

# LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

MONDAY, 9TH MARCH, 2020

At 9.00 am

in the

CONFERENCE ROOM - YORK HOUSE, WINDSOR

## SUPPLEMENTARY AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
6.	<u>REPRESENTATIONS OF THE LICENSE HOLDER PAZZIA RESTAURANT, SUNNINGHILL</u>  This document was distributed on the day of the hearing in hard copy, and all parties were given the opportunity to fully view and digest the information prior to the start of the hearing.	1 - 14

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## Royal Borough of Windsor and Maidenhead

**Re: Application of the Environmental Protection Unit dated 13<sup>th</sup> January 2020.**

### **Representations of the Licence Holder Pazzia Restaurant, Sunninghill**

The licence holder has considered the grounds for review in the application and makes the following representations in respect of those grounds.

1. The licence holder is aware of a history of complaints. To the best of the knowledge of the licence holder every complaint has been made by a single complainant who holds a long-standing resentment towards the licence holder and appears to raise numerous complaints, many of which are unjustified and without foundation.
2. The licence holder accepts, however, that occasionally there has been noise from patrons talking outside the premises and that on 10<sup>th</sup> January 2019 it agreed to review and improve on the areas of concern.
3. The applicant states the licence holder and its staff have not been pro active in ensuring it trades in accordance with its licence and has not adequately promoted the management and staff with regard to the behaviour of customers when outside the premises. The Licence holder does not agree with that statement. The Licence holder has done the following:
  - Put up further prominent signs reminding patrons they are in a residential area and that noise should be kept to a minimum;
  - Ensured no alcohol was taken outside after 10pm;
  - Instructed the staff to keep the music low to avoid disturbance.
  - Turned off all external lights by 1am when it is safe to do so. The licence holder must consider the safety of its patrons stepping out into an unlit area.
  - Asked patrons to smoke at the side of the building after 10pm.
4. There are clearly many complaints made by the complainant. The NTE team visits have been logged and that log has been provided to the licence holder.
5. Between 5 January 2019 and 28 December 2019, the NTE team have visited the premises 115 times. Usually late at night /early in the morning at the weekends when the restaurant is busiest.
6. Out of those 115 visits there were just 2 occasions that the team found what could be deemed excessive disturbances:
  - 17.2.19 2 people talking loudly having a cigarette outside at 00:50.
  - 3.8.19 Lights off at 00:02 but party around left side of building laughing and shouting making loud noise while waiting for a taxi. Told to keep noise down but this did nothing.

7. Attached to these representations is a schedule of the complaints made and the record made by those attending the premises to investigate the complaint. The investigations indicate that the overwhelming majority of the complaints were unsubstantiated.
8. Exhibited to these representations are letters from close neighbours of the premises all of which state they have no complaints about the restaurant and give the restaurant their support.
9. The licence holder accepts that there has on occasion been some noise and nuisance from patrons smoking and congregating outside the premises and under a window of the neighbouring property.
10. With a view to reducing any possible nuisance in a pragmatic way the licence holder makes the following proposals in respect of reasonable conditions on the licence.
  - I. After 23:00 the current outside area under the window of the neighbouring property to be cordoned off to dissuade patrons from smoking and congregating there after that time.
  - II. To reposition the smoking area to the other side of the front of the restaurant after 23:00.
  - III. Subject to the agreement of the resident in the neighbouring property sound proofed glass to be installed at the licence holder's expense in the neighbouring bedroom window over the front car park of the premises.
  - IV. No tables and chairs at the side and rear of the building; it is dangerous as it is a driveway and car park.
  - V. Signs to be installed instructing taxis to collect passengers from the rear car park after 22:00. This will deter people from loitering at the front of the building.
11. In respect of the recommended conditions of the applicant the licence holder does not take issue with recommendations 3, 5 or 6.

12. In respect of recommendation 4 the licence holder does not agree that a licenced SIA member of staff should be provided at all. The restaurant is a family restaurant. There is no trouble or anti-social behaviour from patrons. The use of SIA "doormen" will give a negative and unfair impression of the restaurant which is likely to have an adverse effect on business.
13. In respect of recommendation 7, entertainment by a live singer is a major feature of the restaurant. The complaints are largely regarding people being outside the front of restaurant. The NTE team has not found any excessive music when visiting the premises throughout 2019. The licence holder does not agree to this recommendation which it considers will be damaging to its business and the enjoyment of its customers and is unnecessary.
14. In respect of recommendation 8 the licence holder strenuously objects to reducing its opening hours. The conditions proposed and agreed by the licence holder will greatly deter patrons from loitering outside near the neighbouring property in any event. Reducing the opening hours will cause such damage to the business that it may not be able to continue trading. The recommendation is a disproportionate way of preventing the loitering of customers which the other conditions will remedy.

