

<b>Report to</b>	Licensing sub committee 2 September 2019	<b>Item</b>
<b>Report of</b>	Head of citywide services Licensing Act 2003:	<b>3</b>
<b>Subject</b>	Application for the Variation of a Premises Licence – Pedro's, Chapelfield Gardens Norwich NR2 1NY	

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## **Purpose**

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the variation of a premises licence in respect of Pedro's, Chapelfield Gardens Norwich NR2 1NY, following the receipt of relevant representations.

## **Recommendation**

That Members determine the application to vary the premises licence in accordance with the:

- Licensing Act 2003;
- Guidance issued under Section 182 of the Licensing Act 2003; and
- Norwich City Council Statement of Licensing Policy.

## **Corporate priorities**

The report helps to meet the corporate priority of inclusive economy.

## **Financial implications**

None.

**Ward/s:** Mancroft

**Cabinet member:** Councillor Maguire – Safe and Sustainable City Environment

## **Contact officers**

Maxine Fuller, Licensing Assistant

01603 212761

## **Background documents**

None

# **Report**

## **The application**

1. The applicant is Pedro's Restaurant Ltd, Oasis Sport & Leisure Centre, Pound Lane, Norwich NR7 0UB.
2. In summary the application seeks to:
  - Remove condition 9 Annex 1 – to permit the supply of alcohol for consumption without food.
  - Update the plan
  - Impose 3 new conditions on the licence

## **Operating Schedule**

3. A copy of the existing licence and operating schedule is attached at appendix A to the report.
4. A copy of the application form is attached at appendix B to the report.

## **Relevant representations**

5. The responses from the Responsible Authorities are as follows:

Police – representation received

Environmental Protection – no representations.

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

6. Representation objecting to the application has been received from Norwich City Council Parks & Open Spaces and from NPS Norwich Ltd. Copies of the representations and responses from the agent on behalf of the applicant are attached at appendix C to the report.
7. Attached at appendix D is an amended plan submitted by the solicitors.

## **Norwich City Council Statement of Licensing Policy**

8. Attached at appendix E are the elements of the city council's local licensing policy, which are considered to have a bearing upon the application.

## **National Guidance (issued under section 182 of the Licensing Act 2003)**

9. Attached at appendix F are the elements of the national guidance issued by the Secretary of State that are considered to have a bearing upon the application.

## Summary

10. In determining the application with a view to promoting the licensing objectives the sub-committee must give appropriate weight to:
  - the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm);
  - the representations (including supporting information) presented by all the parties;
  - the guidance issued under Section 182 of the Licensing Act 2003 (national guidance); and
  - the council's own statement of licensing policy.
11. The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
  - Grant the application as asked;
  - Modify the conditions of the licence by altering or omitting or adding to them;
  - Reject the whole or part of the application
12. The sub-committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.
13. The representations received appear to relate to issues that fall under the licensing objectives. The sub-committee is directed to paragraphs 20 and 24 of the local licensing policy at appendix E which contain examples of factors that impact on the licensing objectives that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.
14. The sub-committee is also reminded of the contents of appendices 2, 3, 4 and 5 of the local licensing policy (not re-produced in this report) which contain pools of model conditions relating to the four licensing objectives.



**Premises Licence Summary**

**Premises Licence Number**

**15/00075/PREMTR**

**Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Pedro's  
Chapel Field Gardens  
Chapel Field  
Norwich  
Norfolk  
NR2 1NY

**Telephone number**

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence.**

Late Night Refreshment - Activity takes place indoors  
Sale by Retail of Alcohol  
Recorded Music - Activity takes place indoors

Private Entertainment as defined under section 2 of the Private Places of Entertainment (Licensing) Act 1967

**The times the licence authorises the carrying out of licensable activities**

Late Night Refreshment                      Monday to Saturday                      23:00 - 00:30

Late Night Refreshment                      New Years Eve                      23:00 - 05:00

Late Night Refreshment                      Sundays, Good Friday and Christmas Day 23:00 - 00:00

Sale by Retail of Alcohol                      Friday                      10:30 - 00:00

Sale by Retail of Alcohol from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

Sale by Retail of Alcohol                      Monday to Friday                      10:00 - 00:00

Sale by Retail of Alcohol from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

Sale by Retail of Alcohol                      Sundays, Good Friday and Christmas Day 12:00 - 23:30

Sale by Retail of Alcohol from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

Recorded Music                      Every Day

**The opening hours of the premises**

Monday	11:00 - 00:30
Tuesday	11:00 - 00:30
Wednesday	11:00 - 00:30
Thursday	11:00 - 00:30
Friday	11:00 - 00:30
Saturday	11:00 - 00:30
Sunday	12:00 - 00:00

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption on the Premise

**Name, (registered) address of holder of premises licence**

Pedro's Restaurant Limited  
Oasis Sport And Leisure Centre  
Pound Lane  
Norwich  
NR7 0UB

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Business Number      9289256

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Matthew Lewis Ward

**State whether access to the premises by children is restricted or prohibited**



**Premises Licence**

**Premises Licence Number**

**15/00075/PREMTR**

**Part 1 – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Pedro's  
Chapel Field Gardens  
Chapel Field  
Norwich  
Norfolk  
NR2 1NY

**Telephone number**

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence.**

Late Night Refreshment - Activity takes place indoors  
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Sale by Retail of Alcohol                      Friday                      10:30 - 00:00

Sale by Retail of Alcohol from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

Sale by Retail of Alcohol                      Monday to Friday                      10:00 - 00:00

Sale by Retail of Alcohol from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

Sale by Retail of Alcohol

Sundays, Good Friday and Christmas Day 12:00 - 23:30

Sale by Retail of Alcohol from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

Recorded Music

Every Day

**The opening hours of the premises**

Monday	11:00 - 00:30
Tuesday	11:00 - 00:30
Wednesday	11:00 - 00:30
Thursday	11:00 - 00:30
Friday	11:00 - 00:30
Saturday	11:00 - 00:30
Sunday	12:00 - 00:00

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption on the Premise

**State whether access to the premises by children is restricted or prohibited**

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Pedro's Restaurant Limited  
Oasis Sport And Leisure Centre  
Pound Lane  
Norwich  
NR7 0UB

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Business Number                      9289256

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Matthew Lewis Ward

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Party Reference:

Licensing Authority:



## Annex 1 – Mandatory conditions

1 No supply of alcohol may be made under a premises licence -

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

6 (with effect from 1 October 2010)

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

7 (with effect from 1 October 2010)

The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) beer or cider: half pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

8 The Licensing Act 2003 (Mandatory Licensing Conditions)  
Order 2014

Mandatory Licensing Condition

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1?

- a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
- b) "permitted price" is the price found by applying the formula?

$$P = D + (D \times V)$$

where:

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

(a) 1979 c. 4. Section 1 was amended by regulation 2 of the Excise Duty (Amendment of the Alcoholic Liquor Duties Act 1979 and the Hydrocarbon Oil Duties Act 1979) Regulations 1992 (S.I. 1992/3158), section 162 of and Part I of Schedule 29 to the Finance Act 1995 (c. 4), section 7 of and paragraph 2(a) of Schedule 2 to the Finance Act 1991 (c. 31), section 3 of the Finance Act 1993 (c. 34), section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14), section 1 of the Finance Act 1995, section 1 of and Part 2 of Schedule 1 to the Finance Act 1988 (c. 39), section 5 of the Finance Act 1997 (c. 16) and article 2 of the Alcoholic Liquor Duties (Definition of Cider) Order 2010 (S.I. 2010/1914). Section 2 was amended by article 6 of the Alcoholic Liquors (Amendment of Enactments Relating to Strength and to Units of Measurement) Order 1979 (S.I. 1979/241), regulation 2 of S.I. 1992/3158, section 11 of and Part 2 of Schedule 8 to the Finance Act 1981 (c. 35), section 7 of and paragraph 3 of Schedule 2 to the Finance Act 1991 and section 5 of the Finance Act 1997. Section 3 was amended by article 7 of S.I. 1979/241. Section 4 was amended by article 8 of S.I. 1979/241, section 15 of and paragraphs 2 and 3 of Schedule 1 to the Finance Act 2011 (c. 11) and section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14). Section 5 was amended by

section 1 of the Finance Act 1982 (c. 39) and section 180 of the Finance Act 2013. Section 36 was amended by section 7 of the Finance Act 1991, section 4 of and paragraph 1 of Schedule 1 to the Finance Act 2002 (c. 23), sections 14 and 15 of and paragraphs 2 and 4 of Schedule 1 to the Finance Act 2011, section 180 of the Finance Act 2013 and section 1 of and paragraph 9 of Schedule 1 to the Finance (No. 2) Act 1992 (c. 48). Section 37 was amended by section 15 of and paragraph 1 of Schedule 1 to the Finance Act 2011 and section 180 of the Finance Act 2013. Section 54 was amended by section 1 of and paragraph 12 of Schedule 1 to the Finance (No. 2) Act 1992 and section 5 of the Finance Act 1985 (c. 54). Section 55 was amended by section 1 of the Finance Act 1984 (c. 43) and section 1 of and paragraph 13 of Schedule 1 to the Finance (No. 2) Act 1992. Section 62 was amended by section 3 of the Finance Act 1996 (c. 8), section 10 of the Finance (No. 2) Act 1997 (c. 58), section 180 of the Finance Act 2013, section 4 of the Finance Act 1998 (c. 36) and section 3 of the Finance Act 1997. There are other amendments which are not relevant to this Order.

(b) 1994 c. 23. Section 2 was amended by section 3 of the Finance (No. 2) Act 2010 (c. 31). Section 7 was amended by section 76 of and Part 1 of Schedule 36 to the Finance Act 2009 (c. 10) and section 203 of and paragraphs 2 and 3 of Schedule 28 to the Finance Act 2012 (c. 14). Section 24 was amended by section 19 of and paragraph 1 of Schedule 8 to the Finance (No. 3) Act 2010 (c. 33). There are other amendments which are not relevant to this Order.

- 9 Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking  
10 meals there and for consumption by such a person as an ancillary to his meal.  
11 Suitable beverages other than intoxicating liquor shall be equally available for consumption with or  
otherwise as an ancillary to meals in the premises.  
Where previous licence is restaurant or residential licence

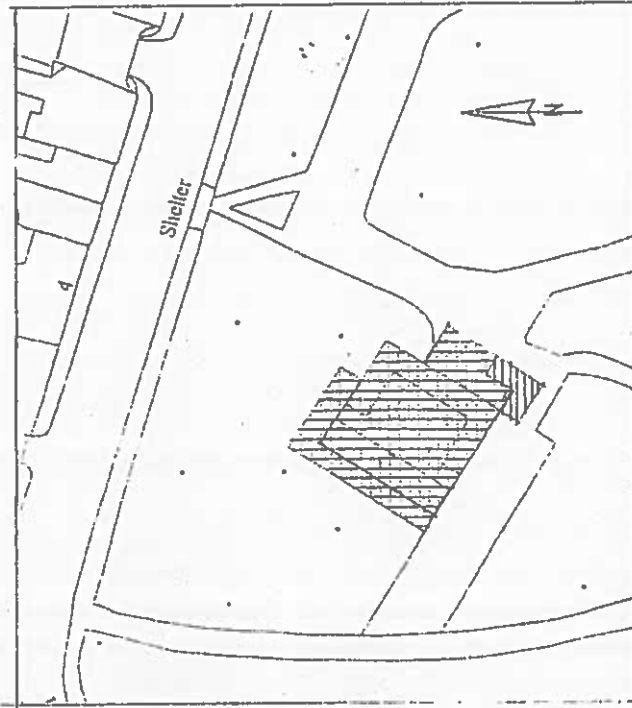
Alcohol may be sold or supplied:

- 1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve.
- 2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday.
- 3) On Christmas Day.
- 4) On New Year's Eve, except on a Sunday.
- 5) On New Year's Eve on a Sunday.
- 6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

