



Memo

Community and Customer Services

Memo to Licensing - representation

to Licensing Authority

cc Catherine Trollope, Environmental Health Officer, Community and Customer Services, Watford Borough Council

from

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date 30th January 2015

re Woody Express, 103 The Parade, High Street, Watford, Herts, WD17 1LU

As a Responsible Authority under the Licensing Act 2003, the Environmental Health Section has been consulted about the above application.

Environmental Health wish to make the following representation in relation to this application on the grounds of **prevention of public nuisance**;

Environmental Health do not believe that the application should be granted due to the fact that public nuisance in the form of noise and litter will be caused if the business is operated as requested in the application.

The premises is in close proximity to a number of residential dwellings, including flats above the commercial premises in which Woody Express is located; other commercial premises in the Parade and as stand alone residential properties in Albert Road South, Halsey Road and Roslyn Road. Planning permission has just been granted for 64 residential units on the opposite side of the parade to Woody Express, meaning that the potential number of people that may be affected by noise/nuisance will increase.

The above means that there is the potential for a substantial number of residents to be affected by public nuisance caused by noise from:

- within the premises itself;
- noise breakout as the door opens and closes with takeaway customers entering and exiting the property;

- takeaway customers congregating in the area, socialising whilst eating their food outside etc.
- customers walking up to the taxi ranks at the top of The Parade after purchasing/eating their food;
- customers walking away from the premises down the adjoining residential streets.

It is also likely that customers will still be in the area after the premises closes meaning that the potential for noise and public nuisance extends well beyond 4am.

Clubs and bars in The Parade close between 23:00 and 03:00 with one exception that closes at 4:00 on 2 nights of the week. The bar adjacent to Woody Express (Yates) has a latest closing time of 02:00 (Thursday, Friday and Saturday only)

Takeaway premises on The Parade with Licenses have hours between 00:00 and 02:30 Monday to Thursday and Sunday with later times of 03:00; 03:15 and 03:30 on Friday and Saturday. The premises with times of 03:00; and 03:30 are further down The Parade away from the residential dwellings.

If Woody Express is the sole takeaway premises open every night until 04:00 then, the premises has the potential to become a focus point for people to congregate resulting in a concentration of noise and public nuisance. This is of particular concern for the residents of the flats above the takeaway. The residents of these flats have complained about the negative effect of noise on them from both Yates; Ego hairdressers and the previous takeaway at 103 – 6 complaints between 2012 and 2014. These late night customers of Woody Express are also likely to walk up The Parade to the taxi rank, with the potential to disturb the residential occupiers of dwellings further up The Parade.

Bearing the above in mind, it is the opinion of Environmental Health that the potential for public nuisance from noise associated with this application could be reduced by having earlier closing times and different closing times on different nights of the week, possibly varying between 00:00 and 02:30.

On the application form the applicant has said that he will not be providing music, however, in the section 18d the applicant states that he will be ensuring that the sound system applied to the premises will be in accordance with the current regulations. If there is to be music in the premises then it is requested that if the licence is granted that the following conditions are placed on the licence:

1. No music from the premises shall be audible outside the boundary of the premises between the hours of 22:00 and when the premises closes on any day. Outside of these times the music from the premises shall not cause a noise nuisance.

2. Loudspeakers, or any other sound amplification equipment, shall not be installed externally to the premises.

In order to reduce the potential for noise nuisance to local residents from the premises it is requested that if the licence is granted that the following conditions are placed on the licence:

- 1. No rubbish, including bottles, shall be moved, removed or placed in any external area between 23:00 and 07:00 on any day.*
- 2. Deliveries to the premises shall not take place before 07:00 or after 23:00 on Monday to Saturday, and not before 08:00 or after 22:00 on Sunday.*

Although alcohol is not going to be served at the premises it is likely that takeaway customers visiting the premises (particularly the early hours of the morning) will have consumed alcohol, resulting in the potential for customers to be careless in how they dispose of litter related to the takeaways that they purchase (both in the immediate area and along any route that they walk away from the premises eating their food.) The cumulative effects of litter can cause public nuisance, although litter bins are already provided and emptied by the local council in the vicinity of the premises it is requested that if the licence is granted that the following conditions are placed on the licence:

- 1. All litter, including food debris, which is associated with the use of the premises shall be cleared from within a 15 metre radius of the shop front at the close of business every day. All such rubbish to be disposed of as trade waste.*
- 2. All customers who order food to take-away after 23:00, shall be asked if they require a bag and serviettes for their food and serviettes, and shall only be provided if required by the customer.*
- 3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly, and to dispose of their waste responsibly*
- 4. A bin shall be provided for public use within the public area of the premises.*

Please contact me if you have any queries.

Yours sincerely

Catherine Trollope
Environmental Health Officer