NORWICH City Council

NOTICE OF DETERMINATION

Date of Hearing:	20 March 2015
Licence Type:	Application for a premises licence
Name of Applicants:	Magdalena Pawlec and Dorota Pawlec
Name of Premises:	“Paraiso”
Postal address of Premises:	1 Cathedral Street, Norwich NR1 1LU
Licensing Sub-Committee:	Councillors Button (Chair) Gayton and Maxwell
Responsible Authorities:	Norfolk Constabulary (with Norfolk Fire & Rescue Service officer called as witness)
Persons present:	Mr Ian Streeter (Licensing Manager), Michelle Bartrum and PC Spinks on behalf of Norfolk Constabulary, George Bray (Norfolk Fire & Rescue Service), Magdalena Pawlec (Applicant) David Lowens (solicitor for nplaw)

Further papers were distributed prior to the start of the meeting being a missing page from the police representation. In addition a plan showing the area of the premises and location of the local objector was distributed and the additional police evidence of 16 March was noted being photographs taken in March 2014 on an inspection of the venue, the witness statements of DC Williams and PC Bray and the crime prevention report of PC Davison.

DETERMINATION:

Following the presentation of the report by Mr Streeter, Michelle Bartrum, Licensing Officer of Norfolk Constabulary and PC Spinks presented the constabulary’s concerns.

The police noted that they rarely made an outright objection to a premises licence application but noted that there had been a number of difficulties at this address whilst within the control of the applicants with two serious allegations taking place in 2014 and the police felt that the premises were unsuitable to be granted the intended licence.

The police noted that there was only one entry and exit point and there was a steep flight of stairs from the street to the intended bar area. It would be a struggle to get

anybody in and out if there was disorder. Cathedral Street was noted as a residential street, there was no interior smoking area so persons would need to congregate outside to smoke, there was not intended to be any staff on the door but instead a buzzer system would be used which in practical terms could involve several persons gaining entry who would not be easy to remove in respect of the flight of stairs. The police were unable to see into the premises and cannot guarantee access with the buzzer system. Management had been spoken to but were reluctant to employ door staff. The police were concerned that there was a lack of staff control regarding access and whilst the applicant was apparently thinking of using the premises as a social club, the entry controls as currently proposed would likely allow any person to access. The operating schedule was very vague and for example did not give an indication of when door staff would be employed, nor how many door staff would be employed.

The police noted concerns with the applicant during her management of a premises known as Pizza One and noted that the premises in Cathedral Street had been used for residential purposes, contrary to planning requirements. The police mentioned the report from the crime prevention officer who noted the security intruder alarm was disconnected. The police felt the proposed management showed a blatant disregard of legislation and were not satisfied that any condition placed on the premises licence would be followed.

The Norfolk Fire & Rescue Service addressed committee regarding fire safety as a witness for the police. They mentioned that current guidelines did allow for a single exit, acceptable in the circumstances of a members club with strict control of access and egress. With an alcohol licence however the risk increased, and it was vital that adequate control of access takes place. There will be a challenge to control the numbers at this address and a full fire risk assessment was still needed. The fire alarm needs commissioning. The statutory guidance “Fire Safety Risk Assessment Small to Medium Places of Assembly” was referred to.

Members requested details of the planning status of the premises and planning officers from Norwich City Council attended. They stated that in 2012 planning permission was given for a change of use of the first and second floor to a social club. Since that time there had been two refusals, namely a change of use applied for in 2014 of the second floor offices to residential being refused as it was no longer an office and a full planning application to change the second floor to residential from a social club use was refused on 3 December 2014 with five reasons for refusal including the site was within the late night activities zone where residential occupation was not usually permitted, that there was a great deal of noise likely which would interfere with the living accommodation, that refuse, storage and external site storage were problematic and there was no external amenity space. No appeal was lodged regarding refusal of planning permission.