**Annex 2 – Conditions consistent with the Operating Schedule**

### Annex 3 – Conditions attached after a hearing by the licensing authority

29



## SITE LOCATION PLAN

SCALE 1:500

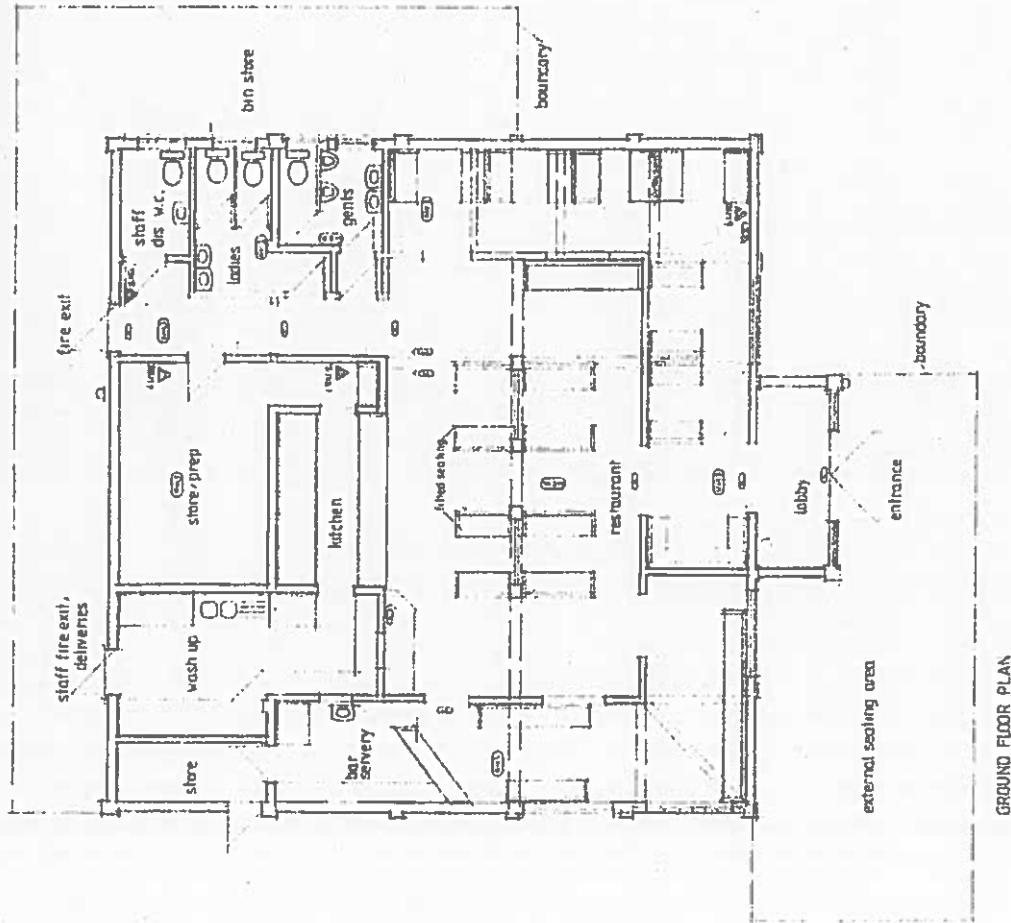
### LEGEND

- FIRE RESISTING CONSTRUCTION  
 (NH) EMERGENCY LIGHTING LUMINAIRE  
 (2) AUTOMATIC FIRE DETECTION - SMOKE  
 (B) FIRE DOOR KEEP LOCKED NOTICE  
 (B) FIRE ALARM SOUNDER BELL  
 (V) CARBON DIOXIDE EXTINGUISHER (2kg)  
 (E) EXIT NOTICE (100mm)  
 (B) FIRE ALARM CONTROL PANEL  
 (D) HOSE REEL (30m)  
 (V) WATER EXTINGUISHER (9l)  
 (E) DIRECTIONAL ARROW NOTICE (100mm)  
 (I) VISUAL WARNING DEVICE

- MANUAL FIRE ALARM CALL POINT
- FIRE DRILL ACTION NOTICE
- FIRE BLANKET (1x1)
- FIRE ESCAPE KEEP CLEAR NOTICE
- DRY POWDER EXTINGUISHER (4.5kg)
- VISION PANEL
- KEY IN GLASS FRONTED BOX
- VERTICAL METAL LADDER
- SMOKE STOPPING
- SELF-CLOSING DEVICE
- SECURITY LOCK
- SECURITY DOOR

$$= \text{Area of Consumer.}$$

∴ Area of Sides and Consumption.



GROUND FLOOR PLAN

PEDROS RESTAURANT    Chapelfield Gardens    NORWICH

[illegible]



# NORWICH City Council

Norwich

Application to vary a premises licence

Licensing Act 2003

For help contact

licensingapplications@norwich.gov.uk

Telephone: 0344 980 3333

\* required information

## Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Andre

\* Family name

Serruys

\* E-mail

Main telephone number

Include country code.

Other telephone number

☒ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is the applicant's business registered in the UK with Companies House?

☒ Yes

☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

09289256

Business name

Pedro's Restaurant Limited

If the applicant's business is registered, use its registered name.

VAT number

GB

199414369

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Director

Home country

United Kingdom

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

SPC House, Atlas Works

Street

Norwich Road

District

Lenwade

City or town

Norwich

County or administrative area

Norfolk

Postcode

NR9 5SN

Country

United Kingdom

**Agent Details**

\* First name

Jamie

\* Family name

Childs

\* E-mail

Main telephone number

(

Other telephone number

(

Include country code.

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ An agent that is a business or organisation, including a sole trader

☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

Is your business registered in the UK with Companies House?

☒ Yes

☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

OC322781

Business name

Howes Percival LLP

If your business is registered, use its registered name.

VAT number

-

119 5235 73

Put "none" if you are not registered for VAT.

Legal status

Limited Liability Partnership





Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

## Section 2 of 18

### APPLICATION DETAILS

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

### Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

### Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable  
value of premises (£)

21,250

### Section 3 of 18

#### VARIATION

Do you want the proposed  
variation to have effect as  
soon as possible?

☒ Yes

☐ No

Do you want the proposed variation to have effect in relation to the  
introduction of the late night levy?

☐ Yes

☒ No

You do not have to pay a fee if the only  
purpose of the variation for which you are  
applying is to avoid becoming liable to the  
late night levy.

If your proposed variation  
would mean that 5,000 or  
more people are expected to  
attend the premises at any  
one time, state the number  
expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Bar and restaurant located in Chapelfield Gardens and including outside area for the consumption of alcohol only (edged and hatched red on the premises licence plan).

### Section 4 of 18

#### PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to  
vary is successful?

☐ Yes

☒ No

### Section 5 of 18

#### PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to  
vary is successful?

☐ Yes

☒ No

### Section 6 of 18

#### PROVISION OF INDOOR SPORTING EVENTS



Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 7 of 18

### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 8 of 18

### PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 9 of 18

### PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 10 of 18

### PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 11 of 18

### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 12 of 18

### PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes

☒ No

### Section 13 of 18

#### SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes

☒ No

### Section 14 of 18

#### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

### Section 15 of 18

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

##### MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End



Continued from previous page...

## SATURDAY

Start

End

Start

End

## SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Condition 9 to permit the supply of alcohol for consumption without food on the premises (and for consumption only within the outside area) until 30 minutes before the premises closes on any day.

The premises licence plan shall be updated.

Impose the following conditions to control the use of the premises:

- a. The on sale of alcohol by retail at the premises shall cease at least 30 minutes before the premises closes.
- b. No patrons will be allowed to leave the premises (to include the outside area shown on the plan edged and hatched red when in use) while in possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.
- c. The premises licence holder shall ensure that any empty glass bottles and glass drinking vessels present within the outside area shown edged and hatched red on the plan attached to this licence are collected promptly.

Hard copy of premises licence to follow by post.

- ☒ I have enclosed the premises licence
- ☐ I have enclosed the relevant part of the premises licence

*Continued from previous page...*

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

## Section 16 of 18

### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The area in which alcohol is to be supplied and the operating hours of the premises will not change as a result of this proposed variation.

This premises was previously operated as Pedro's for over 25 years. To the knowledge of the premises licence holder there were no concerns regarding the carrying on of licensable activities at the premises during this time. The premises licence holder is a responsible licensee who has a proven track record of adhering to its premises licence. The owners of the premises have not changed and will continue to operate the premises responsibly and promote the licensing objectives.

In recent times the restaurant industry has been forced to adapt and this application is designed to allow the premises to resume trading.

The applicant intends to continue to also serve food at the premises and the intention of this variation is to allow those who do not want to purchase food (including those attending with those who do want to purchase food) to be served alcoholic drinks.

The outside area which the premises intends to use to serve alcohol without the associated consumption of food (along with continued serving of food to customers) was already clearly defined by barriers which were placed around this area during the opening hours of the premises each day and this is intended to continue. The outside area also includes tables and chairs which are used in connection with the operation of the Pedro's restaurant operation and these tables and chairs will remain (when this external area is in use).

The premises currently only operates the external area marked on the plan on a six month licence which commences on 1 May each year and outside of this period the premises would not intend to utilise this external area.

In connection with the outside area the premises shall ensure that one member of staff has responsibility to monitor the outside area during all times that alcohol is being served without the associated consumption of food to ensure that patrons do not leave the premises whilst in possession of any drinking vessel or open glass bottle whether empty or containing any beverage and ensure this area is kept tidy and presentable.

The premises shall ensure that there are sufficient members of staff on the premises to monitor the behaviour of customers whilst inside or outside the building.

The premises will operate an age verification policy on which all staff who serve alcohol as part of their role shall be trained (as was the case when the premises operated as Pedro's. All instances where the age of a customer is verified by the production of identification document is recorded and logged at the premises and can be produced to the licensing authority on demand.

The premises licence holder is content for the varied licence to include the following conditions on any varied licence which is granted which are relevant to the promotion of the four licensing objectives:

- The sale of alcohol by retail at the premises shall cease at least 30 minutes before the premises closes.



*Continued from previous page...*

- No patrons will be allowed to leave the premises (to include the outside area shown edged and hatched red on the plan when in use) while in possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.
- The premises licence holder shall ensure that any empty glass bottles and glass drinking vessels present within the outside area shown edged and hatched red on the plan attached to this licence are collected promptly.

## b) The prevention of crime and disorder

The premises currently operates an age verification policy on which all staff who serve alcohol as part of their role are trained and this shall continue.

As set out above, in connection with the outside area the premises shall ensure that one member of staff is required to monitor the external area during all times that alcohol is being served without the associated consumption of food to ensure that patrons do not leave the premises whilst in possession of any drinking vessel or open glass bottle whether empty or containing any beverage. The premises already currently ensure that glasses, crockery and cutlery are collected on a regular basis and this shall continue.

## c) Public safety

The premises is being renovated in preparation for it to reopen and as a result will include a fire protection system which is compliant with the appropriate building regulations. A fire risk assessment will be completed by a competent third party provider before the premises opens and any recommendations will be actioned.

All gas and electrical appliances on the premises will have current safety certificates.

A log will be maintained of all incidents/accidents which may occur on the premises.

As set out above, the premises will ensure that glasses, crockery and cutlery are collected on a regular basis.

The premises are located in an area well suited to access by pedestrians and are in close proximity to public transport.

## d) The prevention of public nuisance

The premises takes its responsibilities to residents in the local area seriously. The premises intends to continue to operate within its existing operating hours which it has been operating in without concerns for a number of years.

However, the premises intends to place clear and legible signs at the exit from the premise encouraging patrons to be quiet as they leave the area.

As set out above, the premises already currently ensure that glasses, crockery and cutlery are collected on a regular basis and this shall continue.

It is proposed to cease serving alcohol to customers without food 30 minutes before the premises will close to encourage patrons to leave of their own volition and disperse gradually.

## e) The protection of children from harm

The premises are and will continue to be a family friendly venue which operates a well-established age verification protocol on which all staff responsible for serving alcohol shall be trained.

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**



*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- **Plays:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
  - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
  - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
  - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.





Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 18 of 18

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

190.00

### ATTACHMENTS

### AUTHORITY POSTAL ADDRESS

Continued from previous page...

**Address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

**DECLARATION**

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

[Add another signatory](#)

Once you're finished you need to do the following:

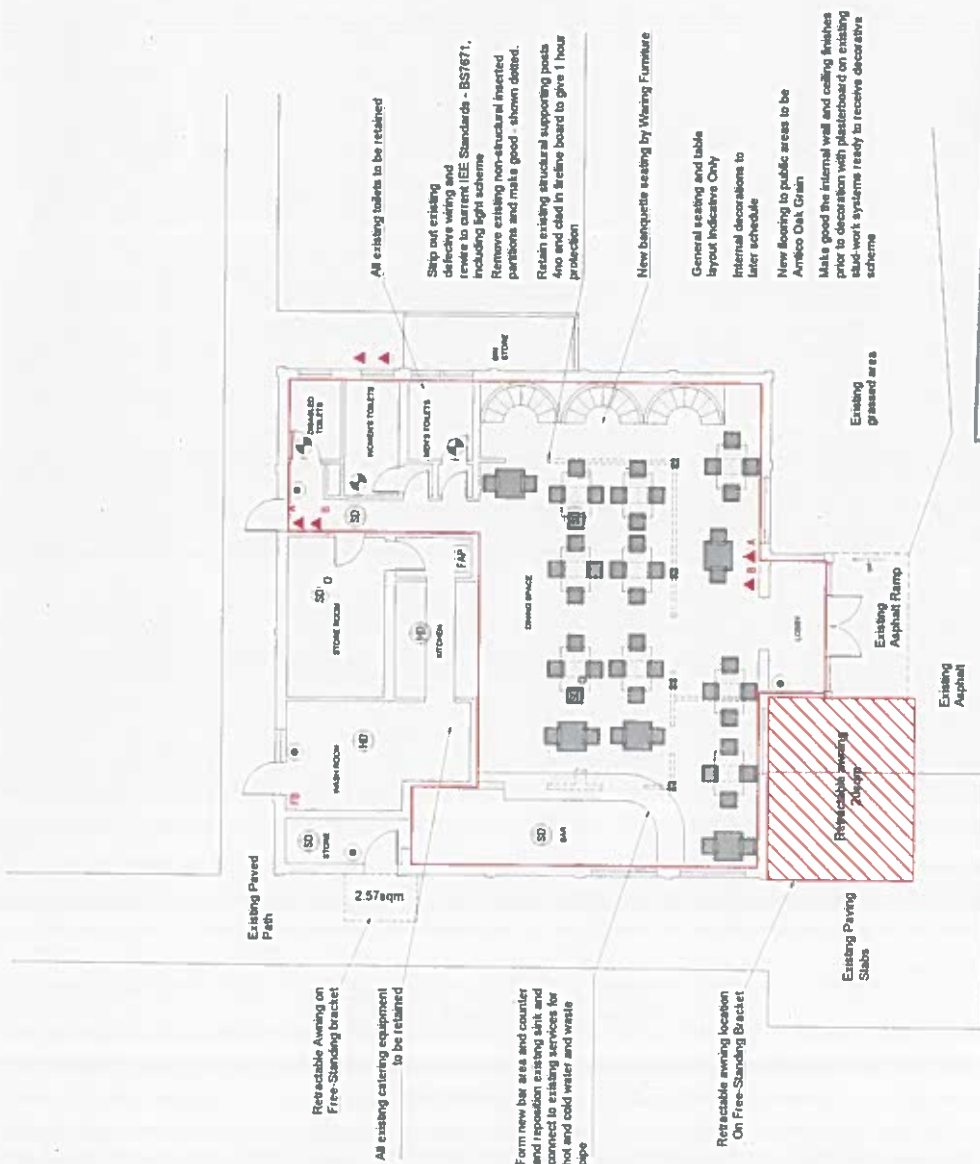
1. Save this form to your computer by clicking file/save as...
  2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/norwich/change-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**



