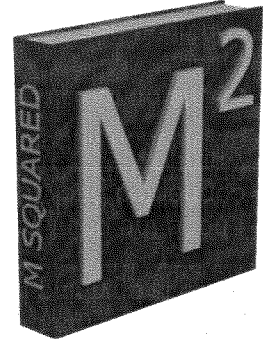


APPENDIX D

M Squared Services Ltd.

66 Tithebarn Street
Poulton-le-Fylde
FY6 7BY

www.m-squared.com
mobile: 07796 994788
info@mm-squared.co.uk



4 May 2024

~~Mr. [REDACTED]~~
~~[REDACTED] Street~~
~~Widnes~~
~~W18 0SE~~

Re Licence Application for 74 Albert Road, Widnes, FY8 4EP

Dear Sir

I write in connection with, **74 Albert Road, Widnes FY8 4EP**, I am acting for the tenant who has made an application for a new premises licence submitted to Halton Borough Council on the 17th of April 2024.

We have been sent a copy of your representation and I write to provide some reassurance regarding the proposals and the control measures that have been offered to safeguard the Licensing Objectives.

The first part of your representation details concerns about the access and ventilation. The premises will have a kitchen installed and any ventilation will be suitable and sufficient to deal with the appliances installed. As this is a commercial premises any installation must be signed off by a competent person such as a GAS Safe registered engineer who must also look at the ventilation to ensure it is suitable for the environment and appliances installed.

We are at an early stage with the plans and as you can imagine it would be premature to begin any installations or refurbishment until the applicant has some certainty regarding any permissions or consents, he is granted by the council. All appliances including ventilation will be installed by a competent and qualified person, this is something that any applicant could not get around as it is the law of the land which is designed to protect his workers, customers, and society.

The issue around smoking is something he cannot get around as he cannot allow smoking on the premises, this has been the case since the 1st of July 2007 when the Health Act 2006 was introduced. I can tell you from experience that this sort of concern has been raised at several licensing hearings I have done over the years and one of the things I have been able to show is the general reduction in smoking prevalence in the adult population.

In other words, the number of adults who now smoke is on a downward trend and continues to be so. I have not looked at the specific statistics for your area but nationally the number of adult smokers sits somewhere between 10 and 13 %. This figure is skewed somewhat in more deprived areas with some of the worse statistics being closer to 20 %.

It is important to put this issue in context with the application under consideration and I have included a floor plan layout which may assist in providing that.

The premises will be primarily that of a seated restaurant but with an informal arrangement like a diner. There will be a takeaway element but that will be ancillary to its primary function.

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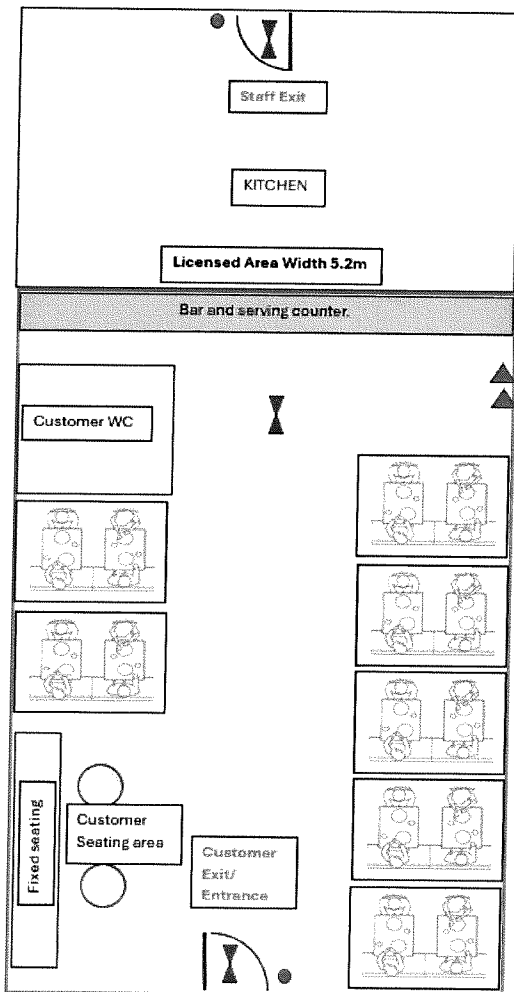


4 May 2024

Due to the relatively small footprint, I would estimate there will be no more than 30 covers available. If 10% of these customers were smokers that could be as few as 3 smokers. If we took the higher figure of 20% it could be 6 smokers on the premises at busier times.

The nature of the business is that customers would eat and consume a drink and then likely leave the premises to go elsewhere. It is not the type of premises where people could spend a lengthy amount of time which means the issues around people smoking are more than capable of control.

The layout plan is shown below for your assistance.



In addition to the small capacity of the premises, the applicant has offered the following conditions on his application.

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4 May 2024

We again remain open to any sensible suggestions you may wish to offer around parking and if there is anything in the applicant's power to address those concerns he will.

I hope the point you make about people urinating in the street is something that could not be connected back to such an establishment. It will be appointed with customer toilets for men and women.

Fights on the street may occur but it won't be because of anything that is done or offered by these premises. The sale of alcohol will be to people consuming a table meal only and a condition has been offered to secure that this is a requirement of the licence (should it be granted).

Consuming alcohol in a seated environment is always perceived to be a lower risk than vertical drinking. Adding a requirement that people can only consume alcohol with a table meal reduces a low-risk activity even further.

By way of conclusion, I offer you my e-mail address and phone number which is detailed on the letterhead. I have also included the operating schedule that accompanies this application.

