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NOTICE OF MEETING

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LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

will meet on

MONDAY, 9TH MARCH, 2020

At 9.00 am

in the

GREY ROOM - YORK HOUSE, WINDSOR

TO: MEMBERS OF THE LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

COUNCILLORS MANDY BRAR, DAVID CANNON AND PHIL HASELER

Karen Shepherd – Head of Governance - Issued: 28 February 2020

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Shilpa Manek** 01628 796310

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APPOINTMENT OF CHAIRMAN</u> To appoint a Chairman for the duration of the meeting.	
2.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
3.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
4.	<u>PROCEDURES FOR SUB COMMITTEE</u> To note the procedural details for the meeting.	7 - 8
5.	<u>CONSIDERATION OF AN APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR PAZZIA RESTAURANT, LONDON ROAD, SUNNINGHILL, SL5 0PN</u> To consider an application to review the premises licence under the Licensing Act 2003 For Pazzia Restaurant.	9 - 248

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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**LICENSING PANEL SUB-COMMITTEE
09 MARCH 2020**

PROCEDURES

The Licensing Panel Sub-Committee to elect a Chair. The Chair will welcome all parties to the meeting, introduce the Sub-Committee Members and officers present. The hearing will then proceed as follows;

- a) The Officer Reporting (as the licensing authority) to outline the application and the decision to be taken
- b) Members to ask questions of the Officer Reporting
- c) Premises to ask questions of the Officer Reporting
- d) The Applicant to put their case to the Sub-Committee
- e) Members to ask questions of the Applicant
- f) Premises to ask questions of the Applicant
- g) Thames Valley Police (as a responsible authority) to make their representation
- h) Members to ask questions of Thames Valley Police
- i) Premises to ask questions of Thames Valley Police
- j) RBWM Licensing (as a responsible authority) to make their representation
- k) Members to ask questions of RBWM Licensing
- l) Premises to ask questions of RBWM Licensing
- m) Other persons to make their representation
- n) Members to ask questions of other persons
- o) Premises to ask questions of other persons
- p) Premises to make their representation
- q) Members to ask questions of the premises
- r) Members may allow questions to the premises as they think appropriate
- s) Officer Reporting to ask questions of the premises and / or seek clarification on any issues raised
- t) Officer Reporting to sum up and restate the options for the Members of the Sub-Committee
- t) Sub-Committee to retire and make their decision within 5 working days

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REPORT TO LICENSING PANEL SUB-COMMITTEE

CONSIDERATION OF AN APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE LICENSING ACT 2003

LICENSING PANEL SUB COMMITTEE: Monday 9 March 2020

OFFICER REPORTING: Greg Nelson, Trading Standards & Licensing Manager

Introduction

This meeting of a Licensing Panel Sub-Committee is convened to hear an application to review the premises licence for a premises located within the Royal Borough of Windsor & Maidenhead.

Such an application can be made by a “responsible authority”, as defined in s13 of the Licensing Act 2003 or by any other person. In this case the application is made by a responsible authority, RBWM Environmental Protection.

An application to review a premises licence must relate to one or more of the four licensing objectives set out in the Licensing Act 2003. In this case the application relates to the licensing objective “the prevention of public nuisance”.

The purpose of this hearing is for the Licensing Panel Sub-Committee to hear the application, receive written and oral representations from responsible authorities, the premises in question and other parties, and then to make a decision in respect of the application.

The Application

The application to review this premises licence is Appendix A of this report.

A summary of the application is as follows:-

Applicant: -	Feliciano Cirimele, Environmental Protection Officer, Environmental Protection, Royal Borough of Windsor & Maidenhead
Licensing objective that the application relates to:-	The prevention of public nuisance
Premises: -	Pazzia Restaurant, London Road, Sunninghill SL5 0PN
Summary of the application	To reduce the hours for licensable activity and to add certain conditions to the premises licence

The Royal Borough is the relevant licensing authority for a review of this licence.

The current premises licence for Pazzia Restaurant is Appendix B of this report.

The application to review this premises licence was submitted to the licensing authority on 13 January 2020.

The licensing authority was satisfied that

- the grounds for the review were relevant to one of the four licensing objectives set out in the Licensing Act 2003 ie the prevention of public nuisance, and
- they were not frivolous, vexatious or repetitious

A copy of the application was sent to the to the premises licence holder, Mr Jorge Rodrigues, and to the responsible authorities. A hard copy was also delivered to Mr Rodrigues.

On Tuesday 14 January a 28 consecutive day consultation period began, ending on Monday 10 February.

A Licensing Panel Sub-Committee was then required to hear the application within 20 working days, ie by Monday 09 March.

Representations Received

During the 28 day consultation period representations were made by the following responsible authorities;

- RBWM Environmental Protection (additional evidence) - Appendix C
- Thames Valley Police - Appendix D
- RBWM Licensing - Appendix E

Representations received from other persons are as follows;

- Mr & Mrs Hamilton (Appendix F)

All representations must be “relevant” as defined in the Licensing Act 2003, ie they must relate to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives which are set out in that Act.

The four licensing objectives are;

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

All of the representations received are relevant because they relate to one or more of the four licensing objectives.

History

The Sub-Committee should be aware that there was a hearing into an application for a variation of this premises licence in January 2019. The applicant on that occasion was the premises licence holder Mr Jorge Rodrigues and the application was to amend the plans for the restaurant to reflect an extension that had been added, and to extend the hours for licensable activity.

The Sub-Committee on that occasion permitted the amendment of the plans for the restaurant to reflect an extension that had been added but refused the application to extend the hours for licensable activity.

There had been objections to the application to extend the hours for licensable activity from Thames Valley Police, RBWM Environmental Health, RBWM Licensing and from other persons. Each of these drew on the history of issues at the restaurant which this Sub-Committee should be aware of.

That being the case the papers for the hearing in January 2019, which include the history of issues at the restaurant from page 51 of that document, are attached as Appendix G.

The Sub-Committee should also be aware of promises made on behalf of these premises by their representative at the January 2019 hearing. At that hearing the representative of Pazzia;

“ stated that there was significant room for improvement and that the premise licence holder was willing to review and improve on the highlighted areas of concern. He highlighted that Pazzia restaurant had been a reputable and successful local business and that they were willing to work with residents for a better solution to the noise and anti-social behaviour concerns”

(Minutes – Licensing Panel Sub-Committee Thursday 10 January 2019 – page 4 “Applicant’s summary”)

In considering an application under the Licensing Act 2003 a Licensing Panel Sub-Committee must have regard to the RBWM Licensing Policy and to the Revised Guidance issued under section 182 of the Licensing Act 2003.

These will be considered in turn

RBWM Licensing Policy

The RBWM Licensing Policy Statement 2016-21 can be found at

https://www3.rbwm.gov.uk/downloads/file/131/licensing_policy_statement_2016-21

The sections/paragraphs of the RBWM Licensing Policy that are particularly relevant to this application are;

2.2 The licensing objectives covered by this policy are:

- Promoting the Prevention of Crime and Disorder;
- Promoting Public Safety;
- **Promoting the Prevention of Public Nuisance;** and
- Promoting the Protection of Children from Harm.

2.4 The policy further takes into account paragraph 1.5 of the Section 182 Guidance which states that the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. These include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;

- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises; (Note – not all of the principal aims are included here)

6.1 Framework Hours

Having considered the evidence of alcohol related crime, disorder and anti-social behaviour, the number of late night premises and, in particular, the social, practical and regulatory impacts on the morning after the night before, the Licensing Authority has adopted a Framework Hours Policy. This Framework Hours Policy will apply to new and variation applications.

The Framework Hours Policy is not an entitlement. The Framework Hours are:

Premises Type	Commencement Hour for Licensable Activities No earlier than :	Terminal Hour for Licensable Activities No later than:
• Off licence	• 09.00	• 23.00
• Restaurant	• 09.00	• 01.00
• Pub/bar/night club	• 10.00	• 02.00
• Takeaway	• n/a	• 02.00

6.4 Wider Community Interest

The Licensing Authority considers that its licensing functions are exercised in the public interest, furthermore that the Licensing Authority is under a duty to take any steps with a view to the promotion of the licensing objectives in the interests of the wider community and not just those of the individual licence holder.

The Licensing Authority will have particular regard to those applications in close proximity to residential premises and the likely effect on the promotion of the licensing objectives in such circumstances. Subject to any relevant representations, the Licensing Authority will have particular regard to*:

- The nature of the activities
- The character of the surrounding area
- Measures for limitation of noise emissions from the premises. These may include as appropriate; noise limitation devices, sound insulation, whether windows are to be opened, the insulation of acoustic lobbies and double glazing
- Measures to deal with queuing, where necessary
- Use of outdoor areas
- Measures to deal with dispersal of customers from the premises as necessary, including the employment of door supervisors, use of dedicated Hackney Carriage / Private Hire firms, notices in the premises requesting customers to respect neighbours
- Winding down periods, particularly in public houses and nightclubs etc.

7. Promoting the Prevention of Crime and Disorder

Where relevant representations are made, the Licensing Authority will have particular regard to the following issues in relation to the crime and disorder objective:

- Measure to prevent bottles being carried from premises
- Use of drinks' promotions
- Measure to prevent binge drinking
- Participation in the Pub Watch Scheme
- Use of door supervisors
- Training staff in crime prevention measures
- Search procedures
- Use of close circuit television
- Lighting
- Where premises are new, designing out crime
- Quality of surveillance of premises

(Note – not all of these will be relevant to this particular application)

9. Promoting the Prevention of Public Nuisance

Where relevant representations are made, the Licensing Authority will have particular regard to the following issues* in relation to the public nuisance objective:

- The disposal of waste, particularly glass
- The use and maintenance of plant, including air extraction and ventilation systems
- Litter in the vicinity of the premises
- Noise from deliveries / collections to and from the premises
- Measures to control behaviour and queues
- Whether door supervisors are able to stay at the entrance to encourage quiet departure
- The provision of Hackney Carriage / Private Hire services at the premises
- Signs on doors and on tables encouraging consideration to the neighbours

Noise

Where relevant representations are made the Licensing Authority will impose conditions in relation to licenced premises to prevent unnecessary noise and disturbance to local residents. This may include restrictions on times when music or other licensable activities may take place and may impose technical restrictions on levels of sound at premises. Conditions may also be imposed requiring licensees to display signs at all exits from premises reminding customers to leave premises quietly and to respect the rights of nearby residents.