**FIRE PROTECTION**

EF-3g	B	1	BREXGLASS CALL POINT
EF-3g	1	1	KEY OPERATED MANUAL CALL POINT
EF-3g	1	1	BREX GLASS CALL POINT FOR SMOKE VEAT
EF-3g	1	1	FIRE TELEPHONE CALL POINT
EF-4d	1	1	SMOKE DETECTOR - 1 DETECTOR IOMINATION, 1 DETECTOR OPTICAL
EF-4d	1	1	SMOKE DETECTOR WITH SOUNDER BASE
EF-4d	1	1	SMOKE DETECTOR WITH VOO
EF-4d	1	1	SMOKE DETECTOR FOR SMOKE VEAT
EF-4d	1	1	SMOKE DETECTOR WITH BEACON & SOUNDER
EF-4d	1	1	DUST SMOKE DETECTOR
EF-4d	1	1	SMOKE DETECTOR FOR SMOKE CLEARANCE
EF-4d	1	1	SYSTEM DETECTOR FIXED CLEARANCE - 1 DETECTOR WITH SOUNDER BASE
EF-4d	1	1	SMOKE DETECTOR WITH SOUNDER BASE
EF-4d	1	1	HEAT DETECTOR WITH SOUNDER BASE
EF-4d	1	1	HEAT DETECTOR WITH SOUNDER BASE & BEACON
EF-4d	1	1	COMBINED SMOKE AND HEAT DETECTOR
EF-4d	1	1	BEAM SMOKE DETECTOR (TRANSMITTER)
EF-4d	1	1	BEAM SMOKE DETECTOR (RECEIVER)
EF-4d	1	1	FLAME DETECTOR
EF-4d	1	1	MAGNETIC DOOR HOLD (FIRE ALARM OPERATED)
EF-4d	1	1	FIRE ALARM BELL
EF-4d	1	1	CEILING / WALL MOUNTED SPEAKER
EF-4d	1	1	B-SPERATOR SPEAKER
EF-4d	1	1	FIRE ALARM ELECTRONIC SOUNDER
EF-4d	1	1	INTERFACIAL MODULE - 1w 2 CONTACTS
EF-4d	1	1	CUTTING MODULE INPUT TYPE 0 DETECTORS
EF-4d	1	1	RELAYS INDICATOR
EF-4d	1	1	LED SMOKE FLASHING BEACON (CEILING MOUNTED)
EF-4d	1	1	LED SMOKE FLASHING BEACON (WALL MOUNTED)
EF-4d	1	1	LED SMOKE FLASHING BEACON WITH SOUNDER (CEILING MOUNTED)
EF-4d	1	1	LED SMOKE FLASHING BEACON WITH SOUNDER (WALL MOUNTED)
EF-4d	1	1	FIRE ALARM PANEL
EF-4d	1	1	FIRE ALARM REPEATER PANEL
EF-4d	1	1	FIRE ALARM MUSIC PANEL
EF-4d	1	1	SYSTEM STATUS INDICATOR PANEL
EF-4d	1	1	SHORT CIRCUIT INDICATOR
EF-4d	1	1	PUBLIC ADDRESS SYSTEM
EF-4d	1	1	2ND OR PORTABLE EXTINGUISHER
EF-4d	1	1	6. AFF PORTABLE EXTINGUISHER
EF-4d	1	1	FIRE BLANKET



RECEIVED

9 JUL 2019

LICENSING OFFICE

All dimensions to be verified on site by Main Contractor before the start of any shop drawings or work whatsoever either on their own behalf or that of sub-contractors. Report any discrepancies to the Contract Administrator at once. This drawing is to be read with all relevant Architect's and Engineer's drawings and other relevant information.

© Richard Pike Associates

Notes:

(p) 06 BT 167	Free Issues		AP	MP
Flow:	Date:	Classification:		



Richard Pike Associates

Building, Design &amp; Planning Specialists



Jonathan Scott Hall  
Thorne Road  
Norwich  
Norfolk  
NR1 1LH  
Tel: 01603 611323  
e: info@scottshalls.co.uk

**Pedro's Restaurant Ltd**  
Chapelfield Gardens  
Norwich, NR2 1NY

Investment Time

**Floor Plan - Premises Licence**

—

Sumuys Property Company Ltd

1

1:100 @A2

Agent Number	Contract Number	Business
1	1	Business

8058 - 1201

## Information



**NORFOLK**  
CONSTABULARY  
*Our Priority is You*

Licensing Team  
Norwich City Council  
St Peters Street  
Norwich  
NR2 1NN

Date: 5th August 2019

Dear Sir/Madam

The Licensing Team

Bethel Street Police Station  
Norwich  
Norfolk  
NR2 1NN

Tel: 01603 276020

Fax: 01603 276025

Email: [licensingteam@norfolk.pnn.police.uk](mailto:licensingteam@norfolk.pnn.police.uk)

[www.norfolk.police.uk](http://www.norfolk.police.uk)

Non-Emergency Tel: 0845 456 4567

**Pedro's Restaurant, Chapel field Gardens Norwich**

Police have received a copy of the application to vary the current licence for Pedro's, Chapel field Gardens Norwich.

This application is to remove the current condition on the licence which only permits alcohol sales with food, to update the plan and to include use of an outside seating area.

The operating schedule within the application offers conditions to assist with managing the outside area which include having one dedicated member of staff to monitor the outside area to prevent patrons from taking open vessels off the premises, for the outside area to be defined with barriers and for prompt glass collections.

The original plan within the application showed a red line around the whole building including the outside area which could suggest that the whole site is licensed for the sale of alcohol. This raises concerns due to the potential for a mobile bar to be in operation outside and would then permit music under the Live Music Act.

I have met with the agent of the applicant, Mr Jamie Childs and he has confirmed that there is no intention for the sale of alcohol to take place within the outside seating area and that this request is for consumption only. Mr Childs advised that he would contact the council to confirm this in writing and ensure that the plan would reflect this.

**With confirmation that the outside area of the premises is not to be licensed for the sale of alcohol, there are no Police objections**

Yours faithfully,

Michelle Bartram  
Licensing Officer

**Gregg, Kyle**

---

**From:** noreply\_xforms@norwich.gov.uk  
**Sent:** 25 July 2019 16:08  
**To:** LICENSING  
**Subject:** Licensing - Representation Form

**EXTERNAL EMAIL - Do not click on links or open attachments if you do not recognise the sender's email address.**

## Norwich City Council

### Licensing Authority

### Licensing Act 2003

#### Statement of support or objection to an application for a premises licence

<b>Your name/organisation name/name of body you represent</b>	Mike Parker, Parks and open spaces officer, Norwich City Council
<b>Postal address</b>	City Hall, St Peters Street, Norwich, NR2 1NH
<b>Email address</b>	
<b>Contact telephone number</b>	
<b>Address of the premises you wish to support or object to</b>	Pedro's, Chapelfield Gardens, NORWICH

#### Your support or objection must relate to one of the four licensing objectives

<b>Licensing objective</b>	<b>Please set out your support or objections below</b>
<b>To prevent crime and disorder</b>	<b>Objection</b> It is proposed it the license that off sales will be permitted. Chapelfield Gardens sits inside the city centre alcohol exclusion zone and allowing alcohol to be sold on the premises is <del>not</del> suitable. Chapelfield Gardens has a history of alcohol related crime and disorder and allowing off-sales will only add to this.
<b>Public safety</b>	<b>Objection</b> Many large scale events are operated from Chapelfield Gardens and when these contain the sale of alcohol this is strictly regulated to ensure the safety of the event. Having a dedicated area 'for the consumption of alcohol only' in an area that is not regulated by the event management could cause public safety issues during the event. The allowance of off sales will also make security of large scale events difficult as event management and security cannot effectively police this area as it is not under their direct control.

<b>To prevent public nuisance</b>	<p><b>Objection</b></p> <p>An outside area that is provided 'for the consumption of alcohol only' as well as 'off sales' has the potential to cause nuisance to other park users. Although many people drink responsibly a dedicated drinking area adjacent to a play area as well as a local place to purchase alcohol to drink in the park has, in my view, strong potential to increase anti-social behavior in the park and disrupt the enjoyment of the park for other users.</p>		
<b>To protect children from harm</b>	<p><b>Objection</b></p> <p>The outdoor space is directly adjacent to a children's play area and having this as a space that is 'for the consumption of alcohol only' is not appropriate. Children in their early years need to develop a healthy association with alcohol and having a space directly next to their play area that's sole purpose is for the consumption of alcohol will not assist in this development. The potential side effects of this area with smoking, loud and potentially foul language will not make the children's play area a pleasant place to visit.</p> <p>The new restaurant is being sold as a family friendly restaurant; however the corporate branding, the serving of cocktails and the dedicated outdoor drinking area would appear contradictory to this.</p>		
<b>Please suggest any conditions which would alleviate your concerns</b>	<p>Premises to continue to serve alcohol with food only.</p>		
<b>Full name:</b>	Mike Parker	<b>Date:</b>	25/07/2019



**Fuller, Maxine**

---

**From:** Bell, Sarah <[REDACTED]>  
**Sent:** 25 July 2019 15:54  
**To:** LICENSING  
**Cc:** Parker, Michael; Parkinson, Suzanne; Watt, Andy; Shearman, Anthony  
**Subject:** Comments from NPS Norwich Ltd on App to Vary Premises Licence, Pedro's - Chapel Field Gardens

**EXTERNAL EMAIL - Do not click on links or open attachments if you do not recognise the sender's email address.**

Dear Licencing,

My comments on this Application, in relation to the four licensing objectives, are as follows:

**To Prevent Crime and Disorder**

I believe that permitting alcohol to be consumed without food could lead to customers becoming intoxicated in a public park, particularly outside the building, which is next to a Children's Play Area. This could increase crime and disorder in the park.

**Public Safety**

The proposals allow customers to buy unopened bottles and cans of alcoholic drink. Any glass bottles discarded in the park are a danger to public safety, as is anybody becoming intoxicated in the park, especially when public events are running in the park and the park is crowded.

**To Prevent Public Nuisance**

I am concerned that the proposals would allow customers to buy unopened bottles and cans of alcoholic drink and these could be drunk in the park which could cause a nuisance to other park users.

**To Protect Children from Harm**

I am concerned that children using the playground immediately adjacent to the Restaurant and with a gate opening near to the Restaurant's front door means that in the event of any disturbance or incident at the Restaurant, there are likely to be children nearby, and they would be in danger of harm from said disturbance / incident

Finally, as a general comment, it is noted that part of the proposed area for a retractable awning at the front of the premises overhangs land which the Applicant has no right to occupy.

Kind Regards  
Sarah.

Sarah Bell BSc (Hons)  
Senior Estates Surveyor

NPS Norwich LTD

Email: [REDACTED]

N.B. all correspondence relating to any transaction is subject to formal contract

**Sarah Bell** Estates Surveyor

**NPS Norwich**



Townshend House 30 Crown Road Norwich NR1 3DT | Part of [NPS Group](#)

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Sarah Bell  
Senior Estates Surveyor  
NPS Norwich Ltd  
Townshend House  
30 Crown Road  
Norwich NR1 3DT

**By e-mail only to Sarah.Bell@nps.co.uk**

Our Ref : JZC/225832.1  
Your Ref :  
Date : 13 August 2019

Dear Madam

**Premises licence variation: Pedro's, Chapelfield Gardens**

We act for Pedro's Restaurants Limited ("**Pedro's**") in relation to the above matter.