On behalf of Jorge Pereira Rodrigues

PAZZIA RESTAURANT

## SCHEDULE OF COMPLAINTS AND PREMISES ATTENDANCE

1. Report on 04.02.19 that on 02.02.19 Car horns until late, shouting, screaming and singing between 2200 and 2330.

*NTE Visit Report 02.02.19: 23:20- live singing heard.*

There was no report by NTE of shouting and screaming

2. Report 27.02.19: On 24.02.19 resident awoken by shouting rowdy behaviour and car horns in the front car park area between 01:30 -02:00.

*NTE Visit Report: 24.02.19 at 00:50. No noise or people, cars etc.*

There was no shouting, rowdy behaviour or car horns found by NTE.

3. Complaint to Control room no 5440 05.04.19 at 22:48. Noise from restaurant, shouting and swearing from customers. Groups of people smoking under complainant's window.

*NTE Visit 05.04.19 at 23:40. 3 people out back smoking 3 people at the front smoking. No Noise.*

There was no noise, shouting or swearing found by NTE.

4. Complaint to Control room no 5445 06.04.19 at 23:15. Noise from restaurant, shouting and swearing from customers; partying in car park. Groups of people smoking under complainant's window. Further complaint at 00:50 party still going on in car park

*NTE Visit 06.04.19 at 23:54. Recorded music being played but not excessive. No one outside in car park dancing. 4 people smoking, few taxis coming and going to collect people.*

There is no finding on the NTE visit of any "partying " in the car park or shouting and swearing during the time of the disturbance reported by the complainant.

5. Complaint from resident on 22.04.19 re incidents of vomiting. Urinating and altercation on 19/20 April.

*OOH officer visit 19.04.19 at 22:40. 10 people sitting outside, floodlight off but people talking very loudly and laughing. Officer noted music playing but at low level.*

*NTE visit report 19.04.19 23:28, 7 people out front smoking/chatting very quietly could not hear music.*

Licensing officer visit. 20.04.19 at 23:15. Officer monitored music on the boundary of the premises, live music audible.

NTE Visit 20.04.19 23:25. No smokers outside, music heard but not live or loud.

OOH Officer visit at 23:40-00:45. Heard normal conversations and not screaming or shouting, no noise or rowdy behaviour witnessed.

The OOH officer heard people talking loudly and laughing and heard music. No anti social behaviour was observed

6. 18.05.19 email from a resident to EP and Licensing regarding ASB 'We would like to make you aware that the antisocial behaviour continues. Last night, we recorded arguments and obscene language outside the restaurant in the car park/seating area late evening. It was clearly audible inside our home. In the early hours, around 12.30 a.m., a major fight broke out. We recorded screaming, shouting, swearing, glasses being smashed and furniture being thrown around. The Police were called and the incident was reported. We don't know if the Police attended site. We have also noted the above incidents on diary sheets, along with other disturbances over the last few weekends.'
7. Call to Control Room No. 5962 – 12.10.19 Time 22:50  
Complainant reported crowd of people outside Pazzia making a noise and causing anti-social behaviour.  
*NTE visit 12.10.19 23:45 Fairly busy inside but couldn't hear music. Taxis were dropping off/picking up. There was a group standing outside but they were sheltering from the rain and were not being loud.*  
*There was no noise or antisocial behaviour found by NTE*
8. 14 October 2019 12:30 email from a resident to EP and licensing  
Please note that the noise/anti-social behaviour was excessive this weekend, particularly on Saturday night. I logged a call with the Control Centre. The outdoor area remained in use until at least 11:45 hrs. I have recordings taken on my phone, which I will share with you on Wednesday evening.'  
*NTE visited at 22:45 (see 14 above) There was no noise or antisocial behaviour found by NTE.*
9. Call to Control Room No.5988 – 26.10.19 Time 00:01 Loud Noise and Anti Social behaviour. Complainant did not want us to contact the Duty Officer and just wanted the call logged.

NTE visit 26.10.19 00:45 2 people smoking at front, no noise from Restaurant.

There was no noise or antisocial behaviour found by NTE.