General - Door Supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
 - Maintaining orderly queuing outside of venues prone to such queuing.
- (*Note – not all of the aims are included here)

(Note - Whenever any persons are employed at licensed premises to carry out any security activity, all such persons must be licensed with the Security Industry Authority)

General - CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time. CCTV should be installed and working to the satisfaction of Thames Valley Police

Revised Guidance issued under section 182 of the Licensing Act 2003

The full document is found at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

The sections of the Guidance relevant to this application are;

- Licensing objectives and aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.9 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182 Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

- 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;
- 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.

- Public nuisance

2.15 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.

2.16 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 may 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.

2.17 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 persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable

to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 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.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 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.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial 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.

- Licensing authorities acting as responsible authorities

9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.

9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case.

(Note – the Sub Committee should be aware that, in this case, the roles of “licensing authority” and “responsible authority” have been distinct and been dealt with by separate officers. The officer acting as the responsible authority will not be involved in the licensing decision process).

- Hearings

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

- The review process

11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

(Note – the Sub Committee should be cognisant of the evidence submitted in support of this application to review of this premises licence which sets out the steps that have been taken prior to the application being made).

- Powers of a licensing authority on the determination of a review

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Appeals

13.2 With the exception of appeals in relation to closure orders, an appeal may be made to any magistrates' court in England or Wales but it is expected that applicants would bring an appeal in a magistrates' court in the area in which they or the premises are situated

Giving reasons for decisions

13.10 It is important that a licensing authority gives comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act

Conclusion

The Licensing Panel Sub Committee is obliged to determine this application with a view to promoting the four licensing objectives which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance
- The protection of children from harm.

In making its decision, the Sub Committee is also obliged to have regard to national guidance and the Council's own Licensing Policy, as set out earlier. Of course, the Committee must have regard to all of the representations made and the evidence that it hears.

The Sub Committee must then take such of the following steps as it considers appropriate for the promotion of the four licensing objectives, as set out in s52 of the Licensing Act 2003;

- a) to modify the conditions of the licence;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

In this case the applicant has made recommendations to modify the conditions of the licence, which is option (a), above.

No recommendations have been made in respect of options (b) to (e)

With respect to the recommendations in the application, the Sub-Committee may

- grant them as submitted
- modify them by altering, omitting or adding to them
- reject them in part or entirely

The Sub-Committee must make their decision within five working days.

Royal Borough of Windsor and Maidenhead

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

www.rbwm.gov.uk



I Royal Borough of Windsor and Maidenhead - Environmental Protection Unit

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

Pazzia Ristorante, London Road, Sunninghill, Ascot

Post town Ascot

Post code (if known) SL5 0PN

Name of premises licence holder or club holding club premises certificate (if known)

Jorge Pereira Rodrigues

Number of premises licence or club premises certificate (if known)

Pazzia Ristorante

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Environmental Protection Unit - Royal Borough of Windsor & Maidenhead Tinkers Lane Depot, Tinkers Lane, Windsor, SL4 4LR
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

The Pazzia Restaurant has a verified history of causing noise, disturbance and antisocial behaviour to a neighbouring residential property and of non-compliance with Premises Licence conditions. Pazzia management has repeatedly been given advice about complaints and to ensure compliance with its licence. This advice has been disregarded causing a negative impact on local residents. Noise, disturbance and antisocial behaviour was discussed at the Hearing to vary Pazzia's premises licence on 10 January 2019.

At the Hearing the applicant stated that there was significant room for improvement regarding the ongoing complaints and that the licence holder was willing to review and improve on the highlighted areas of concern including noise and anti-social behaviour.

Unfortunately, Pazzia management and their staff have not been proactive in ensuring that it trades in accordance with its premises licence or to resolve complaints. The licensing objective the Prevention of Public Nuisance is not been adequately promoted by the management and their staff with regard to the behaviour of customers when outside at the front of the premises.

The evidence gathered following the Hearing shows that noise from patrons leaving the premises and from using the outdoor seating late at night continues to be a problem. The occurring of the noise outside including raised voices and shouting is not effectively managed and is likely to cause disturbance.

The Royal Borough of Windsor and Maidenhead Environmental Protection team has investigated complaints regarding noise and disturbance, including music played indoor and raised voices from the area outside at the front of the premises. The evidence gathered in the form of noise recordings covering the period from 27 April 2019 to 3 June 2019 show that the raised voices, shouting and singing at the front of the premises has been causing unreasonable disturbance to the immediate neighbours.

On the 16 July 2019 Environmental Protection and Licensing officers advised Pazzia management that the noise from patrons at the front of the premises was causing significant disturbance to the neighbours and Environmental Protection was considering applying for a review of the licence. Officers suggested that Pazzia should consider applying (within 28 days) for variation of their Premises Licence to include additional conditions to restrict the use of the outdoor seating. Pazzia agreed to consider this option and made assurances that would, from own initiative, cease the used of the outdoor seating at 23:00.

On 20 August 2019 Pazzia manager informed the licensing officer of his decision not to apply for a variation. On the 14 September 2019 during a visit by the NTE (Night Time Economy) team Pazzia manager informed the officers that he will no longer cease the use of the outdoor seating at 23:00 as previously agreed and will allow its use in line with the premises opening hours.

Environmental Protection being satisfied that a statutory nuisance is likely to occur had to serve a Noise Abatement Notice on 23 September 2019. The notices requires Pazzia DPS to:

(A) abate the nuisance and thereafter neither to cause, permit nor otherwise allow its recurrence and to that end require you to

(B) manage the behaviour of customers and staff both within and in the immediate vicinity of the premises to ensure that nuisance is not caused to neighbouring properties. Patrons shall not loiter outside the premises between 22:00 hours and 07:00 hours

(C) cease the use of seats and tables outside the front of the premises between 22:00 hours and 07:00 hours

In response to further complaints on 27 October and 16 November 2019 the Out of Hours duty officer visited Pazzia and witnessed noise disturbance and the use of seats and tables outside after 22:00 hours. Environmental Protection is considering these incidents as possible breaches of the notice and has written under caution to the DPS.

The level of disturbance arising from patrons outside the premises and the need to set further parameters by

way of conditions to prevent noise nuisance are the main objectives of this application.

The level of disturbance due to music noise, as recorded within the evidence, was considered to be not significant. However this application will consider whether the condition included in the current licence '*The playing of recorded and live music within the premises should not be audible outside the facade of nearest residential premises*' would be enforceable.

Due to the site layout the area outside at the front of the premises is beneath a bedroom window of the neighbouring residential property. This area is the premises outdoor seating and main smoking solution and according to the current Premises Licence (ref: PL001171) it can be in use during the opening hours of the premises:

- Monday 11:00am 12:30am
- Tuesday 11:00am 12:30am
- Wednesday 11:00am Midnight
- Thursday 11:00am 1:00am
- Friday 11:00am 1:00am
- Saturday 11:00am 1:00am
- Sunday 11:00am 11:00pm

New Years Eve, Additional 2 hours on New Years Eve

Also under licensable activity M (The sale by retail of alcohol for consumption ON and OFF the premises) it can be used for alcohol consumption during the times stated in the licence:

- Monday to Wednesday 11:00am Midnight
- Thursday to Saturday 11:00am 1:00am
- Sunday 11:00am 11:00pm

Seasonal Variations:

To extend sale of Alcohol by two hours on New Years Eve 11:00am Midnight

The evidence gathered shows that the use of the outdoor seating until late at night and is causing noise and disturbance to the adjacent neighbours.

There are no conditions in the current licence to help to control and restrict the use of this area and prevent noise problems late at night. The current licence includes two conditions listed in Annex 2 - Prevention of Public Nuisance and Annex 3 - Conditions attached after a Hearing by the Licensing Authority on 10th January 2019:

- *There be prominent internal and external signage reminding patrons that the premises are in a residential area, and that noise and disturbance ought to be kept to the minimum.*
- *There will be continuing obligation that the running of the business does not cause nuisance to neighbours.*

Following the complaints investigation it is clear that these conditions are not enough to adequately control noise disturbance arising from patrons outside at the front of the premises. It is recommended that new conditions to set clear and precise parameters within which the premises can lawfully use the outside area at the front of the premises are included in the Premises Licence.

Recommended conditions

1. No persons shall be permitted in the outdoor seating at the front of the premises between 22:00 hours and 07:00 hours
2. The smoking solution will be moved to the side of the building at 22.00 hours, 7 nights per week
3. No table or chairs shall to be provided at the side and rear of the building
4. One Security Industry Authority (SIA) member of staff shall be provided from 21.00 to closing time on Friday and Saturday nights to manage the front area of the premises and ensure the above conditions are complied with

5. Digital CCTV monitoring system must be installed at the front, side and rear of the building and maintained to Thames Valley Police standard. Recording to be kept securely for 31 days and made available to Thames Valley Police employees and Authorised Persons as defined by Sections 13 & 69 Licensing Act 2003 upon request.
 - a) DPS or nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police employees and Authorised persons as defined by Sections 13 & 69 Licensing Act 2003.
 - b) Nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content. Refusals Register to be on the premises and kept up to date and made available upon the request of Police, Trading Standards Officers and authorised persons as defined by Sections 13 & 69 Licensing Act 2003.
6. Outdoors entertainment and singing is not permitted at any time
7. There shall be no live or recorded music after 23:00, seven nights a week

It is also recommended that the premises opening hours shall change to:

- Monday 11:00 to 23.00 (currently 11.00 to 00.30)
- Tuesday 11:00 to 23.00 (currently 11.00 to 00.30)
- Wednesday 11:00 to 23.00 (currently 11.00 to 00.00)
- Thursday 11:00 to 23.00 (currently 11.00 to 01.00)
- Friday 11:00 to 00.00 (currently 11.00 to 01.00)
- Saturday 11:00 to 00.00 (currently 11.00 to 01.00)
- Sunday 11:00 to 23.00 (currently 11.00 to 23.00)

Reducing the opening hours is deemed necessary to prevent customers loitering outside at the front of the premises.