The police then informed the committee that in respect of the serious criminal incidents alleged in February 2014, three of the suspects claimed as their home address the premises address and in respect of the incident in April 2014 six persons claimed this as their address. In respect of the burglary taking place at the premises in February 2015, it was noted that persons were living at that address.

The applicant had no questions to the planners. The applicant also had no questions to put to the Norfolk Constabulary or to their Fire and Rescue Service witness.

The applicant then addressed the committee and explained it was her intention to use the premises as an open establishment rather than a social club. Persons had been living at the premises due to the fact that she had been informed by Bidwells that once a planning application was made for residential use it was acceptable to allow residential occupation to take place. The applicant mentioned that the original plan was to open premises for a Middle Eastern clientele which would not involve the sale of alcohol but it was felt that this would not be practical and so the intention was to provide a premises with alcohol sales and therefore a premises licence was requested. Regarding the police report of unlicensed activity on the premises, the applicant explained that she had not been in the country when this occurred and it had taken place without her permission.

Councillors raised questions regarding rubbish location and storage and the location of any cooking facilities in the premises. Councillors also enquired regarding wheelchair access and the applicant explained that she would be unable to allow wheelchair access due to the nature of the building. The Fire Service confirmed that there was a winding staircase and it was unlikely that an evacuation chair could be found which would be fitting round a corner in the premises.

The applicant explained that if she could obtain a premises licence then she would be able to find sufficient funds to invest in the premises. There was a discussion about what was entailed by a members club, Mr Streeter noting there was no application for a club premises certificate. After a discussion noting that there were no controls in the operating schedule regarding members of the public attending the premises, the applicant noted that it was her intention to open to everyone. The applicant confirmed that this was not an application for a members club.

The councillors questioned the applicant regarding the lack of a management plan and other matters on the operating schedule for example how training would take place and the numbers and hours of intended door staff. A 10 minute break was taken whilst the applicant discussed with the police door staff requirements and proposals.

The applicant noted that she had now required persons living at the premises to move due to the landlord stating that the insurance would not cover residential accommodation.

A discussions took place regarding the lay out of the premises and it was noted that the plan that was part of the application was inaccurate in respect of the second floor lay out. It was noted that the proposed CCTV cameras shown in the application plan would not cover all areas of the building.

The applicant offered in respect of door supervision that there would be two door staff present from 10.00 pm to close on Friday and Saturday and further when the second floor was in use a third door supervisor would be present on that floor.

The police noted that they were still concerned even after discussing matters with the applicant and maintained their request that the premises licence be refused.

DECISION OF THE LICENSING SUB-COMMITTEE

The committee refused to grant the premises licence sought.

REASONS FOR THE DECISION OF THE LICENSING SUB-COMMITTEE

- It is the applicant's intention to run a business open to the general public rather than a social club and as discussed by the witness from Norfolk Fire & Rescue Service control of access then becomes very important.

- The application/proposed operating schedule was vague in important areas such as training and management of staff. There were concerns even after hearing from the applicant during the committee. The applicant's presentation was in places incoherent and inadequate and committee were not satisfied that sufficient information had been provided to enable committee to be sure that granting the premises licence would support the licensing objectives. It was noted that the plans attached to the application were not accurate.

- Police concerns relating to access control and the buzzer system remained and there was likely to be insufficient control of access to the premises and problems with the stairs if it was necessary to eject persons from the premises.

- There was concern regarding the suitability of the management to run the premises noting the failure to take a proper control of the building at the time when police were aware of a fight at the premises, leading them to inspect the premises and discovering what appears from the photographs shown to committee to be unauthorised licensable activity.

- There had been no questions put to the police or their fire service witness by the applicant indicating an acceptance of those matters put forward by them.

The applicant was informed that she had a right of appeal against the decision of the Licensing Sub-Committee to be exercised within 21 days of receipt of the written notification to the magistrates' court.

Dated this 17th April 2015