to the restriction in timings, I would be grateful if you would confirm this both with myself and Mr Conway, Public Protection Officer, who is dealing with the application, in writing.

I would be grateful for your written response to these representations by 20 December 2021, so I can ensure that any representations can be made in a timely manner.

Yours faithfully

Mike Richardson
Senior Public Protection Officer
Environmental Health

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