

Hinchliffe, Keiran

From: Leah Ainsworth [REDACTED]
Sent: 24 June 2019 23:20
To: Licensing
Subject: New Premises Licence Application - PL072927 - My India Street Food Limited - Representation Objection

Attachments: Licensing Notification.jpg

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Licensing Act 2003 - General

Good Evening

I have struggled to find the full details for this as your Licence Register only has the reference number and not actual application details and note that your policy for Applications for premises licences states that they must be advertised in one of the following local newspapers Messenger Newspaper or Manchester Evening News and I understand that on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the relevant licensing authority (The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005) I know they still have a couple of days to do this and will keep checking but as yet I cant find any compliance with this.

I have managed to get a copy of the summary application information from the premises as attached.

I understand that an application for a premises licence under section 17, or a club premises certificate under section 71, shall be accompanied by a plan of the premises to which the application relates, as there are no documents or attachments on your Licence Register can you advise how do I get a copy ?

This property has a freeholder and also another interested party that holds an underlease, I can't make out the legislation, do these people need to be notified and give permission ?

As an interested party I am the owner Mrs Leah Ainsworth of 7 Barton Road, Stretford M32 9FA (next door) and I am making formal representation (objection) in relation to a licence application and submitting an objection to this premises licence. My grounds / reasons are

The premises is a converted terraced property with two currently occupied residential houses next door either side and a residential flat above the property, I believe that by granting a Premises Licence to allow the sale of alcohol (on & off) and recorded music (regulated entertainment) to My India Street Food 3-5 Barton Road Stretford M32 9FA that it will

Create noise (not from disorder) impacting generally on neighbours in the evening and past the children residing in the properties bedtime thus causing a public nuisance. I do not believe that they have had sound-proofing or noise-limiting devices installed at the property and as the premises are within an old building, that was not designed to contain modern levels of sound and vibration, therefore the noise will inevitably escape from the premises and affect all bordering neighbours.

Increased noise and possible disorder is commonly related to premises with a licence to sell alcohol on & off the premises and along with the delivery of regulated entertainment and due to the location of this property to residential homes there are reasonable grounds to assume it will have an impact on the wellbeing of the residents particularly the primary aged children living above premises and also next door which could cause them harm from lack of sleep especially as the request is for 7 days opening.

It is accepted that along with a premises that has people attending and consuming food and alcohol that some users will go just outside the premises to smoke and vape, this will again cause an increase in noise and given the location a public nuisance as people could easily view into neighbouring properties and those properties if they wanted to have the window open could hear adult conversation and have smoke drift into the premises and that could place the child at harm from exposure to inappropriate language, subject matter and smoke.

The premises is within 0.2 miles of a St Matthews C of E Primary school and also the Stretford Children's Centre both are substantially used by or for children under 16 years of age; this is also on the access route to both these establishments:

There is likely to be a public nuisance caused by the creation of additional litter in the area and given the size of the unit and that I cant see a plan also am worried about the provision toilets and the possible increase in public urination under the influence of alcohol.

I am happy to make my representations in public and understand that all I have detailed above can be shared and have no objection to this.

Leah Ainsworth

Hinchliffe, Keiran

From: Hall, Rachael
Sent: 29 July 2019 11:43
To: Hinchliffe, Keiran
Subject: NEW Premises Licence Application - LA0159/19 My India Street Food, 3-5 Barton Road, Stretford, M32 9FA

Dear Licensing Team,

Please see below my consultation response in respect of the above application. My response relates to the licensing objective for the prevention of public nuisance.

The information below describes how we understand the business to be currently operating:

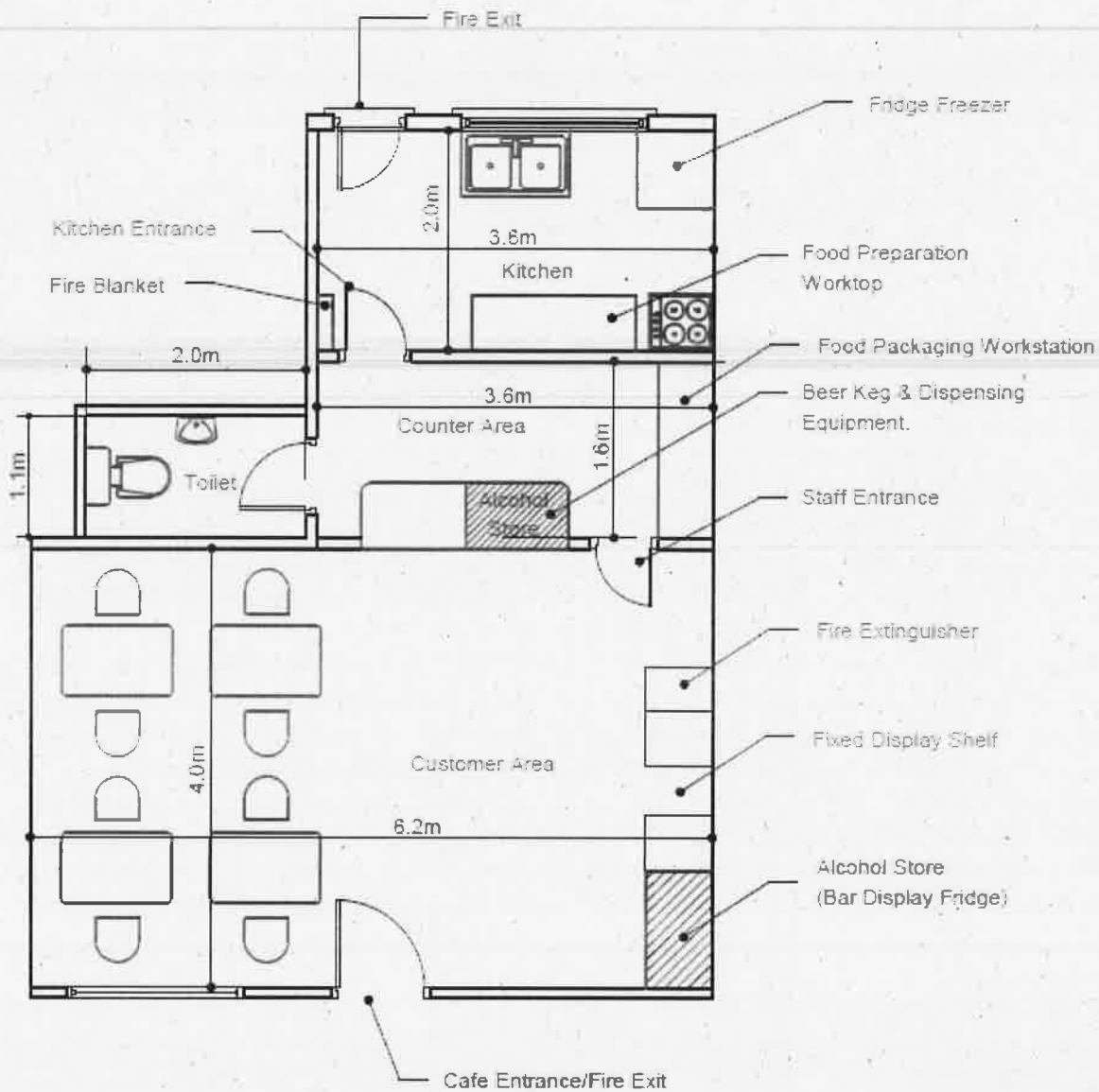
A food hygiene inspection was carried out on 23rd July 2019 by the Council. This revealed that curries and other dishes are being prepared and cooked in batches during the morning period and then cooled and later reheated as portions to order. Samosas and spring rolls are also fried to order.

There are 4 small tables with 8 chairs in the customer area. Trade is almost entirely takeaway at the moment with just odd customers sitting in to eat their food. The current opening times are 9am-5pm, with most trade taking place at lunchtime. They have said that they hope to open for evening trade if they get their alcohol licence. They already have the Kingfisher draught beer tap in place but are awaiting the outcome of their licence application.

The kitchen is small with one oven and a microwave. There is no ventilation hood over the oven, just a wall fan leading to the back yard area. The back doors of the neighbouring domestic properties are in close proximity to the extractor fan and rear door of the commercial property. They informed our Environmental Health Officer that they will be installing a more substantial ventilation system in the next couple of weeks, no details were provided.

This application seeks opening hours of 0700-2300; sale of alcohol 0800-2300hrs and recorded music 0800-2300hrs.