**Background**

- 1 As you are aware, we have made an application to vary the premises licence (15/00075/PREMTR) ("**Current Licence**") for Pedro's Chapelfield Gardens ("**the Premises**") ("**Variation Application**"). A copy of the Current Licence is enclosed for ease of reference.
- 2 The Variation Application sought to vary condition 9 on the Current Licence to permit the supply of alcohol for consumption without food on the premises (and for consumption only within the outside area until 30 minutes before the premises closes on any day).
- 3 During the consultation period on the Variation Application a revised plan was submitted to the licensing authority in response to comments from the Police and Environmental Health which updated the colouring for the outside area to blue instead of red. A copy of this plan is enclosed for ease of reference. It should be noted that the Current Licence makes it clear that an outside area was to be used for the consumption of alcohol and in this way the Variation Application does not introduce the use of this area as a new concept.
- 4 The Variation Application also volunteered a number of new licensing conditions to regulate the operation of the Premises. These volunteered conditions were as follows (updated to reflect the revised plan submitted):
  - 4.1 The on sale of alcohol by retail at the premises shall cease at least 30 minutes before the premises closes.
  - 4.2 No patrons will be allowed to leave the premises (to include the outside area as shown on the plan edged and hatched blue when in use) while in possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.

CAMBRIDGE · LEICESTER · MANCHESTER  
MILTON KEYNES · NORTHAMPTON · NORWICH

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4.3 The premises licence holder shall ensure that any empty glass bottles and glass drinking vessels present within the outside area shown edged and hatched blue on the plan attached to this licence are collected promptly.

5 We were made aware of your representation to the Variation Application on 7 August 2019.

Our response to your concerns.

6 We have reviewed your representation to the Variation Application and respond to what we consider are each of your concerns below.

6.1 Permitting alcohol to be consumed without food could lead to customers becoming intoxicated in a public park, particularly outside the Premises, which is next to a children's play area.

6.1.1 As we have confirmed separately to the Police and the Environmental Health Officer, the venue will remain predominantly as a restaurant but allow bar sales of alcohol without food. Our client has confirmed to us that the Premises will be marketed for all.

6.1.2 Those who will operate the Premises take their responsibility to promote the licensing objective to prevent crime and disorder seriously. Customers becoming intoxicated in a manner which threatens the promotion of this objective will not be tolerated.

6.1.3 In addition, this is also something which our client would not want to encourage at the Premises given that this will be a venue marketed for all and such behaviour could have a negative impact on the reputation of the Premises.

6.1.4 The kitchen at the Premises will be open at all times the Premises is open (and serving alcohol) and substantial table meals shall be available to order at all times the Premises is open (and serving alcohol).

6.1.5 The restaurant and outside area are relatively small and are of a size which will be easily controlled and monitored by members of staff at the Premises.

6.1.6 As was made clear in the Variation Application, one member of staff at the Premises will have responsibility to monitor the outside area at all times and sufficient members of staff will be on the Premises to monitor the behaviour of customers whether inside or outside the Premises.

6.1.7 In addition, it is our client's intention to install CCTV at the Premises as part of its operation. As you will appreciate, it is likely that such CCTV would help to discourage any crime and disorder in the vicinity of the Premises, whether related to alcohol or otherwise.

6.1.8 This outside area will also include tables and chairs to limit the number of people who may safely use this area and to facilitate an appropriate use of this area. The area will remain subject to our client's management when in use.

- 6.2 The proposals allow customers to buy unopened bottles and cans of alcoholic drink.
- 6.2.1 There is no intention for any unopened bottles and cans of alcoholic drink to be sold from the Premises. In the event that you consider that further licensing conditions are required in order to make this clear over and above those already volunteered we would be happy to discuss these.
- 6.2.2 It is very clear that this possible effect of the Variation Application was understood and appreciated by our client before its submission as this resulted in the second of the volunteered conditions set out above. This imposes a restriction on any patrons being allowed to leave the Premises – including the outside area – while in possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.
- 6.3 Any glass bottles discarded in the park are a danger to public safety, as is anybody becoming intoxicated in the park, especially when public events are running in the park and the park is crowded.
- 6.3.1 Conditions were volunteered as part of the Variation Application to restrict patrons from leaving the Premises with any drinking vessel (or open glass bottle) whether empty or containing any beverage and to ensure that such items present within the small outside area are collected promptly.
- 6.3.2 We are content to discuss any comments you have on these proposed conditions or additional conditions that you may consider necessary.
- 6.3.3 It should also be the responsibility of those operating other events in Chapelfield Gardens to ensure that suitable security and safety arrangements are in place for those events which increase the footfall to Chapelfield Gardens.
- 6.4 In the event of a disturbance or incident at the Premises children using the playground immediately adjacent to the restaurant could be in danger as a result given the gate opening near to the restaurant's front door.
- 6.4.1 The Premises has been operated without such a disturbance or incident for many years and there is no reason why the option for alcohol sales to be made without associated meals would change this.
- 6.4.2 As explained above not only does our client takes their responsibility to promote the licensing objective to prevent crime and disorder seriously and encouraging or in any way facilitating this type of behaviour is not something our client has any interest in particularly given this is a venue proposed to be marketed for all.
- 6.4.3 The Premises (including the outside area) is of a size which means it can be monitored effectively. As set out above, one member of staff at the Premises will have responsibility to monitor the outside area at all times and sufficient members of staff will be on the Premises to monitor the behaviour of customers whether inside or outside the Premises.
- 6.4.4 The outside area will include tables and chairs (which may be removed when the area is not in use) to limit the number of people who may safely use this

area and to facilitate an appropriate use of this area. The area will remain subject to our client's management when in use.

6.4.5 As set out above the installation of CCTV is likely to help to discourage any crime and disorder in the vicinity of the Premises, whether related to alcohol or otherwise.

6.4.6 It is our view that the operation of the Premises during the day and evening – particularly involving the use of the outside area – would provide an active and managed use of the park and as a result discourage any anti-social behaviour that may otherwise have been carried on in this area if the building was not in this active use.

6.5 The proposed area for a retractable awning at the front of the Premises overhangs the land which the applicant has no right to occupy.

6.5.1 As you will be aware, this comment relates to the matter of our client's leasehold interest in the Premises which is not relevant to the merits of the Variation Application.

6.5.2 However, we understand from our client that the demise of the Premises is all that building and land shown coloured pink on plan S5556-1. We enclose a copy of this plan which our client considers includes this area of land. It is our client's position that it this land is included in the demise.

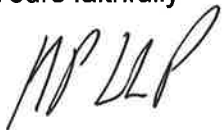
#### **Next steps**

7 We hope that this letter provides you with the further information and comfort that you need to agree to withdraw your objections and that a hearing on the Variation Application is unnecessary.

8 As set out above, our client takes their responsibilities as a premises licence holder extremely seriously and has made the Variation Application in order to respond to market demands. Our client has carried on the operation of the Premises for a number of years with no significant concerns as to its operation.

9 In the event that you are unwilling to withdraw your objection at this stage we would welcome an opportunity to meet you to discuss your concerns in more detail.

Yours faithfully



**Howes Percival LLP**

Direct Dial : 01603 580087  
Fax : 01603 762104  
E-mail : [Jamie.childs@howespercival.com](mailto:Jamie.childs@howespercival.com)

Enc



**Premises Licence**

**Premises Licence Number**

**15/00075/PREMTR**

**Part 1 – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Pedro's  
Chapel Field Gardens  
Chapel Field  
Norwich  
Norfolk  
NR2 1NY

We hereby certify that this is a true and complete copy of the original document.

Dated: *19.1.15*

Mills & Reeve LLP  
Solicitors  
1 St James Court  
Whitefriars  
Norwich  
NR3 1RU

**Telephone number**

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence.**

Late Night Refreshment - Activity takes place indoors  
Sale by Retail of Alcohol  
Recorded Music - Activity takes place indoors

Private Entertainment as defined under section 2 of the Private Places of Entertainment (Licensing) Act 1967

**The times the licence authorises the carrying out of licensable activities**

Late Night Refreshment	Monday to Saturday	23:00 - 00:30
Late Night Refreshment	New Years Eve	23:00 - 05:00
Late Night Refreshment	Sundays, Good Friday and Christmas Day	23:00 - 00:00
Sale by Retail of Alcohol	Friday	10:30 - 00:00
Sale by Retail of Alcohol from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day		
Sale by Retail of Alcohol	Monday to Friday	10:00 - 00:00
Sale by Retail of Alcohol from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day		

Sale by Retail of Alcohol                      Sundays, Good Friday and Christmas Day 12:00 - 23:30  
Sale by Retail of Alcohol from the end of permitted hours on New Years Eve to the start of permitted hours  
on New Years Day

Recorded Music                      Every Day                      -

**The opening hours of the premises**

Monday	11:00 - 00:30
Tuesday	11:00 - 00:30
Wednesday	11:00 - 00:30
Thursday	11:00 - 00:30
Friday	11:00 - 00:30
Saturday	11:00 - 00:30
Sunday	12:00 - 00:00

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption on the Premise

**State whether access to the premises by children is restricted or prohibited**

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Pedro's Restaurant Limited  
Oasis Sport And Leisure Centre  
Pound Lane  
Norwich  
NR7 0UB

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Business Number                      9289256

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Matthew Lewis Ward  
54 Orchard Close  
Norwich  
NR7 9NZ

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Party Reference: 14/02451/PERS

Licensing Authority: Norwich City Council

## Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under a premises licence -
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6 (with effect from 1 October 2010)
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 7 (with effect from 1 October 2010)

The responsible person shall ensure that -

  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
    - (i) beer or cider: half pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and



- (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

8 The Licensing Act 2003 (Mandatory Licensing Conditions)  
Order 2014

Mandatory Licensing Condition

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1?

a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

b) "permitted price" is the price found by applying the formula?

$$P = D + (D \times V)$$

where:

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

(a) 1979 c. 4. Section 1 was amended by regulation 2 of the Excise Duty (Amendment of the Alcoholic Liquor Duties Act 1979 and the Hydrocarbon Oil Duties Act 1979) Regulations 1992 (S.I. 1992/3158), section 162 of and Part I of Schedule 29 to the Finance Act 1995 (c. 4), section 7 of and paragraph 2(a) of Schedule 2 to the Finance Act 1991 (c. 31), section 3 of the Finance Act 1993 (c. 34), section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14), section 1 of the Finance Act 1995, section 1 of and Part 2 of Schedule 1 to the Finance Act 1988 (c. 39), section 5 of the Finance Act 1997 (c. 16) and article 2 of the Alcoholic Liquor Duties (Definition of Cider) Order 2010 (S.I. 2010/1914). Section 2 was amended by article 6 of the Alcoholic Liquors (Amendment of Enactments Relating to Strength and to Units of Measurement) Order 1979 (S.I. 1979/241), regulation 2 of S.I. 1992/3158, section 11 of and Part 2 of Schedule 8 to the Finance Act 1981 (c. 35), section 7 of and paragraph 3 of Schedule 2 to the Finance Act 1991 and section 5 of the Finance Act 1997. Section 3 was amended by article 7 of S.I. 1979/241. Section 4 was amended by article 8 of S.I. 1979/241, section 15 of and paragraphs 2 and 3 of Schedule 1 to the Finance Act 2011 (c. 11) and section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14). Section 5 was amended by

section 1 of the Finance Act 1982 (c. 39) and section 180 of the Finance Act 2013. Section 36 was amended by section 7 of the Finance Act 1991, section 4 of and paragraph 1 of Schedule 1 to the Finance Act 2002 (c. 23), sections 14 and 15 of and paragraphs 2 and 4 of Schedule 1 to the Finance Act 2011, section 180 of the Finance Act 2013 and section 1 of and paragraph 9 of Schedule 1 to the Finance (No. 2) Act 1992 (c. 48). Section 37 was amended by section 15 of and paragraph 1 of Schedule 1 to the Finance Act 2011 and section 180 of the Finance Act 2013. Section 54 was amended by section 1 of and paragraph 12 of Schedule 1 to the Finance (No. 2) Act 1992 and section 5 of the Finance Act 1985 (c. 54). Section 55 was amended by section 1 of the Finance Act 1984 (c. 43) and section 1 of and paragraph 13 of Schedule 1 to the Finance (No. 2) Act 1992. Section 62 was amended by section 3 of the Finance Act 1996 (c. 8), section 10 of the Finance (No. 2) Act 1997 (c. 58), section 180 of the Finance Act 2013, section 4 of the Finance Act 1998 (c. 36) and section 3 of the Finance Act 1997. There are other amendments which are not relevant to this Order.

(b) 1994 c. 23. Section 2 was amended by section 3 of the Finance (No. 2) Act 2010 (c. 31). Section 7 was amended by section 76 of and Part 1 of Schedule 36 to the Finance Act 2009 (c. 10) and section 203 of and paragraphs 2 and 3 of Schedule 28 to the Finance Act 2012 (c. 14). Section 24 was amended by section 19 of and paragraph 1 of Schedule 8 to the Finance (No. 3) Act 2010 (c. 33). There are other amendments which are not relevant to this Order.