Please provide as much information as possible to support the application (please read guidance note 3)

Noise, disturbance and antisocial behaviour from patrons outside at the front of the premises were discussed at the Hearing to consider an application to vary Pazzia's premises licence on 10 January 2019.

The Licensing Panel Sub Committee decision was:

After careful consideration, the Licensing Panel Sub Committee refused to grant the full variation to the current licence.

After careful consideration of all the evidence, the Sub-Committee decided to:

- 1. Grant the retrospective application to vary the premises plan to include the extension area as shown on the plan at page 37 of the bundle*
- 2. In granting paragraph 1 above, the number of covers permitted within the licensed area will increase from 60 to 66 only.*
- 3. Paragraph 1 above will be subject to the following conditions;*
 - i) There will be no speakers situated in the extension area*
 - ii) There are to be no live music played from the extension area*
 - iii) There be prominent internal and external signage reminding patrons that the premises are in a residential area, and that noise and disturbance ought to be kept to the minimum.*
 - iv) That the window situated within the extension be kept shut after 10pm.*

It was considered that these conditions are appropriate to further the licensing objective of prevention of public nuisance, particularly the prevention of noise nuisance.

After the Hearing, Environmental Protection and Licensing continued to receive complaints regarding noise and disturbance. Pazzia Restaurant was informed of the complaints received and that the investigation of complaints of this nature may include the use of noise monitoring equipment.

Noise monitoring equipment was installed at a neighbouring residential property in the bedroom located directly above the outdoor seating at the front of the premises. **(Pictures - Appendix 1)**

Following Council's protocol recordings were made by the residents covering a period from 27 April to 3 June 2019. The recordings show that while indoor music noise was not significant the external noise from patrons at the front on the premises was a serious disturbance.

10 January 2019 Licensing Panel Sub Committee - Hearing

Noise disturbance and Antisocial Behaviour from the area outside at the front of the premises was discussed at the hearing to consider an application to vary Pazzia's premises licence. The applicant acknowledged that there was significant room for improvement regarding the ongoing complaints and that the licence holder was willing to review and improve on the highlighted areas of concern including noise and anti-social behaviour.

15 January 2019 - Licensing meeting with Mr Jorge Rodrigues, DPS and PLH and Mr Candido Rodrigues, Chef/Manager/Owner (brother of DPS)

License holder was warned that 'should the premises not comply with the hours, terms and conditions set to the issued premises licence then licensing would have no further option than to review the premises licence'.

Licensing Inspection 14 February 2019

Mr Candido Rodrigues, manager and brother of DPS, was reminded of the obligations stated in the licence to prevent public nuisance, he agreed to provide additional signage within the outdoor seating and agreed to the following points:

- manage the smoking areas solution correctly and customers do not smoke in close proximity neighbouring properties
- minimised noise and disturbance and that customers do not take alcohol outside after 22.00hrs
- Undertake regular checks to ensure music noise is not audible at the nearest residential boundary and to keep records of the checks
- All external lights are switched off by 01:00hrs

Noise complaints received within 6 weeks after the Hearing on 10 January 2019

- 21 January 2019 email from a resident to EP and Licensing – ‘Can you please log a noise complaint for Friday 18th January between 11.25 p.m. and 12.15 a.m. Despite reassurances from Pazzia management and Mr Rocha at the hearing about lessons learnt, ample signage and recommendations from the Licensing Subcommittee, the noise on Friday evening was another major public nuisance. Groups of patrons were congregated in the car park shouting, screaming, swearing. Car horns were heard and vehicles were parked on the public footpath.’
- Call to Control Room Date 26/01/2019 Time call 22:55 taken by SK No 5274 to report excessive music noise and noisy patrons shouting.
- 4 February 2019 email from a resident to EP officer re: noise on the Saturday 2 February from car horns until late. Between 2200 hrs and 2330 hrs, patrons outside the restaurant shouting, singing and screaming
- 27 February 2019 email from a resident to EP and Licensing regarding noise on Sunday 24 February awoken at around 1.30 a.m. by shouting, rowdy behaviour and car horns in the front car park area. This continued until well after 2.00 a.m.

NTE Visit - Sunday 17 February 2019 at 00:50 - Persons leaving upon our arrival and x2 persons talking loudly at front of premises whilst having a cigarette.

NTE Visit – Saturday 9 March 2019 at 00:35 - entered carpark. Car park was full. We could hear voices from the restaurant and faint light music playing, not loud or intrusive. They were people outside at the front but were not noisy.

NTE Visit - Sunday 17 March 2019 at 01:00 - Two couples chatting, very quiet in front of the restaurant, no music or noise heard

EP officer Visit - Sunday 24 March 2019 at 00:40

Pazzia front car park full, all lights on, and there was a group of four outside at the tables at the front and under the neighbours’ bedroom window

NTE Visit - Saturday 30 March 2019 at 01:10 - Quiet outside no music heard few people outside

NTE Visit - Sunday 31 March 2019 at 00:55 - Could hear people and music but not excessive

3 April 2019 Environmental Protection Letter to Mr Candido Rodrigues (Appendix 2 – Letter to CR)

Letter to inform of the ongoing complaints and Environmental Protection investigation. Reference made to previous discussions at the Hearing on 10 January and during licensing inspection on 14 February when Mr Rodrigues agreed to:

- manage the smoking areas solution correctly and customers do not smoke in close proximity neighbouring properties

- minimised noise and disturbance and that customers do not take alcohol outside after 22.00hrs
- Undertake regular checks to ensure music noise is not audible at the nearest residential boundary and to keep records of the checks
- All external lights are switched off by 01:00hrs

Complaint to Control Room No 5440 - 5 April 2019 at 22:48

Call to RBWM Control Room to complain about noise coming from Pazzia Restaurant (shouting & swearing from Pazzia customers). Also groups of people are smoking under complainant's window.

NTE Visit - 5 April 2019 at 23:40

Attended phone call from persons living next door regarding noise, 3 people out the back smoking 3 people at the front smoking no noise

Complaint to Control Room No 5445 - 6 April 2019 at 23:15

Call to RBWM Control room to complain about noise coming from Pazzia Restaurant (shouting & swearing from Pazzia customers who are partying in their car park). Also groups of people are smoking under complainant's window. Further call at 00:50 (7/4/19) to complain that party is still going on in the car park.

OOH officer visit 6 April 2019 at 2305 - Service Request No. RBWM 916/16

'I was passing the Pazzia restaurant at 2305hrs, I stopped opposite, and observed approximately ten people sitting and standing outside the front of the Pazzia restaurant talking loudly, some were smoking. There was a Black Suv parked on the area between the road and the front of the restaurant premises I took the photograph below, complainant would clearly have been disturbed by the noise under her bedroom window at this time.'

NTE Visit 6 April 2019 at 23:54

Attended phone call from resident about music, Music being played (recorded) but not excessive. No one outside in car park dancing, four people outside front smoking, few taxi's coming and going to collect people.

NTE Visit 7 April 2019 at 01:32

Music still being played inside. Spoke with one of staff outside who said they still had low level music playing with just friends inside, which we informed him shouldn't be on past 01:00am and needed to be turned off. Then a second staff member come out and said it had been turned off now. After that the manager came out and asked us what we wanted, on telling him that the music shouldn't still be on at this time he said there was none on which there clearly was from what the first staff member said and what we could hear from outside.

9 April 2019 call from Mr Candido Rodrigues to EP officer regarding letter received

Mr Rodrigues said he had received a letter regarding noise complaints, officer explained the letter was to inform Pazzia of the complaint and the Council duty to investigate. Officer discussed the issues reported regarding people using outside area after 22:00 and lights. Mr Rodrigues agreed to better manage the situation by reducing the number of people outside and look into possible alternative smoking solutions. Officer warned that if EP has sufficient evidence that the noise is a problem then we will have to consider further action and this in turn could also trigger to review of the licence

15 April 2019 email from a resident to EP and Licensing regarding noise on Saturday 13 April and Sunday 14 April

'Live music excessive between 10.30 p.m. and 11.30 p.m. The singer and boom of the bass could be heard throughout our home. Disco music commenced thereafter and we could clearly hear Grease Summer Nights, Wham Wake Me Up Before You Go Go and so it went on into the small hours.'

22 April 2019 email from a resident to EP and Licensing regarding 19/20 April 2019

Detailed list of incidents + photos including;

- Patrons vomiting / urinating on footpath / driveway
- Altercation

OOH officer visit 19 April 2019 at 22:40 Service Request No. RBWM 924/16

Officer drove into the restaurant car park, observed about ten persons sitting outside the front of the restaurant, some standing, some seated at the tables, some were smoking. The offending floodlight was not on, but the people were talking very loudly and laughing, as officer passed the side of the restaurant noted music playing, but this was at a low level

NTE Visit - 19 April 2019 at 23:28

7 People outside the front. Music could only be faintly heard from the car park round the back; it was not live.

Licensing officer visit 20 April 2019 at 23:15

Officers walked to the front of neighbouring property and monitored out of sight on the boundary of the licensed premises, live music was audible (word perfectly) song was "It's not unusual" .

23.22 officers remained in situ to monitor what time live music would cease, the premises was quite busy with a number of customers within the venue, live musician clearly audible we considered it advisable not to enter venue to request music levels reduce but to establish if the premises would cease licensable activity on time.

23.24 Community Wardens arrived in marked white van the music levels immediately reduced I would suggest when observed by management of the venue.