10. Complaint to OOH 26.10.19 2302 - Service Request No.RBWM 1088.

OOH Officer on 27.10.19 at 0005 hours, I arrived at the Pazzia restaurant and was immediately aware of six male and female guests gathering outside talking to each other. It appeared as though they were waiting for a taxi but the noise from their voices could be clearly heard from where I was located. At 0012 hours I witnessed three females sitting on the seats outside where the tables are situated, talking and laughing.

At 0021 hours, I returned to my car and drove to the car park at the back of the restaurant where I parked my car. The two male staff members were still laughing and talking and although they noticed my arrival, they did not approach me.

At 0030 hours I saw a taxi arrive at the front of the restaurant. I waited in my car for a further 10 minutes and during this time I did not see any further activity outside.

Throughout the time that I was on site, I did not witness any evidence of the premises supervisor managing the behaviour of customers or staff I left the site at 0040 hours and noted that there was no one sitting or waiting outside.

The Officer refers to people outside the premises talking and laughing. He does not refer to any excessive noise or antisocial behaviour.

11. Complaint to OOH 16.11.19 23:02 hours- Service Request No.RBWM 1104

23:35 hours I arrived on site and met complainant. I could hear a noise commotion as I approached complainant property emanating from the Pazzia restaurant and in complainant bedroom, I could clearly hear loud voices at 23:48 hours with the double-glazed windows closed.

Complainant wanted me to observe the parked car on the double yellow lines outside their address and expressed their concern about the Christmas star decoration outside the restaurant with one of the lights pointing towards their property and another light pointing towards the oncoming traffic. I left complainant house and walked past the Pazzia restaurant where I witnessed two parked cars outside and three males standing in the outside area talking and laughing. There was no evidence of a designated premises supervisor managing the behaviour of customers I left the site at 0010 hours

*NTE Visit 16.11.19 2315. Lights on at the front and 3 people outside.3-4 taxis parking at front to pick up. Karaoke(?) being played. Not excessively loud.*

The licence holder notes that there was a noise complaint at 23:02. The NTE team find it was not excessively loud at 23:15 yet the OOH officer states there was a noise commotion at 23:35. There appears to be inconsistency and little objectivity in the investigations and reporting



made.

12. Call to Control Room No.6074 – 26.11.19 Time 22:49 Customers outside after 22:00 hours . Resident just wanted to log the call.

13. Call to Control Room No. 6087 – 30.11.19 Time 23:07 Pazzia making Noise- complainant just wanted the complaint logged

*NTE site visit 30.11.19 – 22:10. 6 lads smoking outside, not particularly loud or rowdy. Someone singing inside could also be heard, though not loud.*

*NTE site visit 30.11.19 – 23:50 Low level music could be heard, one person sat outside smoking.*

The complaint was made between the 2 LTE visits. Neither visit found any loud noise.

14. Complaint to OOH 13.12.19 at 22:56 - Service Request No. RBWM 1124 Call received from call centre to inform that a resident wanted me to be aware that guests were gathering outside the restaurant causing a noise disturbance. However she did not want me to call her back & just wished to log her concern.

*NTE Visit 14.12.19 00:25 Was closing Christmas lights on outside a few people waiting for taxis*

15. Call to Control Room No. 6139 - 14 .12.19 Time 23:07 A resident called to complain about The Pazzia Restaurant. People are outside when they should not be and the noise is very loud. Resident just wants call logged. Does not want a phone call from Duty Protection but if Community Wardens available would like them to visit site.

16. Complaint 21.12.19 at 22:48 - Service Request No. RBWM 1129 A group people gathering outside in the seating area which they are not supposed to be using after 2200 hours. Resident held the phone to their open window and I could clearly hear customers laughing and talking loudly As I was in the area, I visited the restaurant to see if any customers were outside but the restaurant looked like it was about to close and there were no customers visible.

*NTE Visit 22.12.19 -00:25 Although car park very busy and busy inside very little noise being made. Lights on out of the front but no persons at the front when checking.*

-----Original Message-----

From: csurtees <[csurtees@aol.com](mailto:csurtees@aol.com)>

To: licensing <[licensing@rbwm.gov.uk](mailto:licensing@rbwm.gov.uk)>

Sent: Wed, 29 Jan 2020 10:40

Subject: re Pazzia Restaurant Premises License

Dear Sir, re. The above. We are immediate neighbours of the above restaurant and have had no issues with them as regards noise or nuisance, in fact have found them to be good and considerate neighbours.