- 9 Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking meals there and for consumption by such a person as an ancillary to his meal.
- 10 Suitable beverages other than intoxicating liquor shall be equally available for consumption with or otherwise as an ancillary to meals in the premises.
- 11 Where previous licence is restaurant or residential licence

Alcohol may be sold or supplied:

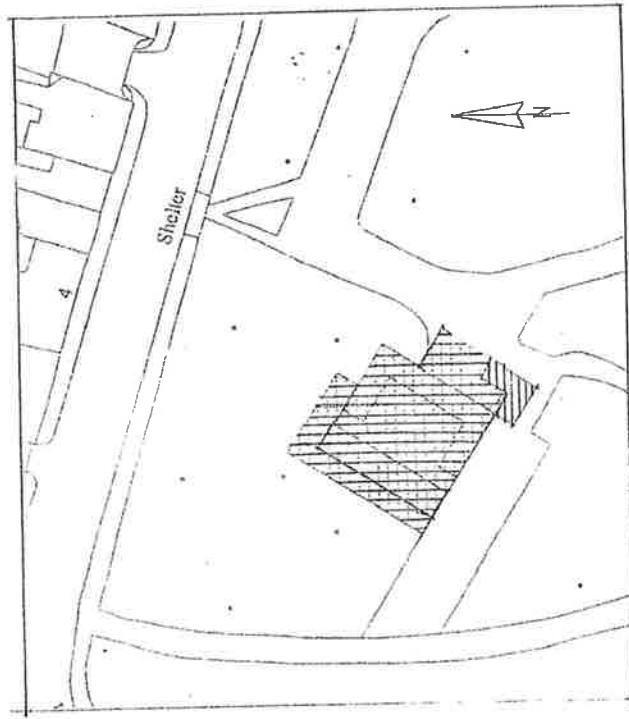
- 1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve.
- 2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday.
- 3) On Christmas Day.
- 4) On New Year's Eve, except on a Sunday.
- 5) On New Year's Eve on a Sunday.
- 6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

## **Annex 2 – Conditions consistent with the Operating Schedule**

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

## Annex 4 – Plans

PL



# SITE LOCATION PLAN

SCALE 1:500

## LEGEND

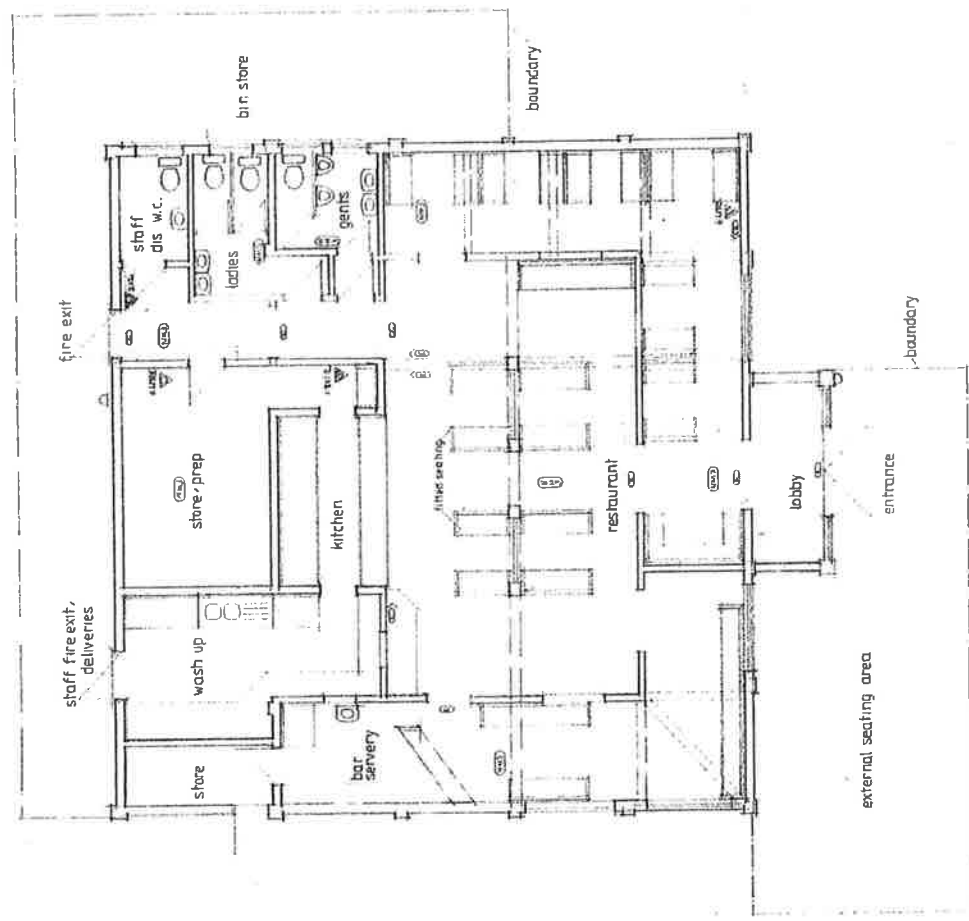
- FIRE RESISTING CONSTRUCTION
- (AK3) EMERGENCY LIGHTING LUMINAIRE
- (2) (6) AUTOMATIC FIRE DETECTION - SMOKE
- (6) FIRE DOOR KEEP LOCKED NOTICE
- FIRE ALARM SOUNDER BELL
- (V) CARBON DIOXIDE EXTINGUISHER (2kg)
- (E) EXIT NOTICE (100mm)
- (2) FIRE ALARM CONTROL PANEL
- (A) HOSE REEL (30m)
- (W) WATER EXTINGUISHER (B)
- (E) DIRECTIONAL ARROW NOTICE (100mm)
- (I) VISUAL WARNING DEVICE
- (C) MANUAL FIRE ALARM CALL POINT
- (D) FIRE DRILL ACTION NOTICE
- (B) FIRE BLANKET (1x1)
- (6) FIRE ESCAPE KEEP CLEAR NOTICE
- (V) DRY POWDER EXTINGUISHER (4.5kg)
- (W) VISION PANEL
- (K) KEY IN GLASS FRONTED BOX
- (V) VERTICAL METAL LADDER
- (M) SMOKE STOPPING
- (S) SELF -CLOSING DEVICE
- (L) SECURITY LOCK
- (D) SECURITY DOOR

JONATHAN HALL ASSOCIATES	
Structural and Mechanical Engineers	
1, Commercial Street, Norwich, NR1 1JL	
Tel: 01603 611111 Fax: 01603 611112	
www.jhall.co.uk	
PEDROS RESTAURANT	
CHAPELFIELD GARDENS	
NORWICH	
1:100 17.03.11	
MAY 05	
J.H.	

Area of Construction

Area of Spaces

and Consumption



GROUND FLOOR PLAN

PEDROS RESTAURANT Chapelfield Gardens NORWICH



All dimensions to be verified on site by Main Contractor before the start of any shop drawings or work whatsoever either on their own behalf or that of sub-contractors. Report any discrepancies to the Contractor immediately. The Contractor shall be responsible for ensuring that the drawings to be read with all relevant Architects and Engineer's drawings and other relevant information.

© Richard Pike Associates Do Not Scale

Notes:

DRAWING KEY

Internal Premises licence boundary

Outside area

FIRE PROTECTION

EF-20

BREAKGLASS CALL POINT

EF-20-K

KEY OPERATED MANUAL CALL POINT

EF-20-2V

BREAK GLASS CALL POINT FOR SMOKE VENT

EF-20-P

FIRE TELEPHONE CALL POINT

EF-20-I

SMOKE DETECTOR - 'I' DENOTES IONISATION, 'O' DENOTES OPTICAL

EF-20-A

SMOKE DETECTOR WITH SOUNDER BASE

EF-20-V

SMOKE DETECTOR WITHIN VOID

EF-20-S

SMOKE DETECTOR FOR SMOKE VENT

EF-20-AB

DUCT SMOKE DETECTOR WITH BEACON & SOUNDER

EF-20-C

DUCT SMOKE DETECTOR

EF-20-AC

SMOKE DETECTOR FOR SMOKE CLEARANCE

EF-20-TC

SYSTEM SMOKE DETECTOR WITH TEMPERATURE SENSITIVE SOUNDER

EF-20-R

'R' INDICATES RATE OF RISE, 'IR' DENOTES INFRA-RED

EF-20-H

HEAT DETECTOR WITH SOUNDER BASE

EF-20-AB-H

HEAT DETECTOR WITH SOUNDER BASE & BEACON

EF-20-SH

COMBINED SMOKE AND HEAT DETECTOR

EF-20-SM

BEAM SMOKE DETECTOR (TRANSMITTER)

EF-20-R

BEAM SMOKE DETECTOR (RECEIVER)

EF-20-M

FLAME DETECTOR

EF-20-MH

MAGNETIC DOOR HOLD (FIRE ALARM OPERATED)

EF-20-B

FIRE ALARM BELL

EF-20-2

CEILING / WALL MOUNTED SPEAKER

EF-20-2D

BI-DIRECTIONAL SPEAKER

EF-20-E

FIRE ALARM ELECTRONIC SOUNDER

EF-20-2E

INTERFACE MODULE - 1 to 2 CONTACTS

EF-20-I

TYPE 1 - DENOTES INPUT & TYPE 2 DENOTES OUTPUT

EF-20-R

REMOTE INDICATOR

EF-20-AB-C

LED EXON FLASHING BEACON (CEILING MOUNTED)

EF-20-AB-W

LED EXON FLASHING BEACON (WALL MOUNTED)

EF-20-AB-C

LED EXON FLASHING BEACON WITH SOUNDER

EF-20-AB-W

LED EXON FLASHING BEACON WITH SOUNDER (WALL MOUNTED)

EF-20-P

FIRE ALARM REPEATER PANEL

EF-20-M

FIRE ALARM MIMIC PANEL

EF-20-S

SYSTEM STATUS INDICATOR PANEL

EF-20-I

SHORT CIRCUIT INDICATOR

EF-20-A

PUBLIC ADDRESS SYSTEM

EF-20-A

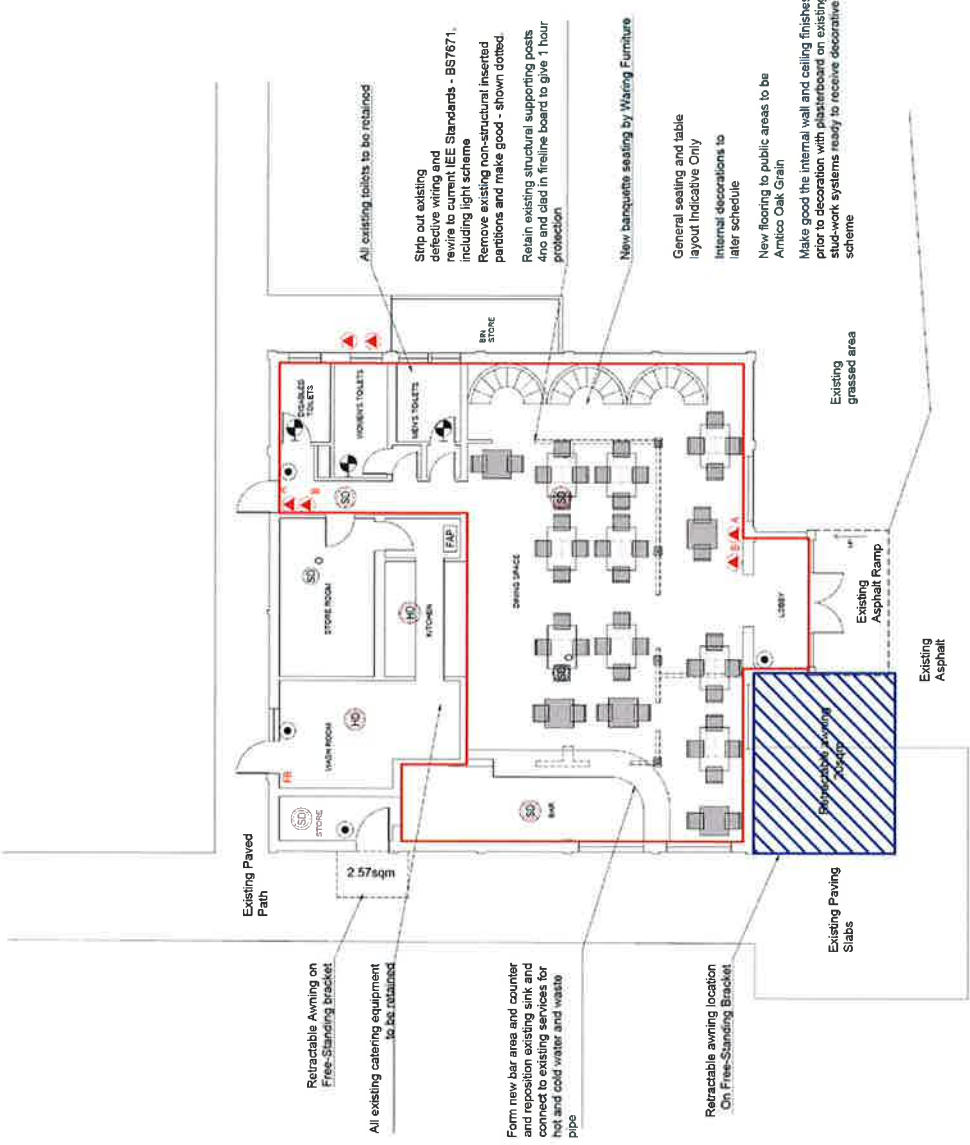
2KG CO2 PORTABLE EXTINGUISHER

EF-20-B

6L AFF PORTABLE EXTINGUISHER

EF-20-B

FIRE BLANKET



Ref	Date	Description	By	App
10	11.03.18	Contract award to Main Contractor	AP	AP
11	24.07.18	Final Design	AP	AP

Richard Pike Associates

Building, Design & Planning Specialists

Jonathan Scott Hall

Thorpe Road

Norwich

NR1 1JH

T: 01603 511223

E: info@richardpike.co.uk

www.richardpike.co.uk

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Project  
Pedro's Restaurant Ltd  
Chapelfield Gardens  
Norwich, NR2 1NY