23.29 Wardens left site.

23.32 restaurant manager walked out the front of the premises and onto the public highway, possibly to establish the wardens had left the area. Officers were spotted by the restaurant manager. Officer knew that would mean complete compliance by the premises for the rest of the evening.

OOH officer visit 20 April 2019 at 23:40 Service Request No. RBWM 924/16

Officer arrived at the Pazzia and drove into the car park and was spotted by one of the staff, there were a number of people sitting and standing outside at the front of the premises, but they were engaged in normal conversation and not screaming or shouting. Officer made observations until 0045hrs, during this time no noise or rowdy behaviour was witnessed.

Noise Recordings 27 April to 3 June 2019 (Recordings 1 to 3 attached, type: wave sound)

Date	Time	Noise	Comments
Saturday 27 April	23:30	voices	very low background level
	23:32	engine	loud exhaust
Tuesday 30 April	22:39	engine	loud exhaust
Wednesday 1 May	22:54	engine	loud exhaust
Friday 3 May	22:51	voices	can hear conversation
	22:58	voices	can hear conversation
	23:27	engine	loud exhaust
Sat 4 May	00:22	voices	background level

Saturday 4 May	23:08	engine	loud exhaust - traffic noise
	23:19	some music / voices	background very low level
	23:23	some music	background very low level
	23:36	voices	can hear conversation
	23:49	voices	can hear conversation
	23:51	voices	can hear conversation
Sun 5 May	00:01	voices	can hear conversation
	00:22	voices	can hear conversation with some shouting /laughing
	00:45	engine	loud exhaust
	01:02	voices	background level
Friday 10 May	23:17	engine	loud exhaust
	23:42	voices	arguing / shouting (supporting evidence, wave sound copy included)
Saturday 11 May	23:17	voices	background level
	23:41	Engine/voices	loud exhaust + voices (supporting evidence, wave sound copy included)
	23:49	voices	background level some shouting /laughing + loud exhaust
Sun 12 May	00:31	voices	shouting /laughing (supporting evidence, wave sound copy included)
	00:38	voices	background level
	00:41	voices	background level
Sunday 12 May	20:29	engine	loud exhaust
Tuesday 14 May	22:42	engine	loud exhaust
Friday 17 May	23:02	voices	laughing short duration
	23:16	voices	can hear conversation, some foul language
	23:18	voices	can hear conversation
	23:23	voices	can hear conversation
	23:26	traffic noise	
	23:33	voices / car door closing	can hear words and door banging
	23:38	voices	can hear conversation
	23:42	Traffic noise / voices	background level
	23:48	traffic noise	
	23:58	voices	can hear conversation

Sat 18 May	00:01	voices	can hear conversation / some shouting
	00:12	voices	can hear conversation
	00:14	voices	can hear conversation
	00:28	shouting	shouting/altercations – resident called police
	00:45	voices	can hear conversation
	00:48	voices	can hear conversation
	00:50	voices	background level
	00:53	engine	loud exhaust
		voices	background level
	00:57	voices	loud calling names / shouting
	01:06	voices	barely audible
	01:07	voices	barely audible vehicle departing
Saturday 18 May	23:15	engine	loud exhaust
	23:17	music	background very low level
	23:23	voices	background level
	23:30	voices, road traffic and internal noise	
Sun 19 May	00:00	Traffic noise / voices	background level
	00:08	Traffic noise / voices	background level
	00:14	voices	can hear conversation
	00:16	voices	can hear conversation
	00:27	voices	can hear conversation
	00:34	voices	background level
	00:39	voices	background level
	01:07	voices	background level
Friday 24 May	23:28	voices	can hear conversation
		music	background very low level
	23:31	voices	background level
	23:35	voices	very low background level
	23:40	voices	can hear conversation
	23:54	voices	can hear conversation
	23:58	voices	can hear conversation
Sat 25 May	00:22	voices	background level some shouting /laughing
	00:25	some voices	background level
	00:32	voices	can hear quiet conversation
Saturday 25 May	22:50	music	background very low level
	23:05	music	background very low level

	23:06	traffic noise	
	23:17	voices / music	background level
	23:25	voices	background very low level
	23:33	voices	background level
	23:40	voices	background level / some singing and laughing
Sun 26 May	00:01	voices	background level / some laughing
	00:06	voices	background level
Thursday 30 May	23:07	engine	loud exhaust
Friday 31 May	23:21	voices	can hear conversation
	23:23	voices	can hear conversation
	23:35	voices	can hear conversation
	23:42	voices	can hear conversation
	23:47	voices	can hear conversation
Sat 1 June	00:02	voices	background level
	00:12	some voices	background very low level
	00:19	some voices	background very low level
	00:46	voices	talking, singing, laughing and some shouting
	00:48	voices	background level
	00:56	voices	low background level
Sunday 2 June	18:15	voices	background level some cheering
	19:01	voices	background level
	21:23	voices	children playing
	22:10	voices	background level children playing table tennis?
	23:07	screaming	from being frightened/upset
	23:14	screaming	children playing
	23:16	music some voices	background very low level
	23:22	music	background very low level
	23:24	music some voices	background very low level
	23:30	voices	background very low level
	23:35	voices / screaming	background level
	23:39	voices / screaming	background very low level
	23:46	voices	background very low level
	00:08	some voices	background very low level
	00:13	no noise	
	00:30	music	background very low level – complainant reported to duty officer but requested no visit

	00:41	music	background very low level
	00:45	music	background very low level
	00:50	music	background very low level
	01:04	idling engine	loud exhaust
	01:20	some voices	background low level
	01:34	some voices	background low level

18 May 2019 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.’

NTE visit 7 June 2019 23:50 low level of music and voices from premises. A few smokers at front.

NTE visit 8 June 2019 00:50 called by CCTV regarding noise. Attended and no music heard just talking from smokers and others at front but low level.

NTE visit 9 June 2019 00:05 very quiet. 2 people outside in smoking area but no noise. Music very low inside and all windows and doors shut.

NTE visit 7 July 2019 00:45 No music noise heard. A few people milling outside but only general chat heard.

NTE visit 13 July 2019 00:15 No music noise heard. Manager approached us stating that everyone was leaving and that there were only around 15 people left.

NTE visit 14 July 2019 01:07 No music heard from the venue and minimal noise heard from inside.

16 July 2019 Officers Meeting with Mr Candido Rodrigues (brother of DPS) and restaurant manager
EP and Licensing officers discussed recordings made from 27 April to 3 June and that there is evidence that Pazzia does not sufficiently promote and manage the prevention of public nuisance relating to the area at the front. Advice to Mr Rodrigues that based on the evidence EP will request a review of the licence to include new conditions. However, should Pazzia apply for a variation of the licence to include the conditions listed below, then it may not be necessary to review the licence.

- The minor variation to be requested, within 28 days, should include the following
- Use of tables and chairs outside the front of the building to cease at 22.00, 7 nights per week, with the tables and chairs removed or covered up at this time
- The smoking solution to be moved to the rear of the building at 22.00
- No table or chairs to be provided at the rear of the building
- CCTV to be provided at the front and rear of the building
- Empty bottles to be stored inside and not emptied into outside bins between 21.00 and 09.00
- The installation of a noise limiter (with the support of a noise specialist) to address existing condition requirement regarding music noise audibility.

Mr Rodrigues was given 28 days to consider the option to apply for a variation, he was concerns regarding the smoking arrangements as there may be no valid alternatives on the side or back of the premises. He proposed that the area and tables at the front area are used until 23:00 hours, after that the front door will be locked and lights at the front will be switched off. The side door area will be used for smoking. Mr Rodrigues advised he is willing to implement these changes immediately. Officers clarified that any

changes will need to be agreed with Licensing and be reflected in the licence's conditions.

NTE visit 20 July 2019 01:00 front lights on, no people outside. Music off. Heavy rain

NTE visit 21 July 2019 21:40 call received from control room , complaint regarding loud music , no music heard at all on arrival , 6 people on benches outside talking , talking level not a disturbance , owner came out and stated he had a singer inside singing but we were not able to hear him from outside

NTE visit 21 July 2019 01:00 no music but lights at front still on, asked staff to turn lights off and they complied, no one outside smoking

NTE visit 3 August 2019 00:02 No one out front and lights off however large group of about 20 around left side of building. Group talking, laughing and shouting making loud noise. Spoke with one of staff outside that said the group was a Hen party waiting for their taxi to arrive. He did tell the group to keep the noise down while we was there but this did nothing.

NTE visit 3 August 2019 23:00 No one out front and lights off, few people smoking at the side of the building - no noise - nothing further to report

NTE visit 10 August 2019 01:10 No one out front and lights off, - no noise - nobody seen inside premises and nobody outside

NTE visit 11 August 2019 00:50 No people congregating (waiting for lifts etc) & no taxis seen in road. Nobody smoking outside, outside lights off

NTE visit 17 August 2019 00:40 All in darkness on arrival and closed up

NTE visit 25 August 2019 00:55 owner waiting outside asked if everything ok , we said yes .
4 people at front of building 2 smoking but were to left of building no noise

20 August 2019 Licensing Officer contacted Mr Rodrigues (brother of DPS)

Mr Rodrigues confirmed his decision not to apply for a variation. He was made aware that as a result of this decision Environmental Protection had no option but to apply for a review of the licence

NTE visit 30 August 2019 00:40 Quiet. A few people outside smoking.

NTE visit 31 August 2019 00:10 A few people outside smoking. Recorded music coming from inside. No lights on at front.

NTE visit 06 September 2019 23:41 6 females out the front smoking on the benches. The external lights were also on. The Manager was spoken to and the lights switched off. The Manager stated that the group of females at the front of the Restaurant were travellers and waiting for taxis and he did not want to cause any problems with them for fear of repercussions

NTE visit 07 September 2019 23:05 - The only light on at the front is the one over doorway , 2 people outside front smoking , no noise from them, music on inside at a quiet level

NTE visit 13 September 2019 23:30 Asked to attend by Control Room. On arrival the lights to the front of the premise were off and there were no smokers to the front of the unit. We were approached by the manager who stated that he has done all he has been asked to do. The manager was made aware of the complaint and assured that if there had been any issues he would have dealt with them. Control updated.

