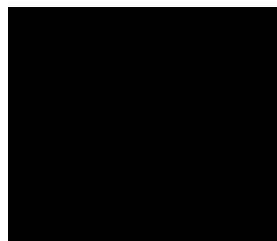


Licensing Services
City of Wolverhampton Council



25th November 2021

OBEJCTION FOR :

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

Dear Licensing,

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

Objections are made under the Licensing Objectives:-

I am writing to record my objections to the above application. [REDACTED]

[REDACTED]

I am an [REDACTED] year old [REDACTED] who has lived in this house for over 50 years. I now live on my own and cannot cope with the increased volume of customers and the extension of live music proposed in this application.

My specific objections concern the following:

1. Shared access with the business

There are complicated shared access with the building and I have concern that there are potentially implied legal liabilities should any customer accidents occur (please refer to the deeds) Given that the entrance alley way to Al Souorriso is a shared one. I own and have rights and responsibilities over the green bit and Al Soourriso own the blue bit with ditto responsibilities. This means that I could be liable if an Al Sourriso customer trips on my bit of the paving. Given that the place could be open from 9 am until 11.30 pm, 1.30 Christmas etc this is increasing the risk and probability of incidents given that the outside area is small and is [REDACTED] to my small area of garden. I have experienced this for over 20 years with the current and past businesses. The risk is increased with the increased volume on waste which overflows into this area and also presents a tripping hazard.

2. Increased customer volume

As above there is issues with the shared access but also there is no parking on Upper Green and I am concerned with projected numbers of 100 customers there will be problems with illegal parking, blocking access and potential traffic issues.

The increased numbers will also mean that footfall traffic will be increased, this will have issues with the people milling around my property and potentially with increase opening hours not being in a “fit state” due to alcohol consumption.

3. Extended hours

There are a number of issues with this the most concerning being the noise volume directly in front of my house.

Please find more generic objections related to the specific policy that impact not just on myself but others ,detailed below. These have been advised by local experts who are knowledgeable about the relevant clauses.

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 describes the PREVENTION OF PUBLIC NUISANCE which would underpin this “peaceful enjoyment”.

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/cafés- 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.

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.

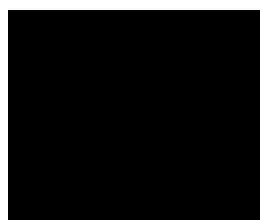
A condition may be imposed on new licences that entertainment noise shall **NOT** (be clearly audible in any residence. Noise emanating from within licensed premises should not normally affect those nearby. In such circumstances, applicants will be encouraged to supply an acoustic report confirming that 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.

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.

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

Licensing Services
City of Wolverhampton Council



8th December 2021

Dear Licensing,

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

I am writing to provide additional factors for consideration that may influence the decision on this application. I apologise for the late submission of these additional considerations, [REDACTED]. I would be appreciative that you could give this your due consideration.

Following on from my first objection, I would like to add some further concerns on the following areas after

1. Having consulted appropriate experts about Fire safety
2. Being shown further information that has since emerged regarding the range and quantity of activities that are being promoted that are already greater than those indicated in the Application.

I do believe that these considerations need to be reviewed to ensure the appropriate conditions can be attached. I am the resident most likely to be directly impacted by this application.

I am assuming with my submission the relevant inspections have been carried out regarding fire regulations and food safety but if they have not I will be looking at reporting my concerns to the appropriate authorities specifically the West Midlands Fire Authority.

FACTORS FOR CONSIDERATION:

1.Fire safety



In respect of this application and the information provided in social media there are several articles that refer to the next phase of the investment *“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.”*

The “secret garden “rereferred to is shown here. It is a small yard with no fire exit other than “vaulting “over [REDACTED] yard. The area is small and is enclosed. The white door is the fire exit from the restaurant should the access to the formal entrance be unavailable. The area is also enclosed on all sides with trees, plants and foliage which all are extremely

flammable material. If you couple this with the fact that the area is outside you also then have oxygen to fuel any fire. The kitchen area is adjacent to this area providing the third part of the fire triangle to the area a perfect storm.

Shown below is the current fire door from the café to the restaurant which is blocked from both sides. Should a fire start the only available exit is the front access – shown below which is a single point of exit. Should the restaurant be closed there is no fire exit. The means of escape from the ‘secret garden’ would also be through the enclosed kitchen and restaurant area which is the area of greatest risk.



Clearly, I am only able to provide the information on the fire arrangements that are easily available to myself and therefore I have no confirmation that there is an adequate fire alarms system or management of the extra waste to minimise the risk of a fire should it occur, I am assuming this is something the licencing committee will have audited.

With these specific issues that relate to the interests of safety, I am requesting that the Committee please attach conditions that deal with these issues in accordance with the SOLP. I am also requesting that the committee acknowledge that the relevant Fire Safety checks have been conducted on the premises for its proposed use. For your information, no one has been to speak to me to review the fire arrangements with regards to this application. In particular I believe that there has been no review of the measures to reduce the more significant likelihood of the risk of fire to ensure they are legal

and complaint and do not put myself or my property at risk. ■ property, as you can see from the accompanying pictures is within metres of the restaurant , and we have shared access of the pathway,I have concerns there is no formal process in place if a fire should occur and I have no reassurance that the risk would not impact myself. My house is a listed building and is more at risk from fire because of its age and any potential claims would increase my insurance liability. This has not been a problem before as there has not been the level of people involved (24) and the opening hours have not been as long. The previous restaurant did not use social media to promote its business and did not have the volume of traffic that this business is forecasting.

I have also been advised that there are specific clauses in the SLOP that need to be reviewed that are detailed below. I would appreciate your confirmation that these have been met under the application.