The operating schedule is a package of control measures that will be implemented to ensure the Licensing Objectives are promoted. If this licence is granted these control measures are converted into conditions that are attached to the licence. Any breach of a condition of a licence is a criminal offence carrying a maximum penalty of £20,000 and or up to six months in prison.

As such they are not offered up without serious thought and consideration.

We hope that this letter provides some important details about the application, and I offer an open channel for dialogue to see if we can offer further reassurance or adjustments to the application should they be needed.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M. Marshall'.

Mark Marshall FCILEX
Director

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4 May 2024

The licence holder or designated premises supervisor shall make attempts to ensure members of the public leave quietly so as not to disturb neighbours.

All external windows and doors should be closed after 11pm, except in the case of an emergency.

The placing of refuse, such as bottles, into receptacles outside the premises shall take place between 0800 and 2200 to prevent disturbance to nearby premises.

The licence holder shall ensure that noise or vibration shall not emanate from outside the premises such as to cause persons in the neighbourhood to be disturbed.

If you feel there are reasonable and achievable control measures that could be added, we would be happy to consider them.

The third paragraph of your representation describes the possibility of disturbance by people coming and going.

I have shown the layout of the premises which demonstrates the very modest holding capacity of the premises and the conditions already offered.

In addition to this, the applicant will reduce the terminal hour to **00.00hrs Sun- Thus**. This is a concession that is made to demonstrate the applicant is committed to listening to the community he will hopefully be part of.

The penultimate paragraph envisages issues with parking, the possibility of fights and urinating in the street and people causing a disturbance when they leave the premises.

Any business that operates this unit may attract customers who attend in cars whether this be a licensed premises or another type of business, there is an off licence nearby and a Weatherspoon's to name but two. The road has multiple businesses, some of which are daytime traders and others who trade into the evening.

The applicant does not believe that customers will be travelling in cars in high numbers. There is only so much he can do about people's choice of transport but referring to the modest capacity and the nature and location of the venue we cannot reasonably foresee this being an issue. The licensing system would not usually take car parking into account where there was a reasonable provision in place in the locality There are numerous public car parks nearby and some on-street parking is available.

Certainly, it does make part of discussions on larger applications where people have no choice but to travel to the location other than in a car, but those scenarios tend to be for events or festivals which take place on a much larger scale.

Kim Hesketh nee Fisher

From: info@mm-squared.co.uk
Sent: 15 May 2024 16:30
To: [REDACTED]
Cc: Kim Hesketh nee Fisher
Subject: Licence Application 74 Albert Road
Attachments: Letter to Lyn Fletcher re 74 Albert Road .pdf

Dear Ms Fletcher

I was sent a copy of your representation early this morning. I had prior commitments today and couldn't get to this matter until now.

I am attaching a letter, the contents of which were designed to address some of the points that were raised in other public objections, this letter does not directly deal with all your points, but it is simply a package of information I have readily available which may provide a little more detail and context about the application. You may already have had sight of this letter as you do refer to certain points about customers not using nearby car parks which is only referred to in this letter rather than the application. Please accept my apologies if you have already had sight of the contents of this letter.

I hope it assists in providing some further clarification around the informal dining setting that is planned and the modest takeaway element.

Sometimes I can get swept away with the use of jargon which I appreciate can be unhelpful at times.

What I mean by the informal restaurant is there will be no need to make a reservation, and you will not necessarily be greeted at the door and shown to the table. The nearest comparison on the high street I could make is that of a nados-style restaurant.

Within the letter, I use more jargon such as primary function and ancillary, again to explain this I mean to say that most of the customers will be seated dinners rather than a traditional takeaway that can come with issues such as queues, litter, and disorder.

The intention is to design out such issues by creating a layout and operating style that is lower risk (in licensing terms)

I operate mainly in the Fylde Coast area, so I do not have detailed knowledge of the area but before making the application I visited the area with a college of mine that specialises in planning. He looked at the areas defined use as per Halton Borough Council planning policies and did a count of all the businesses in the area to assess what would and would not be acceptable. The licensing application was tailored around this advice.

Any application will never entirely deal with everyone's concerns, but all one can do is research the area and establish what is suitable by way of operating systems and hours of trading.

It would be even more unhelpful for me to refer to licensing guidance some of which may assist the applicant with some of the points you raise. As a resident, you will know the area better than I do and will have a wealth of experience with some of the frustrations that occur in the area, and I can fully understand that you want to preserve your quality of life. That is your right, and you will have the opportunity to voice those concerns, I will need to offer explanations or reasons why certain things can be controlled and conversely why other matters may be beyond the control of the applicant or indeed any business that may occupy these premises.

There are a couple of other matters I am happy to concede without argument, that is the error with referring to Merseyside Police. That is my oversight for not researching the policing boundaries. On reflection, if I had simply referred to the police rather than stipulated the force, I could have avoided the confusion.

The terminology around the windows being closed is also something I wouldn't wish to contest, this again may come about due to the use of standardised phrases that are used when drafting licensing conditions, the Licensing Authority will need to be the judge as to whether the condition is clear, unambiguous, and enforceable, I would be happy to go with whatever wording is preferred.

Within the letter attached, there is also a concession around the operating hours during the week, where the applicant has agreed to reduce the terminal hour for the sale of alcohol and late-night refreshments until midnight. This remains on the table and will continue to be so.

I appreciate I haven't dealt with all your points as I do not wish to cause any agitation by referring to the general spirit of the regulations and guidance that governs this process as very often it does not offer the reassurance you may be looking for. I hope the details provided at the very least narrow the issues and allow any subsequent discussions to focus on the areas of concern that remain unresolved.

Please do not hesitate to contact me should you require any further information.

Best wishes

Mark Marshall
Director
01253 367100
07796 994786
Mail-info@mm-squared.co.uk
<https://www.mm-squared.co.uk>