NTE visit 14 September 2019 23:20 met owner Mr Rodrigues who was initially extremely angry and agitated. Once we calmed him down he stated that he will no longer be switching off the lights or moving the smoking area as licensing are trying to get him to voluntarily make adjustments to his Premise Licence which he is unhappy about. Mr Rodrigues did make several comments about the complainant which were of

concern to the Community Warden and so they were reported to Thames Valley Police. Mr Rodrigues is clearly a man that has had enough and stated that if a change is made to the license he will challenge it in court.

NTE visit 21 September 2019 00:15 and 00:30 When we first arrived, we went into the car park. I believe a member of staff may have seen us. As we left there was no one outside the restaurant. We returned later and saw 4 people standing outside.

NTE visit 21 September 2019 00:20

12 people outside restaurant, smoking and drinking.

23 September 2019 Noise Abatement Notice served under EPA1990 S80 – (Appendix 3 - EPA1990 Notice)

Notice require:

(A) abate the nuisance and thereafter neither to cause, permit nor otherwise allow its recurrence and to that end require you to

(B) manage the behaviour of customers and staff both within and in the immediate vicinity of the premises to ensure that nuisance is not caused to neighbouring properties. Patrons shall not loiter outside the premises between 22:00 hours and 07:00 hours

(C) cease the use of seats and tables outside the front of the premises between 22:00 hours and 07:00 hours

25 September 2019 17:20 EPO received a call from Mr Candido Rodrigues (brother of DPS) regarding the noise abatement notice he and the DPS had received. EPO discussed the requirements of the notice Mr Rodrigues said that ending the use of the outdoor seating at 22:00 is too early and will have a negative impact on the business especially in the summer. Advised that he has the right to appeal the notice within 28 days. Discussed the review of the licence that EP is applying for, he said that he would be happy to continue to informally stop the use on the outdoor seating at 23:00, I repeated previous advised given on the 11 July 2019 that this needs to be formalised in the licence with new conditions. Advised that if he wishes to look into a possible variation of the licence to include a new set of conditions he can write to Licensing.

NTE visit 28 September 2019 00:20 No one outside the front. No smokers outside, lots cars and a couple of vans parked outside the entrance. No Music heard . Bright Lights on outside and inside no body seen inside or outside

NTE visit 4 October 2019 Attended at 21:30, there were 3 people outside, no excessive noise. Went again at 23:00, a couple of people outside. The manager said, due to H. &S, he will keep the lights on as long as he has customers. Went again at 01:20 and it was closed.

NTE visit 5 October 2019 22:20 Busy outside 8/9 people smoking. No excessive noise.

NTE visit 6 October 2019 01:25 A couple of cars picking up the last patrons. Lights off, no noise.

NTE visit 11 October 2019 23:15 Nothing to report. No loud music, not busy and no one outside.

Call to Control Room No. 5962 - 12 October 2019 Time 22:50

Complainant reported crowd of people outside Pazzia making a noise and causing anti-social behaviour Community wardens are visiting Pazzia, complainant required no call back, just wanted it logged

NTE visit 12 October 2019 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.

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 visit 19 October 2019 00:35 Upon arrival 1 vehicle sitting in front parking area with lights on but no one in vehicle. Lights on inside but no music or persons seen. No one smoking out of the front of the building.

NTE visit 19 October 2019 23:15 Lights on out the front , 3 females just outside the door smoking

Call to Control Room No.5988 - 26 October 2019 Time 00:01

Complaining about Pazzia Restaurant, 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 October 2019 00:45 2 people smoking at front, no noise from Restaurant

NTE visit 26 October 2019 23:30 3 Customers smoking outside at front and recorded music played

Complaint to OOH 26 October 2019 2302 - Service Request No.RBWM 1088

On Sunday 27 October 2019 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. **(Exhibit EJ1 - Witness Statement)**

NTE visit 1 November 2019 23:20 Lights on outside, no persons sitting out the front

NTE visit 2 November 2019 23:10 Lights on outside, 2 people sitting outside not smoking , very quiet

NTE visit 9 November 2019 00:00 Lights on at front but no one out there. Two females at side of restaurant smoking. No music heard

NTE visit 10 November 2019 00:10 No one outside and no noise. However lights at front on

NTE visit 15 November 2019 23.50 The external lights and Christmas fairly lights were on and quite bright however there was no one outside. Recorded music could be heard by the side door / fire exit. I have an image of the lights should anyone wish to review it.

NTE visit 16 November 2019 21:15 Lights on at the front and 3 people outside. 3/4 Taxis parking at the front to pick up. Karaoke (?) being played. Not excessively loud.

Complaint to OOH 16 November 2019 2302 hours - Service Request No.RBWM 1104

2335 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 2348 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.

(Exhibit EJ2 - Witness Statement)

NTE visit 15 November 2019 00:00 Lights on. 3 People outside the front and one taxi parked. No excessive noise.

Call to Control Room No.6074 - 26 November 2019 Time 22:49

Complaint about Pazzia restaurant, customers outside after 22:00 hours

Resident just wanted to log the call.

NTE visit 29 November 2019 22:07 customers starting to leave, light music still audible, 2 x people smoking out the front but quietly

NTE visit 30 November 2019 00:26 light noise and music (not live), no taxis waiting and no one smoking out front

NTE visit 30 November 2019 22:10 Light live music, and 6 people smoking outside in front of the restaurant

NTE visit 30 November 2019 23:50 Light music, and 1 person smoking outside in front of the restaurant

Call to Control Room No. 6087 - 30 November 2019 Time 23:07

Pazzia making Noise complainant just wanted the complaint logged

NTE10308 Visit 06/12/2019 23:48 Pazzia restaurant, London Road All quiet, on one outside front or back. Music can not be heard either.

NTE10316 Visit 08/12/2019 00:23 Pazzia restaurant, London Road Group of 6 people, Male and female stood outside the front chatting to each other. No shouting heard. Group then seen getting in a taxi on main road as we left. Music being played inside, could only hear it when passing door on side of building.

Complaint to OOH 13 December 2019 at 2256 hrs - 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.

Call to Control Room No. 6139 - 14 December 2019 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.

NTE10337 Visit 14/12/2019 00:25 Pazzia restaurant, London Road Was closing Christmas lights on outside a few people waiting for taxis

Complaint to OOH 21 December 2019 at 2248 hrs - Service Request No. RBWM 1129

about 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.

NTE10377 Visit 21/12/2019 00:50 Pazzia restaurant, London Road x 2 vehicles in front car park loading music equipment into vehicle. Spoke to manager who stated they had live music but it had

all ended by the time we arrived. Last few persons leaving the premises and waiting out the front on the public pavement for a taxi.

NTE10390 Visit 22/12/2019 00:25 Pazzia restaurant, London Road 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.

NTE10400 Visit 27/12/2019 22:00 Pazzia restaurant, London Road Shut

NTE10417 Visit 28/12/2019 23:10 Pazzia restaurant, London Road All Closed , no activity

Licensing and Environmental Protection have requested the NTE (Night Time Economy) team to visit the premises on Friday and Saturday night. Full details of the visited are included in Appendix 4.

Environmental Protection has received diary records of the noise, disturbance and anti-social behaviour from the neighbouring resident, these cover the following periods: **(Exhibit TH - diary records)**

1. 27 April to 3 June 2019
2. 18 August 2019
3. 6 September 2019
4. 25 – 27 October 2019
5. 8 – 10 November 2019
6. 16 -17 November 2019
7. 13 December 2019
8. 14 December 2019
9. 4 January 2020
10. 5 January 2020

Supporting evidence submitted with the application:

- Appendix 1 - pictures 1 and 2
- Appendix 2 - copy of Letter
- Appendix 3 - copy of EPA Notice
- Appendix 4 - NTE visits
- Exhibit EJ1 - WS
- Exhibit EJ2 - WS
- Exhibit TH1 - diary records
- Recording 1 – wave sound recording
- Recording 2 – wave sound recording
- Recording 3 – wave sound recording

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Environmental Protection objections in November 2018 to an application to vary and extend the hours of the premises licence. The application was decided at the Hearing on 10 January 2019. The Licensing Panel Sub Committee refused to grant the extension of the hours.

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**



Signature

Date **13 January 2020**

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Feliciano Cirimele - Environmental Protection Officer Environmental Protection - Royal Borough of Windsor & Maidenhead Tinkers Lane Depot, Tinkers Lane, Windsor, SL4 4LR	
Post town Windsor	Post Code SL4 4LR
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

6. This is the address which we shall use to correspond with you about this application.

Picture 1 – side of residential property



Picture 2 – bedroom window



Environmental Protection Officer
Environmental Protection
@rbwm.gov.uk
07773 387158
18/04493/NOIPUB

www.rbwm.gov.uk



3 April 2019

Mr Candido Rodrigues
Pazzia Ristorante
London Road
Sunninghill
Ascot
SL5 0PN

Dear Mr Rodrigues

Environmental Protection Act 1990, Sections 80

RE: Alleged nuisance due to noise

AT: Pazzia Ristorante London Road Sunninghill Ascot SL5 0PN

I write to advise you that the Royal Borough of Windsor and Maidenhead Council is still receiving complaints alleging that music noise and noise from patrons coming from your premises is causing a problem. At this stage the complaint is an **allegation**, we do not know whether it is justified because we have not carried out an investigation. The complainant has confirmed your address as the alleged source of the problem, however if you feel you are not responsible for this matter then please contact me to discuss the matter further.

The complainant has also been asked to keep a diary record of the alleged nuisance so that I can assess their complaint. The Council is duty-bound to conduct an investigation of complaints of this nature. This may include visits by officers from Environmental Protection or, where appropriate, the use of noise monitoring equipment.