Plan provided by applicant:



ODOUR

This service has received a complaint about food odours emanating from the premises. The complainant has explained that pungent curry type odours are being emitted via a wall vent at My India which is directly adjacent to the rear of the adjacent domestic property. It is alleged that this odour is clearly identifiable within the neighbouring residential property and particularly strong outside within the neighbour’s outdoor amenity space, which is also used to dry washing.

There is no commercial extraction system or flue and so there is little potential for dispersion of food odours. If this Premises licence were to be granted up until 2300 hrs, the potential for odour to impact neighbours would be extended into the late evening period thereby affecting residents when they are expecting to relax and enjoy their homes/amenity space.

This is not to suggest that installation of a flue in this location would be permitted in any case. Full details would need to be submitted as a planning application.

NOISE

Operation of My India at the times indicated in the application 0800-2300 hrs would introduce the potential for noise disturbance during the evening period. It is understood that historically, businesses at this address have never operated at this time. Existence of a café/takeaway brings pedestrian and vehicle activity close to nearby residential neighbours. Customers dining in at the café would have to stand/sit at the front façade to smoke as there is no other designated smoking area. This introduces an additional potential noise source at a sensitive time during the late evening period when residents (particularly children) may be attempting to get to sleep. For this reason I am unable to recommend approval of this request; I am not confident that dis-amenity or nuisance will not occur.

The applicant has applied for recorded music 0800-2300 all days. Approval would naturally consent DJ and Karaoke performance. There is no information available in respect of whether any acoustic insulation has been installed, either vertically at the commercial/residential boundary or horizontally in relation to the residential unit located above the application site.

If planning approval for this development were to be sought, a Noise Impact Assessment would be requested to examine the potential for noise transmission and make recommendations for remedial works where necessary. In the absence of this information I am unable to recommend a grant of the licence in this respect.

PLANNING STATUS

The Council's Planning Enforcement team have liaised with the applicant in respect of Planning issues and on the information received by the owner during the inspection it was understood that the premises would operate as an A3 café/restaurant unit. As the previous use of the premises appears to have been for a shop and café there is a case that an A3 use may be the lawful planning use and as such a certificate of lawful use was invited. However if the unit is operating mainly for takeaway this would change the use class of the premises to A5, for which a formal planning application would be required. At this time planning officers cannot fully be assured of the planning use class and we will continue to investigate the matter, especially considering the information below.

In summary, my concerns are that there are outstanding issues with Planning Development that need to be resolved. The matters to be considered are critical to the operation of the business at this location and should be determined in advance of any Licensing decision.

Regards,

Rachael Hall
Environmental Health Officer
Pollution and Housing Team
Regulatory Services
Place Directorate

Trafford Council,
Trafford Town Hall,
Talbot Road,
Stretford M32 0TH
Tel: 0161 912 4599
Email: rachael.hall@trafford.gov.uk

Trafford Council is a well-performing, low-cost council delivering excellent services to make Trafford a great place to live, learn, work, and relax. You can find out more about us by visiting www.trafford.gov.uk.

From: Pickup, Jade **On Behalf Of** Licensing

Sent: 01 July 2019 07:57

To: 'Darren Heathcote'; Environmental Health; Environmental Protection; 'Home Office (Immigration Enforcement)'; Jackson, Philip; 'Karen.Packer@gmp.police.uk'; Development Management (Planning); Roaf, Eleanor; Safeguarding Children Team; Trading Standards; 'Trafford.PartnershipTeam@gmp.police.uk'

Cc: 'Gurparkash Singh'; Boyle, Joanne; Fenton, Oliver; Haddad, Anna; Hinchliffe, Keiran; Simmons, Gareth

Subject: ELECTRONIC SERVICE – NEW Premises Licence Application - LA0159/19

Good Morning,

Date amendment

Attached is your copy of a New Premises Licence application for My India Street Food, 3-5 Barton Road, Stretford, M32 9FA

Application received : **01st July 2019**

End of consultation : **29th July 2019**

Yours sincerely,

Jade Pickup

Jade Pickup

Licensing Officer

Place Directorate - Regulatory Services

Trafford Town Hall

Talbot Road

Stretford

M32 0TH.

Telephone: 0161 912 4242