Drawing Title

Floor Plan - Premises Licence

Client

Surruys Property Company Ltd

Scale

1:100 @A2

Date

04.07.19

Project Number

Drawing Number

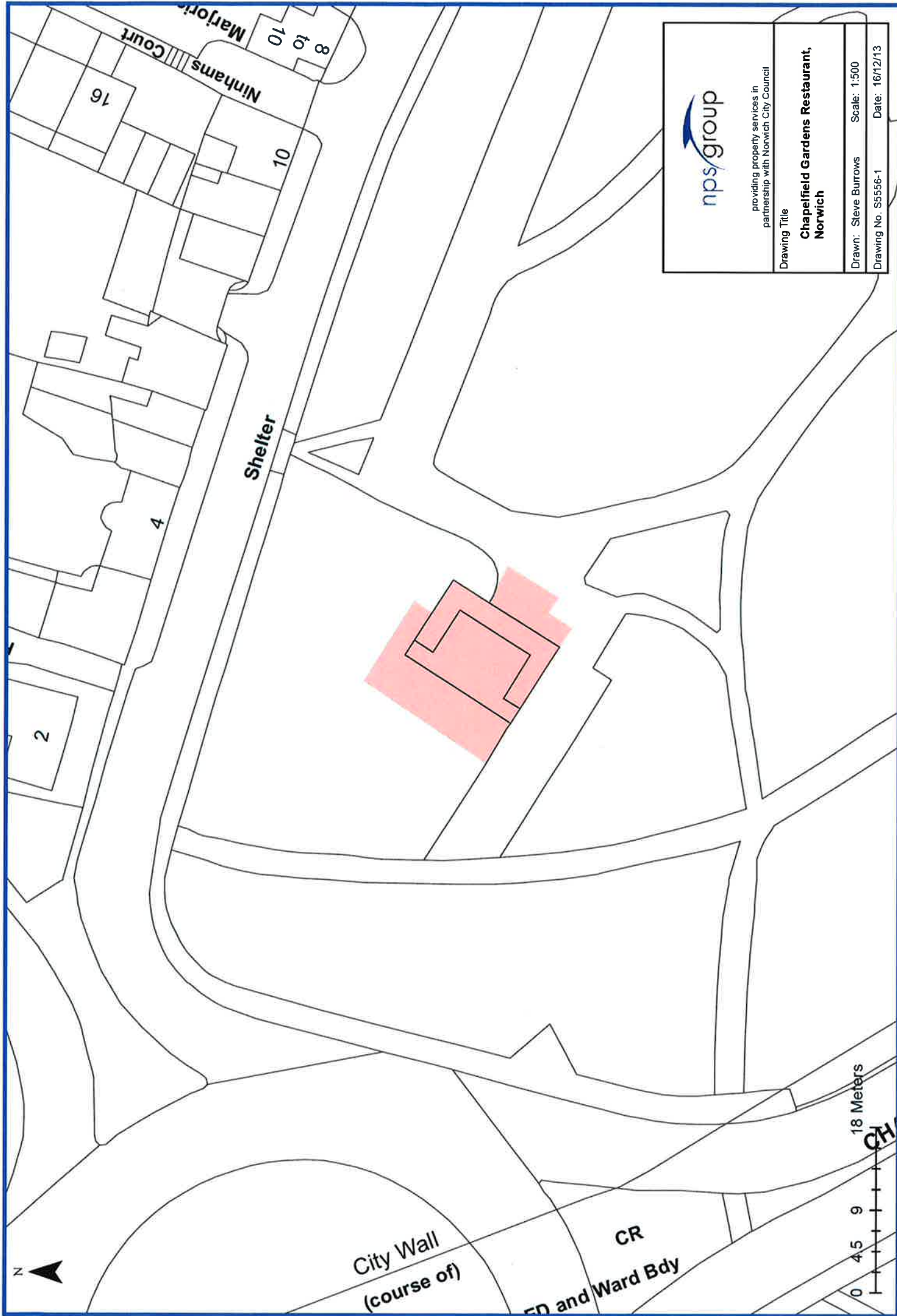
Version

1

18058 - 1201

P2

Information



providing property services in  
partnership with Norwich City Council

Drawing Title

**Chapelfield Gardens Restaurant,  
Norwich**

Drawn: Steve Burrows      Scale: 1:500

Drawing No. S5556-1      Date: 16/12/13



Suzanne Parkinson  
Parks and Open Spaces Officer  
Norwich City Council  
City Hall  
St Peters Street  
Norwich  
NR2 1NH

**By e-mail only to [suzanneparkinson@norwich.gov.uk](mailto:suzanneparkinson@norwich.gov.uk)**

Our Ref : JZC/225832.1  
Your Ref :  
Date : 13 August 2019

Dear Madam

**Premises licence variation: Pedro's, Chapelfield Gardens**

We act for Pedro's Restaurants Limited ("**Pedro's**") in relation to the above matter.

**Background**

- 1 As you are aware, we have made an application to vary the premises licence (15/00075/PREMTR) ("**Current Licence**") for Pedro's Chapelfield Gardens ("**the Premises**") ("**Variation Application**"). A copy of the Current Licence is enclosed for ease of reference.
- 2 The Variation Application sought to vary condition 9 on the Current Licence to permit the supply of alcohol for consumption without food on the Premises (and for consumption only within the outside area until 30 minutes before the Premises closes on any day).
- 3 During the consultation period on the Variation Application a revised plan was submitted to the licensing authority in response to comments from the Police and Environmental Health which updated the colouring for the outside area to blue instead of red. A copy of this plan is enclosed for ease of reference. It should be noted that the Current Licence makes it clear that an outside area was to be used for the consumption of alcohol and in this way the Variation Application does not introduce the use of this area as a new concept.
- 4 The Variation Application also volunteered a number of new licensing conditions to regulate the operation of the Premises. These volunteered conditions were as follows (updated to reflect the revised plan submitted):
  - 4.1 The on sale of alcohol by retail at the premises shall cease at least 30 minutes before the premises closes.

- 4.2 No patrons will be allowed to leave the premises (to include the outside area as shown on the plan edged and hatched blue when in use) while in possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.
- 4.3 The premises licence holder shall ensure that any empty glass bottles and glass drinking vessels present within the outside area shown edged and hatched blue on the plan attached to this licence are collected promptly.
- 5 We were made aware of your representation to the Variation Application on 7 August 2019.
- 6 We had previously understood by way of an e-mail from Sarah Bell at NPS on 31 January 2019 (timed: 11:58) that the City Council's Parks and Open Spaces Department did not wish to oppose an application to vary the Current Licence to serve alcohol without food at the Premises. In light of this our client is extremely surprised that the City Council's Parks and Open Spaces Department have lodged an objection to the Variation Application.

**Our response to your concerns.**

- 7 We have reviewed your representation to the Variation Application and respond to what we consider are each of your concerns below.
- 7.1 Allowing alcohol to be sold in Chapelfield Gardens is not suitable and will add to the long history of alcohol related crime and disorder.
- 7.1.1 There is no intention of selling alcohol which may then be consumed elsewhere in Chapelfield Gardens. In the event that you would like to propose a variation to the volunteered licensing conditions or any new conditions please do let us know and we would be happy to discuss.
- 7.1.2 As we have confirmed separately to the Police and the Environmental Health Officer, the venue will remain predominantly as a restaurant but allow sales of alcohol without food. Our client has confirmed to us that the Premises will be marketed for all.
- 7.1.3 The kitchen at the Premises will be open at all times the Premises is open (and serving alcohol) and substantial table meals shall be available to order at all times the premises is open (and serving alcohol).
- 7.1.4 It is clear that this possible effect of the Variation Application was understood and appreciated by our client before the Variation Application was made as this resulted in the second of the volunteered conditions set out above. This imposes a restriction on any patrons being allowed to leave the Premises – including the outside area – while in possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.
- 7.1.5 In accordance with the operation of the Current Licence the operation of the outdoor area is not intended to be any different to as it was when Pedro's was operating save for alcohol may be sold on the Premises (and therefore consumed in this area) without associated meals.
- 7.1.6 As mentioned below, our client's view is that the operation of the Premises during the day and evening would potentially discourage any anti-social behaviour that may otherwise have been carried on in this area.

- 7.1.7 In addition, it is our client's intention to install CCTV at the Premises as part of its operation. As you will appreciate, it is likely that such CCTV would help to discourage any crime and disorder in the vicinity of the Premises, whether related to alcohol or otherwise.
- 7.1.8 Any drinks and food served outside will either be ordered by table service (where the alcohol is then collected from inside the venue) or ordered inside the venue. There will be no outside bar serving directly into the outside area.
- 7.1.9 A copy of the relevant section from the Government's section 182 guidance is reproduced below. This is a case where drinks orders will be taken by a member of staff who would collect the drinks from the Premises and return to deliver or the drinks ordered directly in the Premises and taken outside by patrons. Our client has chosen to show this area on the plan for clarity.

#### ***Beer gardens or other outdoor spaces***

*8.35 Applicants will want to consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. In scenarios where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an off-sale and any conditions that relate to off-sales would apply.*

*8.36 In such cases it will be not necessary to include the garden or other outdoor space on the plan as part of the area covered by the premises licence. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the premises licence if the intention is to provide a service whereby drinks are available for sale and consumption directly from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them).*

*8.37 If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed application form requires the applicant to provide a description of where the place is and its proximity to the premises.*

- 7.2 Having a dedicated area for the "consumption of alcohol only" in an area which is not regulated by the event management could cause public safety issues during events carried on in Chapelfield Gardens.

- 7.2.1 There is no intention to allow or market the outside area as an area in which only alcohol may be consumed. Our client intends to continue to serve substantial table meals in this area as it has done in recent years but simply without the absolute requirement that it may only serve alcohol to persons taking meals as ancillary to the meal.
- 7.2.2 The area is intended to be regulated in the same way as it has always been by our client (when in use) which includes the use of clear barriers separating

this area from the rest of Chapelfield Gardens. As set out above, our client intends to install CCTV at the Premises in order to monitor this effectively.

7.2.3 As you will appreciate, this outside area is relatively small and is of a size which will be easily controlled and monitored by members of staff at the Premises. As was made clear in the Variation Application, one member of staff at the Premises will have responsibility to monitor this outside area at all times and sufficient members of staff will be on the Premises to monitor the behaviour of customers whether inside or outside the Premises.

7.2.4 This outside area will also include tables and chairs to limit the number of people who may safely use this area and to facilitate an appropriate use of this area. The area will remain subject to our client's management when in use.

7.2.5 It should also be the responsibility of those operating other events in Chapelfield Gardens to ensure that suitable security and safety arrangements are in place for those events which increase the footfall to Chapelfield Gardens.

7.3 The allowance of off sales will also make security of large scale events difficult as event management and security cannot effectively police this area as it is not under their direct control.

7.3.1 As set out above, there is no intention to allow off-sales of alcohol to be consumed in the wider Chapelfield Gardens.

7.3.2 The Premises has been operated without a disturbance or incident for many years and there is no reason why the option for alcohol sales to be made without associated meals would change this. Our client takes their responsibility to promote the licensing objective to prevent crime and disorder seriously and encouraging or in any way facilitating this type of behaviour is not something our client has any interest in given this is a venue marketed for all.

7.3.3 The proposed outside area will be subject to our client's management as was the case when previously in use. As set out above, our client intends to install CCTV at the Premises in order to monitor this effectively.

7.3.4 As set out above, it is considered that it should be the responsibility of those operating other events in Chapelfield Gardens to ensure that suitable security and safety arrangements are in place for those events which increase the footfall to Chapelfield Gardens.

7.4 The provision of an outside area "for the consumption of alcohol only" as well as "off sales" has the potential to cause nuisance to other park users. A "dedicated drinking area" adjacent to a play area as well as a local place to purchase alcohol to drink in the park has, in your view, "strong potential to increase anti-social behaviour in the park and disrupt the enjoyment of the park to other users".

7.4.1 As set out in full above, there is no intention for this area to be used exclusively for drinking only, become a "dedicated drinking area" or allow off-sales of alcohol to be consumed elsewhere in Chapelfield Gardens or beyond.

- 7.4.2 The removal of condition 9 would allow alcohol to be served without food when desired by customers but does not mean that this will be the sole manner in which the Premises will be used as explained above.
- 7.4.3 We would say that the operation of the Premises during the day and evening – particularly involving the use of the outside area – would provide an active and managed use of the park and as a result discourage any anti-social behaviour that may otherwise have been carried on in this area. We would also say that the intended installation of CCTV would discourage any anti-social behaviour in this area of Chapelfield Gardens.
- 7.5 The use of the outside area “for the consumption of alcohol only” is not appropriate next to a children’s play area. There are potential side effects of this area with smoking, loud and potentially foul language will not make the children’s play area a pleasant place to visit.
- 7.5.1 As set out in full above, there is no intention for this area to be used for drinking only.
- 7.5.2 Indeed, this area is intended to be managed (when in operation) by our client as detailed above and its use is likely to be and appear similar to the previous use of this area when Pedro’s was in operation. This is a relatively small area which can and will be adequately monitored and controlled.
- 7.6 The new restaurant is being sold as a family friendly restaurant but the corporate branding, serving of cocktails and “dedicated outdoor drinking area” would appear contradictory to this.
- 7.6.1 Again, as set out in full above, there is no intention for the outside area to be used for drinking only.
- 7.6.2 We do not consider that the sale of cocktails would distinguish a premises as not being “family friendly”. As set out above, the Premises is proposed to be marketed to all and this variation is a response to market demands which caused the previous operation of the Premises to come to an end.