If you feel that the complaint may be justified, I would advise you to take steps to ensure that the noise from your premises is kept to a level that does not interfere unreasonably with anyone else's right to peaceful enjoyment of their premises.

The problems that are causing complaints were discussed at the Licensing hearing on 10 January 2019 and during the Licensing inspection on 14 February 2019, you agreed to the following,

- To ensure you manage the smoking areas solution correctly and customers do not smoke in close proximity neighbouring properties
- Noise and disturbance is minimised and customers do not take alcohol outside after 22.00hrs
- Undertake regular checks to ensure music noise is not audible at the nearest residential boundary and to keep records of the checks
- All external lights are switched off by 01:00hrs

Duncan Sharkey, Managing Director

Town Hall, St. Ives Road, Maidenhead, SL6 1RF

W: www.rbwm.gov.uk E: customer.service@rbwm.gov.uk T: 01628 683800

@rbwm 4 search: rbwm

Please find overleaf notes detailing what a statutory nuisance is and how we conduct investigations. I am the officer dealing with your case and if you have any questions or queries regarding the above please do not hesitate to contact me.

Yours faithfully

[REDACTED]

[REDACTED]

Environmental Protection Officer

NUISANCE

What is a nuisance?

A statutory nuisance is a situation involving the material interference in the use and enjoyment of a premises, by certain specified activities on neighbouring land.

The legislation is quite specific, indicating what we can and cannot deal with – for example, it is possible to take action against noise from a stereo system, but not an aircraft.

A statutory nuisance is severe in nature - not merely an annoyance – it has to be proved to affect **significantly** somebody's use of their property – for example music that frequently awakes you during the night and prevents you from sleeping.

To determine a statutory nuisance (for example music noise), the volume of noise; the frequency of occurrence; and the times of the day that it occurs, are then compared to an average **person's** level of sensitivity. For this reason, we ask for a diary to be completed, showing when the problem happens and how bad (you) the **person feels** it is when it occurs.

If necessary, we also undertake an investigation to independently verify the facts of the situation, prior to undertaking our professional assessment of the situation.

What formal action can be taken?

If the Council believed a statutory nuisance exists, an abatement notice is served on the person responsible for the nuisance requiring them to stop the problem activity. An abatement notice can specify what action the person causing the nuisance needs to take and within what time period. Only a small proportion of complaints lead to this because informal action and negotiation usually resolves any problems.

If an abatement notice is ignored or appealed against, then a court case will result. Anyone who has made a complaint may be called as a witness to establish the full facts in the case. The diary record sheets of when nuisance occurs will be an important part of the evidence of the case. At the end of the hearing, the court will decide what action, if any, is to be taken.

As an alternative to complaining to the Council anyone who is affected by a nuisance can take the matter directly to court themselves.

Environmental Protection Officer
Environmental Protection
rbwm.gov.uk

COPY

www.rbwm.gov.uk



17/02467/NOIPUB

23 September 2019

Mr Jorge Pereira Rodrigues
Designated Premises Supervisor
Pazzia Ristorante
London Road
Sunninghill
Ascot
SL5 0PN

Dear Mr Rodrigues

**ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80
ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE
PAZZIA RISTORANTE LONDON ROAD SUNNINGHILL ASCOT SL5 0PN**

I write further to my letter dated 3 April 2019 when I informed that the Royal Borough of Windsor and Maidenhead Council continued to receive complaints regarding noise coming from your property and Environmental Protection was investigating the complaints.

Following our meeting on 16 July 2019 I advised you that evidence has been gathered in the form of noise recordings that the noise from patrons at the front of the premises was causing significant disturbance to the neighbours and Environmental Protection was considering applying for a review of the licence.

The licensing officer suggested a way forward to resolve the problem by recommending you applied within 28 days for a variation of your Premises Licence to include additional conditions to time the use of the outdoor seating. It was agreed that you would consider the option to apply for a variation and in the meantime, from your own initiative, you would ensure that the use of area at the front will cease at 23:00 hours. On 20 August 2019 you informed the licensing officer of your decision not to apply for a variation. As a result of this decision you were made aware that Environmental Protection had no option but to apply for a review of the licence

On the 14 September 2019 during a visit by the NTE (Night Time Economy) team you informed the officers that you will no longer cease the use of the outdoor seating at 23:00 and continue to allow patrons in.

I am satisfied of the likely occurrence of noise amounting to a statutory nuisance from patrons outside at the front of the premises and I am duty bound to serve a noise abatement notice. The notice clearly details the actions required to abate the nuisance. Failure to comply with terms of the Notice is a criminal offence and can result in prosecution and on conviction an unlimited fine.

Duncan Sharkey, Managing Director

Town Hall, St. Ives Road, Maidenhead, SL6 1RF

W: www.rbwm.gov.uk E: customer.service@rbwm.gov.uk T: 01828 683800

@rbwm search: rbwm

I am the officer dealing with your case and if you have any questions or queries regarding the above please do not hesitate to contact me.

Yours Sincerely

Environmental Protection Officer

ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE

Environmental Protection Act 1990 Part III Section 80

Our ref: 19/00060/PA70

To: **Mr Jorge Pereira Rodrigues, Designated Premises Supervisor**

Of: **Pazzia Ristorante, London Road, Sunninghill, ASCOT SL5 0PN**

COPY



TAKE NOTICE that The Royal Borough of Windsor and Maidenhead ("the Council") being satisfied of the likely occurrence of noise amounting to a statutory nuisance under sections 79(1)(g) of the Act at the premises known as: **Pazzia Ristorante, London Road, Sunninghill, ASCOT SL5 0PN**

in the district of **The Royal Borough of Windsor and Maidenhead**

by reason of: noise from persons including loud voices, shouting, and disorderly behaviour and noise from revving engines occurring at the area outside at the front of the premises

HEREBY REQUIRE YOU, as: the occupier of the premises to

(A) abate the nuisance and thereafter neither to cause, permit nor otherwise allow its recurrence and to that end require you to

(B) manage the behaviour of customers and staff both within and in the immediate vicinity of the premises to ensure that nuisance is not caused to neighbouring properties. Patrons shall not loiter outside the premises between 22:00 hours and 07:00 hours

(C) cease the use of seats and tables outside the front of the premises between 22:00 hours and 07:00 hours

Time for compliance:

(A) (B) and (C) Immediately

WARNING

(1) If without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be committing an offence under Section 80(4) of the Act. On summary conviction fines up to £5,000 may be imposed. Further fines up to one-tenth of the greater of £5,000 or level 4 on the standard scale of that level may be imposed for each day on which the offence continues after conviction. Unlimited fines may be imposed in respect of industrial, trade or business premises.

(2) If you fail to comply with this notice the Council may abate the nuisance and do whatever is required to achieve compliance.

(3) The Council being of the opinion that the nuisance to which this notice relates the expenditure which would be incurred by any person in the carrying out of works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in the period from such compliance. This notice shall not in the event that you appeal against it be suspended until the appeal has been decided by the court or abandoned;

STATUTORY NUISANCE (APPEALS) REGULATIONS 1995

RIGHT OF APPEAL: An appeal may be made against this notice to a magistrates' court within 21 days beginning with the date of the service of this notice. The grounds of appeal prescribed in the Regulations are reproduced overleaf.

Signed on behalf of the Council:.....
Environmental Protection Officer

Dated: 23 September 2019

Community Protection and Enforcement Services, The Royal Borough of Windsor and Maidenhead,
Town Hall, St.Ives Road, MAIDENHEAD Berkshire SL6 1RF

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows: -
APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
- (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
- (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
- (e) where the nuisance to which the notice relates -
- (i) is a nuisance falling within section 79(1)(a), (d), (e), (f), (fa), or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
- (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
- (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, or
- (iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and -
- (aa) the artificial light is emitted from industrial, trade or business premises, or
- (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),
- that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
- (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
- (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
- (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
- (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
- (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);
- (h) that the abatement notice should have been served on some person instead of the appellant, being -
- (i) the person responsible for the nuisance, or
- (ii) the person responsible for the vehicle, machinery or equipment, or
- (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
- (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
- (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
- (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,
- and that it would have been equitable for it to have been so served;
- (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
- (i) a person also responsible for the nuisance, or
- (ii) a person who is also owner of the premises, or
- (iii) a person who is also an occupier of the premises, or
- (iv) a person who is also the person responsible for the vehicle, machinery or equipment,
- and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may: -
- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
- (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the court -
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

3. (1) Where: -
- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
- (b) either: -
- (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
- (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
- (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,
- the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
- (a) the nuisance to which the abatement notice relates -
- (i) is injurious to health, or
- (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice -
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
- (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

Statement of Witness

Statement of: Mrs Elizabeth Johnson

Age: Over 21

Occupation of Witness: Out-of-Hours Environmental Protection Officer

Employment Status: Self employed Contractor with Inside Housing Solutions Ltd, Pound House, Pound Lane, Godalming, Surrey GU7 1BX

This statement (consisting of 2 pages and signed by me) is true to the best of my knowledge and belief and I make it known that if it is tendered in evidence, I should be liable to prosecution if I have wilfully stated in it anything I know to be false or do not believe to be true. I am willing to attend court to give evidence.

Signature:



Date: 5th November 2019

I am an experienced Environmental Protection Officer and I have worked in this role for a variety of Local Authorities for the past 13 years. Since April 2017, I have worked as a self employed Out-of-Hours Environmental protection officer for Inside Housing Solutions Ltd. During this time, I have represented the Royal Borough of Windsor & Maidenhead Council where I respond to Nuisance complaints from members of the community when the Council offices are closed.

On Saturday 26th October 2019 at 2302 hours, I received a phone call from the Royal Borough of Windsor & Maidenhead call centre about a noise disturbance from a resident in London Road, Sunninghill, Ascot. As usual, the call centre provided me with the details and I contacted the complainant to make arrangements to attend their address to witness the alleged disturbance emanating from the nearby Pazzia restaurant in London Road, Sunninghill, Ascot. Unfortunately on this occasion, I was unable to attend the complainant's address as the complainant's partner was sleeping due to work commitments so I attended the restaurant to witness the alleged activity outside.