Yours faithfully Patricia Surtees The Retreat,sl50pn

Environmental Protection Officer  
Royal Borough of Windsor and Maidenhead  
21<sup>st</sup> January 2020

Dear Sir/Madam,

**Re: Pazzia Restaurant Premises License**

My wife, Vanessa and I live at 15 Silwood Road, near Pazzia Restaurant.

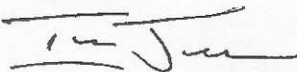
We have become weekly customers of the restaurant, and usually visit on their busy Friday nights.

Over the Christmas period we were there and witnessed the activity on some very busy night. At no time did I see any bad behaviour from any guests. Those smoking outside were subdued and respectful of others in the area.

The Pazzia provides a wonderful service to local people. They provide quality food, a quality environment and off street parking. This restaurant is an asset to the area and we support its continuation.

Should you seek further clarification please feel free to contact me as detailed below.

Yours Faithfully



Ian Jones

07469018888

[ianjones@lisamo.com](mailto:ianjones@lisamo.com)

[ianjones@hotmail.com](mailto:ianjones@hotmail.com)

Morton Cottage  
London Road, Sunninghill  
Ascot SL5 0PN

22<sup>th</sup> January 2020

To Whom it may Concern

**Re: Pazzia Restaurant Premises Licence:**

We are the next neighbour of Pazzia Restaurant in Sunninghill. Our garden is just next to the restaurants' car park with a wooden fence to separate two lands and some of our windows has a direct view of the Restaurant. We moved to this address in Jul. 2019 and living as a couple in the house.

I would like to kindly inform you that we have never had a complaint of having Pazzia Restaurant next to us and on the contrary, it makes us feel more positive that there is a nice atmosphere around the neighbourhood which, I believe, brings additional value. Pazzia Restaurant have never created a hassle for us and always been very kind.

I can confirm that, as their next neighbour, we don't have any negative experience of having Pazzia Restaurant next to us.

Yours faithfully

Duygu Sanac Kececi



Sent from Outlook Email App for Android

----- Forwarded Message -----

From: Rebecca Fraser [rebecca.fraser3236@gmail.com](mailto:rebecca.fraser3236@gmail.com)

To: [currais@mail.com](mailto:currais@mail.com)

Date: Tuesday, 04 February 2020, 06:45pm +00:00

Subject: Pazzia Sunninghill

To whom it may concern,

This is an email regarding the noise complaint brought against Pazzia in Sunninghill.

I am a resident of Morton Lodge, Sunninghill which directly next door to the restaurant in question. I have been a resident in this property for around 18 months and I have never had to put forward any noise complaints. I have always found the owners very approachable and would always feel comfortable coming forward to them if I ever had any concerns. I do not believe that the complaint raised against Pazzia is fairly founded. There are signs up around the restaurant property advising guests to be mindful of the residents living around the area and to keep the noise to a minimal level.

Please feel free to contact me if you need any further information.

Kind regards,

Rebecca Fraser



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## Pazzia restaurant licence

**From:** "Toppers Sunningdale" <topperssunningdale@gmail.com>  
**To:** currais@mail.com  
**Date:** Jan 20, 2020 10:33:17 AM

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Dear Jorge and Candido Rodrigues,

I am writing concerning your Premises Licence review which has been instigated due to a noise complaint.

As the director of Toppers of Sunningdale Fish and Chips just round the corner from you at 23 Silwood Road, I would like to support your business in confirming that I have never seen nor heard any noise pollution from your restaurant neither by myself, staff and customers. Furthermore, I live in the apartment above my business with my husband and children and have never heard any disruptive noise coming from your restaurant.

If there is anything else we could do to help then please don't hesitate to contact us.

Elizabeth Couve de Murville  
01344 876848

Environmental Protection Officer  
Royal Borough of Windsor and Maidenhead

To whom it may concern

**PAZZIA RESTAURANT, LONDON ROAD, SUNNINGHILL, ASCOT SL5 0PN**

We have been made aware that there have been complaints made about unreasonable noise from Pazzia Restaurant in Sunninghill.

Our business is in the area we are pleased to report we have not been affected by any excessive or unreasonable noise from Pazzia.

Yours Faithfully

*Wentworths & Associates Ltd*

Wentworths & Associates Ltd



**Wentworths & Associates Limited**

White Hart House, Silwood Road, Ascot, Berkshire SL5 0PY

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