### **Next steps**

- 8 We hope that this letter provides you with the further information and comfort that you need to agree to withdraw your objections and that a hearing on the Variation Application is unnecessary.
- 9 As set out above, our client takes their responsibilities as a premises licence holder extremely seriously and has made the Variation Application in order to respond to market demands. Our client has carried on the operation of the Premises for a number of years with no significant concerns as to its operation.

- 10 In the event that you are unwilling to withdraw your objection at this stage we would welcome an opportunity to meet you to discuss your concerns in more detail.

Yours faithfully

A handwritten signature in black ink, appearing to read 'JP Childs', written in a cursive style.

**Howes Percival LLP**

Direct Dial : 01603 580087  
Fax : 01603 762104  
E-mail : [Jamie.childs@howespercival.com](mailto:Jamie.childs@howespercival.com)

Enc



**Premises Licence**

**Premises Licence Number**

**15/00075/PREMTR**

**Part 1 – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Pedro's  
Chapel Field Gardens  
Chapel Field  
Norwich  
Norfolk  
NR2 1NY

We hereby certify that this is a true and complete copy of the original document.

Dated: *19.1.15*

Mills & Reeve LLP  
Solicitors  
1 St James Court  
Whitefriars  
Norwich  
NR3 1RU

**Telephone number**

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence.**

Late Night Refreshment - Activity takes place indoors  
Sale by Retail of Alcohol  
Recorded Music - Activity takes place indoors

Private Entertainment as defined under section 2 of the Private Places of Entertainment (Licensing) Act 1967

**The times the licence authorises the carrying out of licensable activities**

Late Night Refreshment                      Monday to Saturday                      23:00 - 00:30

Late Night Refreshment                      New Years Eve                      23:00 - 05:00

Late Night Refreshment                      Sundays, Good Friday and Christmas Day                      23:00 - 00:00

Sale by Retail of Alcohol                      Friday                      10:30 - 00:00

Sale by Retail of Alcohol from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

Sale by Retail of Alcohol                      Monday to Friday                      10:00 - 00:00

Sale by Retail of Alcohol from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

Sale by Retail of Alcohol      Sundays, Good Friday and Christmas Day 12:00 - 23:30  
Sale by Retail of Alcohol from the end of permitted hours on New Years Eve to the start of permitted hours  
on New Years Day

Sale by Retail of Alcohol      Sundays, Good Friday and Christmas Day 12:00 - 23:30  
Sale by Retail of Alcohol from the end of permitted hours on New Years Eve to the start of permitted hours  
on New Years Day

## Every Day

**The opening hours of the premises**

Monday	11:00 - 00:30
Tuesday	11:00 - 00:30
Wednesday	11:00 - 00:30
Thursday	11:00 - 00:30
Friday	11:00 - 00:30
Saturday	11:00 - 00:30
Sunday	12:00 - 00:00

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption on the Premise

**State whether access to the premises by children is restricted or prohibited**



## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Pedro's Restaurant Limited  
Oasis Sport And Leisure Centre  
Pound Lane  
Norwich  
NR7 0UB

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Business Number                      9289256

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Matthew Lewis Ward  
54 Orchard Close  
Norwich  
NR7 9NZ

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Party Reference: 14/02451/PERS

Licensing Authority: Norwich City Council

## Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under a premises licence -
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6 (with effect from 1 October 2010)
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 7 (with effect from 1 October 2010)

The responsible person shall ensure that -

  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
    - (i) beer or cider: half pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

8 The Licensing Act 2003 (Mandatory Licensing Conditions)  
Order 2014

Mandatory Licensing Condition

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1?

a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

b) "permitted price" is the price found by applying the formula?

$$P = D + (D \times V)$$

where:

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

(a) 1979 c. 4. Section 1 was amended by regulation 2 of the Excise Duty (Amendment of the Alcoholic Liquor Duties Act 1979 and the Hydrocarbon Oil Duties Act 1979) Regulations 1992 (S.I. 1992/3158), section 162 of and Part I of Schedule 29 to the Finance Act 1995 (c. 4), section 7 of and paragraph 2(a) of Schedule 2 to the Finance Act 1991 (c. 31), section 3 of the Finance Act 1993 (c. 34), section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14), section 1 of the Finance Act 1995, section 1 of and Part 2 of Schedule 1 to the Finance Act 1988 (c. 39), section 5 of the Finance Act 1997 (c. 16) and article 2 of the Alcoholic Liquor Duties (Definition of Cider) Order 2010 (S.I. 2010/1914). Section 2 was amended by article 6 of the Alcoholic Liquors (Amendment of Enactments Relating to Strength and to Units of Measurement) Order 1979 (S.I. 1979/241), regulation 2 of S.I. 1992/3158, section 11 of and Part 2 of Schedule 8 to the Finance Act 1981 (c. 35), section 7 of and paragraph 3 of Schedule 2 to the Finance Act 1991 and section 5 of the Finance Act 1997. Section 3 was amended by article 7 of S.I. 1979/241. Section 4 was amended by article 8 of S.I. 1979/241, section 15 of and paragraphs 2 and 3 of Schedule 1 to the Finance Act 2011 (c. 11) and section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14). Section 5 was amended by

section 1 of the Finance Act 1982 (c. 39) and section 180 of the Finance Act 2013. Section 36 was amended by section 7 of the Finance Act 1991, section 4 of and paragraph 1 of Schedule 1 to the Finance Act 2002 (c. 23), sections 14 and 15 of and paragraphs 2 and 4 of Schedule 1 to the Finance Act 2011, section 180 of the Finance Act 2013 and section 1 of and paragraph 9 of Schedule 1 to the Finance (No. 2) Act 1992 (c. 48). Section 37 was amended by section 15 of and paragraph 1 of Schedule 1 to the Finance Act 2011 and section 180 of the Finance Act 2013. Section 54 was amended by section 1 of and paragraph 12 of Schedule 1 to the Finance (No. 2) Act 1992 and section 5 of the Finance Act 1985 (c. 54). Section 55 was amended by section 1 of the Finance Act 1984 (c. 43) and section 1 of and paragraph 13 of Schedule 1 to the Finance (No. 2) Act 1992. Section 62 was

amended by section 3 of the Finance Act 1996 (c. 8), section 10 of the Finance (No. 2) Act 1997 (c. 58), section 180 of the Finance Act 2013, section 4 of the Finance Act 1998 (c. 36) and section 3 of the Finance Act 1997. There are other amendments which are not relevant to this Order.

(b) 1994 c. 23. Section 2 was amended by section 3 of the Finance (No. 2) Act 2010 (c. 31). Section 7 was amended by section 76 of and Part 1 of Schedule 36 to the Finance Act 2009 (c. 10) and section 203 of and paragraphs 2 and 3 of Schedule 28 to the Finance Act 2012 (c. 14). Section 24 was amended by section 19 of and paragraph 1 of Schedule 8 to the Finance (No. 3) Act 2010 (c. 33). There are other amendments which are not relevant to this Order.

- 9 Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking meals there and for consumption by such a person as an ancillary to his meal.
- 10 Suitable beverages other than intoxicating liquor shall be equally available for consumption with or otherwise as an ancillary to meals in the premises.
- 11 Where previous licence is restaurant or residential licence

Alcohol may be sold or supplied:

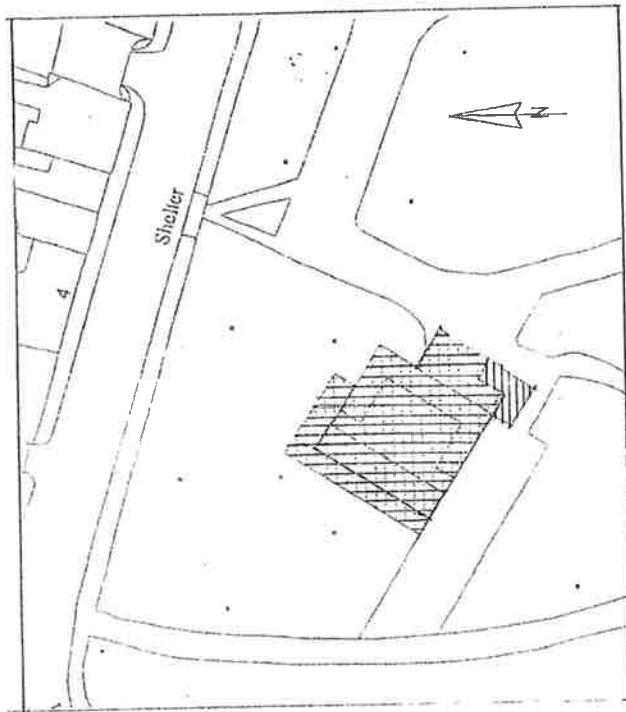
- 1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve.
- 2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday.
- 3) On Christmas Day.
- 4) On New Year's Eve, except on a Sunday.
- 5) On New Year's Eve on a Sunday.
- 6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

## **Annex 2 – Conditions consistent with the Operating Schedule**

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

## Annex 4 – Plans

PL



# SITE LOCATION PLAN

SCALE 1:500

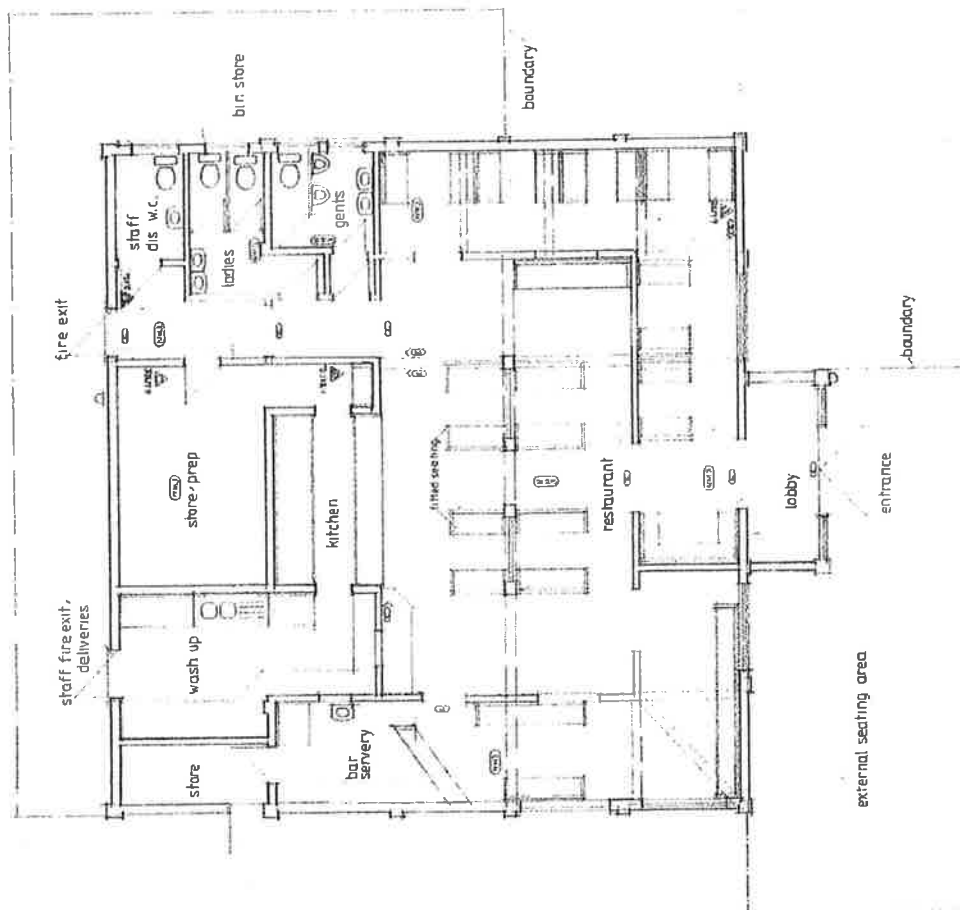
## LEGEND

- |   |  |
|---|--|
| <p>— FIRE RESISTING CONSTRUCTION</p> <p>(NL3) EMERGENCY LIGHTING LUMINAIRE</p> <p>(A) AUTOMATIC FIRE DETECTION - SMOKE</p> <p>(B) FIRE DOOR KEEP LOCKED NOTICE</p> <p>(C) FIRE ALARM SOUNDER BELL</p> <p>(D) CARBON DIOXIDE EXTINGUISHER (2kg)</p> <p>(E) EXIT NOTICE (100mm)</p> <p>(F) FIRE ALARM CONTROL PANEL</p> <p>(G) HOSE REEL (30m)</p> <p>(H) WATER EXTINGUISHER (B)</p> <p>(I) DIRECTIONAL ARROW NOTICE (100mm)</p> <p>(J) VISUAL WARNING DEVICE</p> | <p>MANUAL FIRE ALARM CALL POINT</p> <p>FIRE DRILL ACTION NOTICE</p> <p>FIRE BLANKET (1x1)</p> <p>FIRE ESCAPE KEEP CLEAR NOTICE</p> <p>DRY POWDER EXTINGUISHER (4.5kg)</p> <p>VISION PANEL</p> <p>KEY IN GLASS FRONTED BOX</p> <p>VERTICAL METAL LADDER</p> <p>SMOKE STOPPING</p> <p>SELF -CLOSING DEVICE</p> <p>SECURITY LOCK</p> <p>SECURITY DOOR</p> |
|---|--|