I was aware that the restaurant had been served with a Noise Abatement Notice on 23/09/2019 which requires the Designated premises Supervisor to: 'manage the behaviour of customers and staff both within and in the immediate vicinity of the premises to ensure that nuisance is not caused to neighbouring properties. Patrons shall not loiter outside the premises between 2200 and 0700 hours'. The Notice also requires the premises supervisor to: 'cease the use of seats and tables outside the premises between 2200 and 0700 hours'.

On Sunday 27th October 2019 at 0005 hours, I arrived at the Pazzia restaurant and parked my car approximately 200 yards further down London Road to make observations. I noted in my PACE notebook that I 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 left my car and walked towards the restaurant. I witnessed three females sitting on the seats outside where the tables are situated, talking and laughing. I noted that

they were not consuming alcohol and one of the females was showing her friends images on her mobile phone. As I walked past the restaurant towards the car park at the rear, I could hear the music being played from within the restaurant and briefly saw several customers inside. I also saw the back door to the restaurant was wide open and two members of staff were talking and laughing together.

From the car park, I could see a taxi had arrived and when I walked towards the front of the restaurant, the guests waiting outside had left. The three females were still present however on the outside seating area.

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. Due to the glare of the headlights, I was unable to see who left. I waited in my car for a further 10 minutes and during this time I did not see any further activity outside. Another male member of staff joined his colleagues and I could hear them talking and occasionally laughing as the door was still wide open.

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 do believe that I witnessed a breach of the Noise Abatement Notice served on 23rd September 2019. I left the site at 0040 hours and noted that there was no one sitting or waiting outside.

Signature :



Date: 5th November 2019

Statement of Witness

Statement of: Mrs Elizabeth Johnson

Age: Over 21

Occupation of Witness: Out-of-Hours Environmental Protection Officer

Employment Status: Self employed Contractor with Inside Housing Solutions Ltd, Pound House, Pound Lane, Godalming, Surrey GU7 1BX

This statement (consisting of 2 pages and signed by me) is true to the best of my knowledge and belief and I make it known that if it is tendered in evidence, I should be liable to prosecution if I have wilfully stated in it anything I know to be false or do not believe to be true. I am willing to attend court to give evidence.

Signature:



Date: 9th December 2019

I am an experienced Environmental Protection Officer and I have worked in this role for a variety of Local Authorities for the past 13 years. Since April 2017, I have worked as a self employed Out-of-Hours Environmental protection officer for Inside Housing Solutions Ltd. During this time, I have represented the Royal Borough of Windsor & Maidenhead Council where I respond to Nuisance complaints from members of the community when the Council offices are closed.

On Saturday 16th November 2019 at 2302 hours, I received a phone call from the Royal Borough of Windsor & Maidenhead call centre about a noise disturbance from a resident in London Road, Sunninghill, Ascot. As usual, the call centre provided me with the details and I contacted the complainant to make arrangements to attend their address to witness the alleged disturbance emanating from the nearby Pazzia restaurant in London Road, Sunninghill, Ascot.

I was aware that the restaurant had been served with a Noise Abatement Notice on 23rd September 2019 which requires the Designated premises Supervisor to: 'manage the behaviour of customers and staff both within and in the immediate vicinity of the premises to ensure that nuisance is not caused to neighbouring properties. Patrons shall not loiter outside the premises between 2200 and 0700 hours'.

On Saturday 16th November 2019 at 2335 hours, I arrived on site and parked my car in the car park next door to the complainant's address. As I walked towards the complainant's property, I was aware of the raised voices emanating from the direction of the Pazzia restaurant. I met the complainants and they took me to their bedroom where they are regularly disturbed. Their double glazed window in their bedroom was closed. At 2348 hours, I could clearly hear raised voices close by and although it was not possible to visibly witness anyone from this window, I had no doubt that the loud voices were from people standing at the front of the Pazzia restaurant.

At 2357 hours, I left Crossways Cottage 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 their behaviour & I do believe I witnessed a breach of the Noise Abatement Notice served on 23rd September 2019. I left the site at 0010 hours.

Signature :

A handwritten signature in black ink, appearing to be 'Gunn', written in a cursive style.

Date: 9th November 2019

Night Time Economy (NTE) team visits to Pazzia Restaurant, Ascot from January 2019 – December 2019

NTE9093 - 05/01/2019 00:45 Pazzia restaurant Ascot No music heard very quiet

NTE9110 - 06/01/2019 01:00 Pazzia restaurant Ascot extremely quiet no music, no one outside all fine

NTE9121 - 11/01/2019 22:27 Pazzia restaurant Ascot Open but appeared quiet and no noise.

NTE9129 - 12/01/2019 01:14 Pazzia restaurant Ascot shut and customers all gone.

NTE9138 - 12/01/2019 21:21 Pazzia restaurant Ascot Open but appeared quiet and no noise.

NTE9149 - 13/01/2019 01:33 Pazzia restaurant Ascot shut and customers all gone.

NTE9158 - 19/01/2019 01:13 Pazzia restaurant Ascot People inside restaurant talking could be heard from outside but not excessive.

NTE9171 - 20/01/2019 00:05 Pazzia restaurant Ascot No noise outside all quiet

NTE9189 - 25/01/2019 21:35 Pazzia restaurant Ascot No noise outside all quiet

NTE9198 - 26/01/2019 00:25 Pazzia restaurant Ascot No noise outside all quiet

NTE9217 - 27/01/2019 00:00 Pazzia restaurant Ascot Could hear people talking from inside , no music heard

NTE9234 - 01/02/2019 23:47 Pazzia restaurant Ascot NO music or live singer heard , only a couple of people seen inside

NTE9254 - 02/02/2019 23:20 Pazzia restaurant Ascot Live singing heard

NTE9257 - 03/02/2019 00:00 Pazzia restaurant Ascot Recorded music heard from outside , at 00:10 we went into premises to ask that it be turned off due to licensing terms, manager showed wardens his licensing paperwork from RBWM and it states recorded music allowed until 1am Thursday to Saturday , photograph of paperwork taken

NTE9274 - 09/02/2019 00:05 Pazzia London Road Ascot Very quiet. Did loop of car park only 3 vehicles there no one in them. No music of any kind heard.

NTE9288 - 09/02/2019 23:40 Pazzia restaurant Ascot No Live music recorded only at an acceptable level no issues

NTE9304 - 16/02/2019 01:00 Pazzia restaurant Ascot Upon arrival persons leaving the premises but leaving quietly, and no music pre recorded or live taking place.

NTE9321 - 17/02/2019 00:50 Pazzia restaurant Ascot Persons leaving upon our arrival and x2 persons talking loudly at front of premises whilst having a cigarette.

NTE9338 - 23/02/2019 01:26 Pazzia restaurant Ascot People leaving in the car park at rear and 1 taxi waiting at front no music playing

NTE9353 - 24/02/2019 00:50 Piazza No Noise or people, cars etc

02/03/2019 00:30 Piazza no music can be heard, very quiet

02/03/2019 21:10 Piazza Very busy, no music few people outside sitting

NTE9273 - 08/03/2019 01:05 Piazza People leaving, music turned off at 01:00

NTE9288 - 10/03/2019 01:00 Piazza No music on , no people outside , all lights on left side of restaurant off

NTE9300 - 16/03/2019 01:00 Piazza No music on couple of people sitting outside but no loud conversations.

NTE9309 - 17/03/2019 01:00 Piazza Two couples chatting, very quiet in front of the restaurant, no music or noise heard

NTE9325 - 22/03/2019 22:28 Pazzia Restaurant Open, but seemed quiet and no noise noted

NTE9330 - 23/03/2019 01:05 Pazzia Restaurant Still customers sat inside and taxis waiting outside, but no noise or music

NTE9345 - 23/03/2019 22:34 Pazzia Restaurant Light music playing

NTE9351 - 24/03/2019 01:22 Pazzia Restaurant all quiet, nothing to report

NTE9373 - 30/03/2019 01;10 Pazzia Restaurant Quiet outside no music heard few people outside

NTE9390 - 31/03/2019 00:55 Pazzia Restaurant could hear people and music but not excessive

NTE9405 -05/04/2019 23:40 Pazzia Restaurant phone call from persons living next door ino cctv regarding noise. Attended 3 people out the back smoking 3 people at the front smoking no noise

NTE9419 -06/04/2019 23:54 Pazzia Restaurant Radio from cctv about a complaint from resident about music, Music being played (recorded) but not excessive. No one outside in car park dancing, four people outside front smoking, few taxi's coming and going to collect people.

NTE9421 -07/04/2019 01:32 Pazzia Restaurant Music still being played inside. Spoke with one of staff outside who said they still had low level music playing with just friends inside, which we informed him shouldn't be on past 01:00am and needed to be turned off. Then a second staff member come out and said it had been turned off now. After that the manager came out and asked us what we wanted, on telling him that the music shouldn't still be on at this time he said there was none on which there clearly was from what the first staff member said and what we could hear from outside.

NTE9435 - 12/04/2019 23:55 Pazzia Restaurant No customers outside. Music could be heard but was not excessive.

NTE9460 - 14/04/2019 00:08 Ascot Pazzia Music heard from outside shut door

NTE9474 - 19/04/2019 23:28 Pazzia restaurant London Road Ascot 7 people out front smoking/chatting very quietly. Could not hear any music however Jake thought it may have been playing very low volume. We waited in car park for a while but could not hear anything disturbing.

NTE9501 - 20/04/2019 23:25 Pazzia No smokers outside, music heard but not live and not loud

NTE9517 - 27/04/2019 01:10 Pazzia Restaurant In darkness upon arrival. Spoke to manager whom was outside having a cigarette. Informed by manager that it had been very quite tonight.

