



NORWICH City Council

NOTICE OF DECISION

Dates of Committee:	2 September 2019 and 13 September 2019
Licence Type:	Application for variation of a premises licence
Applicant	Pedro's Restaurant Ltd.
Name of Premises/Postal Address of Premises:	Pedro's, Chapelfield Gardens, Norwich NR2 1NY
Licensing Sub-Committee: ("the Committee")	Councillors Stutely (Chair), Giles and Schmierer
Other persons present:	<p>On 2 September 2019 Mr Matthew Ward, Director of the applicant company and Mr Jamie Childs applicant's legal representative, Ms Maxine Fuller, Licensing Officer and Mr D Lowens, Clerk.</p> <p>On 13 September 2019 persons present were Matthew Ward and Jamie Childs as above, Annie Serruys, Sarah Bell of NPS Norwich Limited, Mr Dan Grimmer of the Eastern Daily Press, Mr Anthony Sherman (Environmental Protection, Licensing and Marketing Manager, Norwich City Council) and Mr D Lowens, Clerk</p>

There were no declarations of interest.

NOTES OF HEARING:

On 2 September 2019, following presentation of the report by the Licensing Officer a query was raised regarding the area of control held by the applicant. The physical extent of the lease was noted. Following the applicant suggesting that the remaining area for which an off licence was sought was an area controlled under licence the committee adjourned to 13 September so that this could be clarified. In addition committee determined that the application included a request for an off-licence for the consumption of alcohol within a small area of land adjacent to the premises, marked in blue on the plan attached.

On Friday 13 September Mr Shearman presented the report and noted further correspondence from the applicant had been received. The correspondence

confirmed that no licence currently existed and sought an amendment of the outside area for off-licence consumption in accordance with the plan attached as Appendix 5 to the documentation.

The applicant confirmed that those matters specified in their solicitor's letter of 12 September 2019 at clauses 6.1, 6.2, 6.3, 7.1 and 13.1 were offered conditions. The applicant then amended the offered condition wording of 6.2 to insert "or which once contained alcohol, which were supplied by the premises".

The volunteered licence conditions (in addition to those on the operating schedule) are therefore:

1. The sale of alcohol by retail from the premises shall cease at least 30 minutes before the premises closes.
2. No patrons will be allowed to leave the premises (to include the outside area shown edged and hatched blue on the plan attached to this licence when that area is in use) while in possession of any drinking vessel or container containing alcohol, or which once contained alcohol, supplied by the premises. This condition applies to all drinking vessels and containers containing alcohol or which once contained alcohol whether open or closed/sealed, or which once contained alcohol, which were supplied by the premises.
3. The premises licence holder shall ensure that any empty bottles or drinking vessels present in the outside area shown edged and hatched blue on the plan attached to this licence are collected promptly.
4. No off sales of alcoholic beverages shall be permitted from the premises unless such sales are made for consumption within the outside area shown edged and hatched blue on the plan attached to this licence when that area is in use.
5. A CCTV system shall be designed, installed and maintained in proper working order on the south eastern and north eastern corners of the building. Such a system will:
 - (i) be in operation at all times that the premises are being used for a licensable activity
 - (ii) ensure coverage of the outside area of the premises as shown edged and hatched blue on the plan attached to this licence when that area is in use
 - (iii) provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained for a period of at least 31 days and shall be supplied to the Licensing Authority or a police officer on request.

Mr Childs addressed committee noting the applicant had believed all relevant representations had been withdrawn until receiving an email on the morning of the 13 September stating the Parks and Open Spaces Team wished to continue with a representation as the basis on which it was previously withdrawn was mistaken, namely that there would be no external consumption.

The applicant objected to this, the applicant did not accept it was withdrawn due to a mistake. Reference was made to the letter of 13 August 2019 on the original agenda papers and the applicant noted the contents of that letter especially paragraphs 7.14, 7.19 and 7.21 which made clear the proposed use included consumption in an outside area.

Committee then considered emails of the 21 and 27 August involving the Licensing Team.

Mr Shearman addressed committee regarding his communications with the Parks and Open Spaces Team. He noted that consumption was not the same as sale and wondered whether the Team had misconstrued the police representation. He had investigated the previous Licensing Justices issued licence and noted that it did allow for consumption of alcohol in an outside area with an external seating area, the consumption of alcohol (with a meal) had been allowed. The currently sought variation would remedy what appeared to be an error when the licence was transferred under the Licensing Act 2003.

The applicant discussed the various plans with those present and suggested that suitable conditions were proposed as part of the application to regulate the small off sales area.

Sarah Bell, present as an observer from NPS Norwich Limited, confirmed that her organisation was content with the details in Appendix 5 as presented by the applicant.

Councillors were informed by the clerk that the licensing authority must issue the variation as applied for and amended, should it be their finding that all representations had been withdrawn and thus that no relevant representations existed. The clerk also suggested that they should consider the information available to the Parks and Open Spaces Team as at the date of their correspondence.

Councillors discussed matters in private and by a majority decision came to the view that there were no remaining relevant representations and that the Licensing Act 2003 therefore obliged the licensing authority to grant the variation as applied for and as amended. The Parks and Open Spaces Team had adequate information before them when they made their decision and should have understood that in respect of a small exterior area consumption was being applied for.

Dated 25 September 2019

These are not decisions of the council to which the appeal provisions of Schedule 5 of the Licensing Act 2003 apply.