1. **P24** – premises and their operators will be regulated by general duties under current fire safety regimes and the Regulatory Reform (Fire Safety) Order 2005 rather than licensing provisions.
2. **P59** The premises shall operate a preopening and closing checklist to ensure that all appropriate steps have been taken before the premises are open to the public and at the close of business each day. These checks shall be recorded and kept for a minimum of six months and made available for inspection upon request by a responsible authority, police officer or authorised officer.
3. **P.60** The designated premises supervisor shall attend a formal public safety type training course, provided by West Midlands Fire Service, (responsible person course) where such training is available, and provide evidence of attendance if requested.
All staff on duty at the premises shall be trained in the Fire Safety and Evacuation procedures for the premises and aware of their individual responsibilities. This includes any door supervisors. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed. Training records shall be made available for inspection upon request by a police officer or an authorised officer of City of Wolverhampton Council.
4. **P61-62:-** All windows and external doors shall be kept closed between [XX:XX] hours and [XX:XX] hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance. A tamper-proof noise-limiting device shall be fitted to the sound system within the premises and all amplified music played at the premises must pass through this sound limiter at a level agreed by the Council's Environmental Health section. The noise limiter shall not be altered without prior agreement with the Council's Environmental Health section. Speakers shall not be located/operated in the entrance lobby or outside the premises, nor shall they be located or positioned in such a manner as to cause a nuisance outside the premises. While live or recorded music takes place, the licensee or management shall undertake regular monitoring of noise levels at the nearest noise-sensitive locations. A record shall be kept of any monitoring, including the date, time and location of monitoring; the name of the monitor; and

any action taken. Records shall be kept for no less than six months and shall be made available upon request by a police officer or an authorised officer of City of Wolverhampton

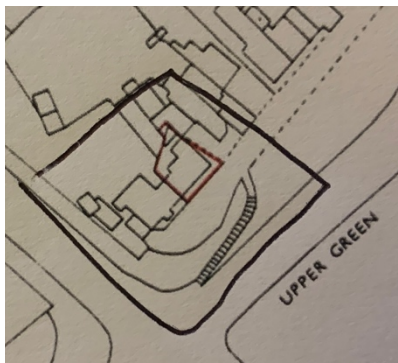
5. **P62** Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public

I am more than happy to allow the Fire authorities to visit my property to allow them to robustly investigate these concerns.

Noise/Nuisance/Environmental health

In the original objection I did highlight the significant impact on myself due to the number of covers, the opening hours and the noise from the music. There will be several “nuisances” I will have to deal with. Not only the increase in traffic as mentioned previously, but also the increased amount of cars parking near the property when this is a double yellow area. The business has been open a few weeks and already I have been impacted by the parking of the owners’ cars [REDACTED].

The promotion of “themed events” in the secret garden needs to be specifically raised. The pictures above show the proximity to [REDACTED] bedroom, bathroom, and upstairs space of the secret garden. This will severely impact me through not only noise but also the number of people in the proximity of my residence. I am constantly having to tidy up the mess left by the customers- cigarette butts, beer bottles and other litter. I have had to remove my bins from the drive (that is my property as shown in the deeds below) because of customers filling them with their own litter.



Shared access

I am sure the committee has taken into consideration the challenges of the shared access as detailed in the picture below. This has created many issues over the years which have been resolved amicably but there has never been such a commercial business on this site. The restaurant building is little more than a shed that is positioned at the bottom of a shared pathway. Its original purpose was a workshop /garage that was connected to the café. Its purpose was never to be a commercial business and nor should it be. There are several concerns I have on reading the proposed future plans for the business as these imply that there will be additional numbers of people and traffic. I am particularly concerned that there will be an increased probability that there may be accidents on the shared access due to the alcohol consumption. I am not prepared to have these happen on my “land” as this would be an insurance risk and a potential liability I am not insured for.

The area that is deemed on my property as shown in the deeds and below has already been used for the positioning of a “sandwich” board which restricts my access to put my bins out and for access to my rear gate with things like my fishing tackle etc



In light of all of the above additional information, I am extremely concerned about the impact on my safety, my property and my way of living, as at my age I am not prepared to put up with increased noise and disturbance at late hours. I would request that the application should be reviewed taking these objections into consideration and only be granted with extra conditions to uphold the Licensing Objectives.

I would strongly recommend that the Fire Safety services are consulted about the safety of the premises and their compliance to the relevant rules and that the relevant Environmental health and Food safety services have also passed the premises for food consumption

Thank you



SUPPORTING INFORMATION REGARDING THE USE OF THE PROPERTY

alsorrisobistro.com

<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.

There are 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=Cj4aPBI2CiUweDQ4NzA4MGQ0MzlyNWQ3ZmQ6MHg1MjZkYT A5NTQ3MzgwMTI2Kg1Xb2x2ZXJoYW1wdG9uGAEGAQ>

<https://earth.google.com/web/@52.598971,-2.16767752,143.91701528a,25.42757641d,35y,57.96754671h,13.89788067t,0r/data=Cj4aPBI2CiUweDQ4NzA4MGQ0MzlyNWQ3ZmQ6MHg1MjZkYTA5NTQ3MzgwMTI2Kg1Xb2x2ZXJoYW1wdG9uGAEGAQ>

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

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

SUPPORTING PICTURES

1. Blocked fire door from café to the restaurant



2. "Secret Garden " space as seen from [redacted]





3. Restaurant roof structure and external space as seen from [REDACTED]





4. Rear gate access from [REDACTED]



6. Shared access between [REDACTED] and Al Sorisso