Area of Construction

Area of Sales

and construction



GROUND FLOOR PLAN

PEDROS RESTAURANT Chapelfield Gardens NORWICH

<p><b>JONATHAN HALL ASSOCIATES</b></p> <p>Interior and Architectural Designers</p> <p>100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000</p>		<p>MR. J. HOLLINS</p> <p>PEDROS RESTAURANT</p> <p>CHAPELFIELD GARDENS</p> <p>NORWICH</p> <p>1100 47 48</p> <p>1100 49</p> <p>1100 50</p> <p>1100 51</p> <p>1100 52</p> <p>1100 53</p> <p>1100 54</p> <p>1100 55</p> <p>1100 56</p> <p>1100 57</p> <p>1100 58</p> <p>1100 59</p> <p>1100 60</p> <p>1100 61</p> <p>1100 62</p> <p>1100 63</p> <p>1100 64</p> <p>1100 65</p> <p>1100 66</p> <p>1100 67</p> <p>1100 68</p> <p>1100 69</p> <p>1100 70</p> <p>1100 71</p> <p>1100 72</p> <p>1100 73</p> <p>1100 74</p> <p>1100 75</p> <p>1100 76</p> <p>1100 77</p> <p>1100 78</p> <p>1100 79</p> <p>1100 80</p> <p>1100 81</p> <p>1100 82</p> <p>1100 83</p> <p>1100 84</p> <p>1100 85</p> <p>1100 86</p> <p>1100 87</p> <p>1100 88</p> <p>1100 89</p> <p>1100 90</p> <p>1100 91</p> <p>1100 92</p> <p>1100 93</p> <p>1100 94</p> <p>1100 95</p> <p>1100 96</p> <p>1100 97</p> <p>1100 98</p> <p>1100 99</p> <p>1100 100</p>
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**Fuller, Maxine**

**From:** Jamie Childs <  
**Sent:** 01 August 2019 15:10  
**To:** Fuller, Maxine  
**Cc:** michelle.bartram@norfolk.pnn.police.uk; Grimmer, Alex  
**Subject:** Variation of premises licence - Pedros  
**Attachments:** 18058 - Premises licence\_1201\_P2 (2).PDF

**EXTERNAL EMAIL - Do not click on links or open attachments if you do not recognise the sender's email address.**

Dear Maxine

I hope all is well.

Further to the submission of the above variation application we have been in discussions with Michelle and Alex (copied).

I understand that one concern that Michelle and Alex had was the colouring of the outside area. In response to this the applicant is content to agree to this area being edged and hatched blue rather than red (see attached). The suggested conditions referring to an area edged and hatched red will also have to refer to the area now edged and hatched blue and the licence will of course need to make it clear that off-sales of alcohol are authorised in this defined outside area as was already the case under the existing licence.

I should be grateful if you would confirm whether you have received any further comments during the consultation period.

Kind regards

Jamie

**Jamie Childs**

Senior Associate

Howes Percival LLP

Norwich

**Cybercrime Alert: Bank Details**

Please be aware that there is a significant risk posed by cyber fraud, specifically affecting email accounts and bank account details. PLEASE NOTE that our bank account details WILL NOT change during the course of a transaction, and we will NOT change our bank details via email. Please be careful to check account details with us in person if in any doubt. We will not accept responsibility if you transfer money into an incorrect account.

This communication is sent for and on behalf of Howes Percival LLP.

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# APPENDIX E

## Local Policy considerations

### 1.0 Introduction

1.4 The 2003 Act requires the council to carry out its various licensing functions so as to promote the four licensing objectives. These are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

1.5 The 2003 Act also requires that the Council publishes a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

### 2.0 Consultation and Links to other Policies and Strategies

2.7 So far as possible, the council will avoid duplication with other regulatory regimes, and will not to use its powers under the Licensing Act 2003 to achieve outcomes that can be achieved by other legislation and other enforcement agencies. As an example, the council will not seek to impose fire safety conditions that may duplicate any requirements or prohibitions that could be imposed under the Regulatory Reform (Fire Safety) Order 2005.

### 3.0 Applications for Licences

**3.2 Applicants must address the four licensing objectives in their operational plan. The operating plan must have regard to the nature of the area where the premises are situated, the type of premises, the licensable activities to be provided, operational procedures and the needs of the local community. The operating schedule must demonstrate how the premises will be "good neighbours" both to residents and to other venues and businesses.**

**3.3 Applicants must provide evidence that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style, location and characteristics of their premises and activities. They must also indicate if additional measures will be taken on an occasional or specific basis, such as when a special event or promotion is planned, which is, for example, likely to attract larger audiences.**

### 4.0 Representations

4.1 "Responsible Authorities" (see Appendix 7) will be asked to consider all applications and to make representations to the council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be evidentially based and the organisation should attend any hearing when the application is being considered. Representations can be made in opposition to, or in support of, an application.

- 4.2 The council will consider all representations from any “Interested Party” (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.
- 4.3 A representation will only be accepted by the council if it is ‘relevant’, i.e. it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, that are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the council.
- 5.0 Conditions attaching to Licences
- 5.1 Where relevant representations are made, the council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal activity in the area concerned, and will cover matters that are within the control of individual licensees.
- 5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are appropriate for the promotion of the licensing objectives.
- 8.0 The Impact of Licensed Premises
- 8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:
- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
  - the proposed hours of operation;
  - the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
  - the means of access to the premises including the location of customer entrances and exits;
  - the provision of toilet facilities;
  - the frequency of the licensable activity.

With any adverse impact it may be possible to take steps to mitigate or prevent the impact and if such measures are reliable an activity may be licensed.

## 13.0 Management of Licensed Premises

- 13.1 Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a premises supervisor must be designated (designated premises supervisor) and such person must be in possession of a current personal licence. The licensing authority will normally expect the designated premises supervisor [DPS] to have been given the day to day responsibility for running the premises by the premises licence holder and, as such, would normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the licensing authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.
- 13.2 The act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times and have a duty to comply with the terms of the licensing act and any conditions, including the matters set out in the premises' operating schedule, in order to promote the licensing objectives. To that end, the licensing authority will be mindful of the guidance issued by the secretary of state, which recommends that a personal licence holder/DPS gives specific written authorisations to those individuals they are authorising to retail alcohol. Although written authorisation is not a requirement of the act and the designated premises supervisor/personal licence holder remain ultimately responsible for ensuring compliance with the act and licensing conditions, this action could assist in demonstrating due diligence should any issues arise with regard to enforcement.

**The licensing authority will therefore expect that where the personal licence holder/DPS does not have the premises under their immediate day to day control, written authorisations will be issued to staff acting on their behalf, such authorisations being made available for inspection by a responsible Officer of the licensing authority or the police upon request.**

## **LICENSING OBJECTIVES**

### 20.0 Objective - Prevention of Crime and Disorder

- 20.1 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the City Council, and others, to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.
- 20.2 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and the licensable activities at those premises.
- 20.3 When addressing the issue of crime and disorder, the applicant should demonstrate that all those factors that impact on crime and disorder have been considered. These include:

Underage drinking

Drunkenness on premises

Public drunkenness

Keeping Illegal activity like drug taking and dealing, offensive weapons and sales of contraband or stolen goods away from the premises.

Preventing disorderly and potentially violent behaviour on and outside the premises.

Reducing Anti-social behaviour and Disorder inside and outside the premises

Litter

Unauthorised advertising

Protecting people and property from theft, vandalism and assault

Guard against glasses and bottles being used as weapons or causing accidents.

- 20.4 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or licensable activities:

Effective and responsible management of premises;

Training and supervision of staff;

Employ sufficient numbers of staff to keep numbers down of people awaiting service;

Provide sufficient seating for customers;

Patrols of staff around the premises;

Ensure sufficient lighting and visibility, removing obstructions if necessary, to discourage illegal activity;

Introduce an entry policy – making people aware of it – and apply it consistently and fairly;

Implement a search policy to prevent drugs, offensive weapons etc being brought onto the premises;

Implement effective management of entrance queues – incorporating barriers if necessary;

Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against Racism and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA;

Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports;

Provision of effective CCTV in and around premises;



- Employment of Security Industry Authority licensed door staff to manage the door and minimize disorder;
- Ensure glasses are collected on an on going basis, make regular inspections for broken glass and clear up;
- Provision of toughened or plastic drinking vessels and bottles;
- Provision of 'bottle bins' inside the premises and near exits;
- Provision of secure, deposit boxes for confiscated items i.e. Operation Enterprise Drug and Weapon Amnesty Safe's;
- Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs;
- Provision of litterbins and other security measures, such as lighting, outside premises;
- Membership of local 'Pubwatch' schemes or similar accreditation schemes or organizations ie Operation Enterprise;
- Responsible advertising;
- Distribution of promotional leaflets, posters etc;
- Drug Seizure Kits (available from Norfolk Police Operation Enterprise);
- Member of the 'NiteLink' radio scheme;
- Working in partnership with the SOS Bus scheme;
- Ban known offenders and share information with other licensed premises in the area;
- Implement a dispersal policy;
- Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish;

#### 24.0 Objective - prevention of public nuisance

- 24.1 Licensed premises can potentially have a significantly adverse impact on communities through public nuisances that arise from their operation. The amenity of residents and occupiers of other businesses should be maintained and protected from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.
- 24.2 Public nuisance will be interpreted in its widest sense, and will take it to include such issues as noise, light, odour, litter and antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises are in residential areas or where their activities may impact on residents or other business premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.
- 24.4 The council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons such as disturbance or disorder attributable to the location and/or the premises, and relevant representations have been made.
- 24.5 The council believe that the impact a licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place.



Consequently, the council has adopted a policy on hours of trading, (section E) and in so doing, has given full consideration to the secretary of state's guidance on hours of trading.

24.6 **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events. For example, the increasing business requirement for licence holders to provide live or recorded music in premises where this has not previously been the case is especially pertinent, and should be fully assessed on the application.**

24.7 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
- the hours of opening, particularly between 11pm and 7am
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
- the design and layout of premises and in particular the presence of noise limiting features
- the occupancy capacity of the premises
- the availability of public transport
- wind down period between the end of the licensable activities and closure of the premises
- last admission time
- preventing litter and refuse becoming an eyesore
- consideration of local residents that they are not upset by loud or persistent noise or by excessive light
- preventing cars attending an event or premises from causing a noise nuisance and congestion, and from taking up local people's parking spaces
- avoid early morning or late night refuse collections
- avoiding emptying bins into skips, especially if they contain glass, either late at night or early in the morning
- customers eating, drinking or smoking in open air areas (for example beer gardens/forecourts and other open areas adjacent to the premises).

24.8 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, eg to ensure customers leave quietly.
- Fit prominent signs requesting that customers respect local residents and leave quietly.
- Control of operating hours for all or parts (eg garden areas) of premises, including such matters as deliveries ie not too early in the morning.

- Adoption of best practice guidance (eg Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA).
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- Liaison with public transport providers.
- Siting of external lighting, including security lighting.
- Management arrangements for collection and disposal of waste, empty bottles etc.
- Effective ventilation systems to prevent the emission of unwanted odours.
- Take away packaging to include the name and address of the premises on it.
- Capacity levels for fast food outlets.
- Introduce a chill out area with coffee and mellow music where customers can settle before leaving.
- Introduce a closed door policy, with attendance prohibited for new customers 2 to 3 hours before licensable activities finish.

To address issues arising from customers smoking, eating and drinking in outdoor areas and on the highway outside the premises could include signage asking customers to keep noise to a minimum when using outdoor areas; restrictions on the numbers of customers permitted in certain outside areas and/or at certain times; and use of door-staff and employees to monitor possible public nuisance issues.

## **SECTION E - Hours of Trading**

- 30.7 Consideration will always be given to an applicant's individual case and if the matter of trading hours has been raised in a representation, the council will take into account any proposals the applicant has to minimise the risk of nuisance or disorder being caused or exacerbated by customers departing from the premises. It is however, unlikely that statements such as the premises being well-managed, or that the applicant is of good character or that the style of the premises is intended and likely to attract a discerning clientele, will alone be sufficient to demonstrate that restrictions on hours of trading should not be applied.

# **APPENDIX F**

## **National Guidance**

**(issued under section 182 of the Licensing Act 2003)**

### **Licence conditions – general principles**

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

### **Each application on its own merits**

1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

## **Crime and disorder**

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7 It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

## **Public nuisance**

2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.20 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.24 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

## **Determining actions that are appropriate for the promotion of the licensing objectives**

9.41 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.42 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.43 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

## **Conditions attached to premises licence**

### **General**

10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).

10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by a fine of up to £20,000 or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

### **Proposed conditions**

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

## **Consistency with steps described in operating schedule**

10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.

10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

## **Imposed conditions**

10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

## **Proportionality**

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

## **Hours of trading**

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

## **The need for licensed premises**

13.18 There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.