

Licensing Services
City of Wolverhampton Council

Cllr. Jonathan Crofts
c/o Civic Centre
St. Peter's Square
Wolverhampton

25th November 2021

Dear Licensing,

PRE1465 - Premises Application - Al Sorriso, 18a Upper Green, Wolverhampton, WV6 8QH

I write as a Local Councillor for Tettenhall Wightwick ward and following contact by several local residents who made their views clear to me, I make representations to object to the above application.

Objections are made under the Licensing Objectives:-

I make reference to "City of Wolverhampton Council: Statement of Licensing Policy - Commencing April 2020" as "SOLP".

"We are mindful of the balance that we have to strike between the needs of our residents and those of our business community, which may sometimes conflict. We MUST ensure our residents can peacefully enjoy their homes and environment whilst also encouraging responsible and positive investment and economic growth" (SOLP, p.4- emphasis added).

Page 9 & 10 of SOLP (please see Appendix 1 below) describes the PREVENTION OF PUBLIC NUISANCE which would underpin this "peaceful enjoyment".

The starting point is to consider:-

"In determining applications when relevant representations have been received for new and varied licences, regard will be made to the **location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents** by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke)" (SOLP, P.9- emphasis added).

Location – it is on Upper Green cul-de-sac, Tettenhall with proximate houses and flats (20 residents immediately, and a further 30 that could be affected if there was medium-level of noise/vibration).

It is in a Conservation Area next to two listed buildings

There are 9 nearby premises -shops/restaurants/café- with various alcohol licences

Type & Construction – wood and metal sheeting structure with a corrugated plastic roof

Likelihood of Nuisance & Disturbance – very high given non-brick construction, shared boundaries with homes & gardens and narrow entrance way (between a house and café) – this paved area is shared with next door house. A nearby courtyard would "broadcast" noise to a wider community.

In light of the above, there should be no live music as it would clearly interfere with the amenity of 20-50 neighbours.

All licensed activities should cease by 11pm – this would then allow customers to quietly disperse after their dining.

The Application describes “supply of alcohol as ancillary to meals” and therefore there should be NO vertical drinking permitted. P54 of SOLP suggests as a condition:

“The supply of alcohol shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.”

Within SOLP there is a recognition of noise from “within the premises” (page 9) and the noise from recorded music, customers, cooking and serving food should be recognised within the context of the building and its proximity to residents.

A condition may be imposed on new licences that entertainment noise shall **NOT (NOT added by Cllr Crofts to correct clear mistake)** be clearly audible in any residence. Noise emanating from within licensed premises should not normally affect those nearby. In such circumstances, applicants will be encouraged to supply an acoustic report confirming that there will be no noise breakout from the premises likely to cause a public nuisance to persons living or working near the licenced premises. Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises. This may be added as a condition where relevant representations have been received.

(SOLP page 10, emphasis added)

The application describes “background, low music” from a digital music streaming service. As an evening progresses, the level of music will increase and therefore with other restaurant noise, there will come a point when a public nuisance from noise will occur. Therefore, there should be a minimum condition to sound insulate (“sound proof”) the premises.

The Committee may consider as appropriate conditions: sound limiting equipment and “an acoustic report confirming that there will be no noise breakout from the premises likely to cause a public nuisance” to neighbours.

The premises’ cooking smells & steam are vented through a low-level extractor fan into a neighbour’s garden. Given a 9am start, and from the Plan attached to the Application showing 40 chairs around 11 tables, the premises will need to be mindful not to cause a public nuisance by way of vent fumes/noise of fans. This again supports that licensed activities should end at 11pm.

(The previous business was not open every day and it had limited hours of opening. Also, it did not have an alcohol licence).

From the Application and Plan, alcohol would be sold and consumed inside the building. Therefore conditions should be attached so that customers would not take alcohol out of the premises to drink on the paved area whilst say taking a phone call or smoking/vaping.

(As pointed out above, the paved area has shared ownership with next door’s residential property).

Given the small paved area in front of the premises, customers should not be allowed to congregate/queue and should not be allowed to smoke or vape as it would cause a public nuisance.

Finally, the cul-de-sac is marked with double yellow lines and yet people inappropriately park there. This means that it can be difficult for residents to enter/exit their properties. Accordingly, licensed activities should not be permitted past 11pm and staff, customers and delivery vehicles should be informed of the parking restrictions in the immediate vicinity and the need to be respectful to residents when entering/leaving the premises.

This is most important in respect of access by any emergency vehicles that might be required for the cul-de-sac.

Conclusion

In light of all of the above, the application should only be granted with these and other amendments/conditions.

I would like to make representations at a sub-committee, if such a sub-committee is called.

Yours faithfully,

Cllr. Jonathan Crofts

Member of The Council

Appendix 1- Extract from SOLP

Prevention of Public Nuisance

We expect the operation of licensed premises not to unreasonably interfere with the personal comfort or amenity of immediate neighbours or the nearby community. It is important to note that Public Nuisance can include low-level nuisance, perhaps affecting a few people locally, as well as larger scale nuisance affecting the whole community. In determining applications when relevant representations have been received for new and varied licences, regard will be made to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke) (page 9)

Applications for new licences or for the extension in size of licensed premises submitted by way of a variation, providing relevant representations have been received, should not normally be granted if the premises will use amplified or live music and operate within or

abutting known noise-sensitive premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall **NOT (NOT added by Cllr Crofts to correct clear mistake)** be clearly audible in any residence. Noise emanating from within licensed premises should not normally affect those nearby. In such circumstances, applicants will be encouraged to supply an acoustic report confirming that there will be no noise breakout from the premises likely to cause a public nuisance to persons living or working near the licenced premises. Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises. This may be added as a condition where relevant representations have been received. Generally, regulated entertainment in the open-air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to relevant updated guidance. In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers. Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside

P.10

(SOLP, page 9 & 10)

Licensing Services
City of Wolverhampton Council

Cllr. Jonathan Crofts
c/o Civic Centre
St. Peter's Square
Wolverhampton

7th December 2021

Dear Licensing,

PRE1465 - Premises Application - Al Sorriso, 18a Upper Green, Wolverhampton, WV6 8QH

I write further in this matter to provide links to social media in relation to the above Premises Application.

An excerpt from bdaily.co.uk on Al Sorriso bistro & pizzeria states:-

“The initial investment is just the start. We’ve already got exciting plans in place to bring our ‘secret garden’ back to life, explore more ‘alfresco’ dining and stage several themed evenings over the next twelve months.”

Al Sorriso will also be offering a takeaway option for most of its menu, with more details found on www.alsorriso.co.uk

<https://bdaily.co.uk/articles/2021/11/30/al-sorriso-brings-a-slice-of-pizza-heaven-to-tettenhall-with-35000-investment>

It is respectfully submitted that the range and quantity of activities envisioned are already greater than those indicated in the Application. Therefore, there needs to be the appropriate level of transparency so appropriate conditions can be attached.

Facebook provides details as to their existing business and to the bistro & pizzeria in Tettenhall – I note a reduction in hours which would need to be agreed & formalised.

Please see:-

alsorrisobistro.com

& Facebook pages

<https://www.facebook.com/AlSorrisoAlbrighton/videos>

<https://www.facebook.com/AlSorrisoAlbrighton/videos/2519136904998004>

<https://www.facebook.com/AlSorrisoAlbrighton/videos/2399663847013994>

The videos illustrate how the level of amplified music at a Live Music Event would cause the performer/s to compete in volume with those dining & dancing and therefore soon cause noise/vibration nuisance to nearby residents.

I provide 3 hyper-links below to see the area from above on "Google Earth":-

<https://earth.google.com/web/@52.59897859,-2.16803906,139.6945548a,119.73212913d,35y,-77.16989817h,41.35661798t,0r/data=Cj4aPBI2CiUweDQ4NzA4MGQ0MzlyNWQ3ZmQ6MHg1MjZkYTA5NTQ3MzgwMTI2Kg1Xb2x2ZXJoYW1wdG9uGAEqAQ>

<https://earth.google.com/web/@52.598971,-2.16767752,143.91701528a,25.42757641d,35y,57.96754671h,13.89788067t,0r/data=Cj4aPBI2CiUweDQ4NzA4MGQ0MzlyNWQ3ZmQ6MHg1MjZkYTA5NTQ3MzgwMTI2Kg1Xb2x2ZXJoYW1wdG9uGAEqAQ>

<https://earth.google.com/web/@52.59884063,-2.16774585,143.94218256a,80.50604128d,35y,83.32381712h,10.97719769t,360r?form=MY01SV&OCID=MY01SV>

which provide a 3D dynamic view of the Premises which it would be useful for all to consider.

In light of all of the above additional information, the application should only be granted with extra conditions so as to uphold the Licensing Objectives.

Yours faithfully,

Cllr. Jonathan Crofts

Member of The Council