NTE9535 - 28/04/2019 00:15 Pazzia Restaurant At time of checking no live or recorded music being played, although we did note the front lights in the trees were still switched on.

NTE9549 - 04/05/2019 01:21 Pazzia Restaurant, Ascot Restaurant closed all in darkness

NTE9561 - 05/05/2019 01:25 Pazzia Restaurant, Ascot No music heard and no ASB to report.

NTE9570 - 11/05/2019 01:10 Pazzia Restaurant, Ascot No Taxis parked

NTE9592 - 18/05/2019 01:00 Pazzia Restaurant, Ascot Closed. A group leaving premises but no noise heard.

NTE9609 - 19/05/2019 00:55 Pazzia Restaurant, Ascot Very quiet from the premises. No one outside either.

NTE9620 - 25/05/2019 00:30 Pazzia Restaurant, Ascot Very quiet group leaving premises but no noise heard.

NTE9632 - 26/05/2019 00:10 Pazzia Restaurant, Ascot Busy inside but no noise or music heard

NTE9645 - 31/05/2019 22:45 Pazzia Restaurant, Ascot Very quiet outside, no music heard from inside

NTE9651 - 01/06/2019 01:25 Pazzia Restaurant, Ascot Very quiet from the premises. No one outside either.

NTE9665 - 01/06/2019 21:52 Pazzia Restaurant, Ascot busy, but no music heard just voices from inside, not excessive

NTE9673 - 02/06/2019 01:07 Pazzia Restaurant, Ascot OPEN,.. But noise level acceptable, just voices audible from conversations in restaurant, no music.

NTE9684 - 07/06/2019 23:50 low level of music and voices from premises. A few smokers at front.

08/06/2019 00:25 Complaint by subject of loud music sent to OOH (CCTV 5597) CW to visit (See result above and below.

NTE9689 - 08/06/2019 00:50 Called by CCTV regarding noise. Attended and no music heard just talking from smokers and others at front but low level.

NTE9707 - 09/06/2019 00:05 Very quiet. 2 people outside in smoking area but no noise. Music very low inside and all windows and doors shut.

NTE9727 - 15/06/2019 01:10 Pazzia No music heard from outside, no lights on inside and no voices heard inside from outside

NTE9742 - 16/06/2019 01:15 Pazzia Nobody seen inside premises and no music heard

NTE9758 - 22/06/2019 01:00 Pazzia London Road All closed no one around

29/06/2019 00:37 Pazzia London Road No noise heard as it was closed

NTE9786 - 29/06/2019 23:30 Pazzia No noise or music heard

NTE9689 - 06/07/2019 01:02 Pazzia restaurant, London Road Premises looked closed and no noise in vicinity.

NTE9710 - 07/07/2019 00:45 Pazzia restaurant, London Road No music noise heard. A few people milling outside but only general chat heard.

NTE9733 - 13/07/2019 00:15 Pazzia restaurant, London Road No music noise heard. Manager approached us stating that everyone was leaving and that there were only around 15 people left. AIO

NTE9764 - 14/07/2019 01:07 Pazzia restaurant, London Road No music heard from the venue and minimal noise heard from inside.

NTE9777 - 20/07/2019 01:00 Piazza restaurant no front lights on, no people outside. Music off. Heavy rain

NTE9792 - 21/07/2019 21:40 Piazza restaurant Call received from control room regarding loud music , no music heard at all on arrival , 6 people on benches outside talking , talking level not a disturbance , owner came out and stated he had a singer inside singing but we were not able to hear him from outside

NTE9798 - 21/07/2019 01:00 Piazza restaurant no music but lights at front still on. TW asked staff to turn lights off and they complied, no one outside smoking

NTE9800 - 26/07/2019 23:16 Pazzia restaurant, London Road Windows open no loud music, nothing to report

NTE9828- 03/08/2019 00:02 Pazzia restaurant, London Road No one out front and lights off however large group of about 20 around left side of building. Group talking, laughing and shouting making loud noise. Spoke with one of staff outside that said the group was a Hen party waiting for their taxi to arrive. He did tell the group to keep the noise down while we was there but this did nothing.

NTE9845 - 03/08/2019 23:00 Pazzia restaurant, London Road No one out front and lights off, few people smoking at the side of the building - no noise - nothing further to report

NTE9726- 10/08/2019 01:10 Pazzia restaurant, London Road No one out front and lights off - no noise - nobody seen inside premises and nobody outside

NTE9747- 11/08/2019 00:50 Pazzia restaurant, London Road No people congregating (waiting for lifts etc) & no taxis seen in road. Nobody smoking outside, outside lights off

NTE9766 - 17/08/2019 00:40 Pazzia restaurant, London Road All in darkness on arrival and closed up

NTE9804 24/08/2019 01:25 Pazzia restaurant, London Road Closed

NTE9821 - 25/08/2019 00:55 Pazzia restaurant, London Road 4 People smoking to the left of the property

NTE9836 - 31/08/2019 00:40 Pazzia restaurant, London Road 2 people smoking outside. No noise heard

NTE9856 – 01/09/2019 00:08 Pazzia restaurant, London Road 2 smokers smoking outside side entrance. Lights off at the front, music heard only when door opened

NTE9872 - 06/09/2019 23:41 Pazzia restaurant, London Road 6 females out the front smoking on the benches. The external lights were also on. The Manager was spoken to and the lights switched off. The Manager stated that the group of females at the front of the Restaurant were travellers and waiting for taxis and he did not want to cause any problems with them fear of repercussions.

NTE9891 - 07/09/2019 23:05 Pazzia restaurant, London Road The only light on at the front is the one over doorway , 2 people outside front smoking , no noise from them, music on inside at a quiet level

NTE9911 - 13/09/2019 23:20 Pazzia restaurant, London Road Asked to attend by Control Room. On arrival the lights to the front of the premise were off and there were no smokers to the front of the unit. We were approached by the Manager Raffa who stated that he has done all he has been asked to do. Raffa was made aware of the complaint and assured us that if there had been any issues he would have dealt with them. Control updated.

NTE9929 - 14/09/2019 23:20 Pazzia restaurant, London Road The conditions set out on the tasking sheet are not being adhered to. Please refer to uniform for full details.

NTE9944 - 21/09/2019 00:30 Pazzia restaurant, London Road no music, lights on outside. 4 people standing outside

NTE9955 - 22/09/2019 00:20 Pazzia restaurant, London Road 12 people outside restaurant, smoking and drinking

NTE9973 - 28/09/2019 00:20 Pazzia restaurant, London Road No one outside the front. No smokers outside, lots cars and a couple of vans parked outside the entrance. No Music heard . Bright Lights on outside and inside no body seen inside or outside

NTE10011 - 04/10/2019 21:29 Pazzia restaurant, London Road open, one lady out front smoking but on correct side.

NTE10019 - 04/10/2019 23:40 Pazzia restaurant, London Road 3 guys smoking outside but on wrong side, did not seem loud. manager came out and spoke to us whilst we were parked up in the car park to the rear. Said he is trying his best but has been told by his boss (the owner) not to turn lights off out the front after a female customer in high heels tripped and fell over in the dark as she could not see recently.

NTE10027 - 05/10/2019 01:25 Pazzia restaurant, London Road lights off, closed.

NTE10041 - 05/10/2019 22:20 Pazzia restaurant, London Road busy, with lots of people out front smoking, drinking and chatting but not loud.

NTE10045 - 06/10/2019 00:15 Pazzia restaurant, London Road 4 smokers outside, not noisy, no music heard

NTE10049 - 06/10/2019 01:20 Pazzia restaurant, London Road Taxis picking up the last remaining customers but lights off and closing

NTE10072 12/10/2019 23:45 Pazzia restaurant, London Road 23:00, resident called out of hours complaining about people outside Pazzia. When we arrived we could see it was fairly busy inside, no music. Taxi's coming and going picking up people from outside. People were sheltering under the umbrellas because of the rain but were not noisy.

NTE10089 19/10/2019 00:35 Pazzia restaurant, London Road Upon arrival 1 vehicle sitting in front parking area with lights on but no one in vehicle. Lights on inside but no music or persons seen. No one smoking out of the front of the building.

NTE10099 19/10/2019 23:15 Pazzia restaurant, London Road Lights on out the front , 3 females just outside the door smoking

NTE10119 26/10/2019 00:45 Pazzia restaurant, London Road 2 people smoking at front, no noise from Restarant

NTE10129 26/10/2019 23:30 Pazzia restaurant, London Road 3 Customers smoking outside at front and recorded music played

NTE10145 01/11/2019 23:20 Pazzia restaurant, London Road Lights on outside , no persons sitting out the front

NTE10162 02/11/2019 23:10 Pazzia restaurant, London Road Lights on outside , 2 people sitting outside not smoking , very quiet

NTE10177 09/11/2019 00:00 Pazzia restaurant, London Road Lights on at front but no one out there. Two females at side of restaurant smoking. No music heard.

NTE10194 10/11/2019 00:10 Pazzia restaurant, London Road No one outside and no noise. However lights at front on.

NTE10208 15/11/2019 23:50 Pazzia restaurant, London Road The external lights and christmas fairly lights were on and quite bright however there was no one outside. Recorded music could be heard by the side door / fire exit. I have an image of the lights should anyone wish to review it.

NTE10224 16/11/2019 23:15 Pazzia restaurant, London Road Lights on at the front and 3 people outside. 3/4 Taxis parking at the front to pick up. Karaoke (?) being played. Not excessively loud.

NTE10240 22/11/2019 23:20 Pazzia restaurant, London Road No persons out the front , no noise heard from inside

NTE10257 24/11/2019 00:00 Pazzia restaurant, London Road Lights on, 3 people out the front, 1 car/taxi. No excessive noise.

NTE10272 29/11/2019 22:00 Pazzia restaurant, London Road Light music audible from inside (not live) and general noise from customers. Car park busy, no one outside.

NTE10273 29/11/2019 22:07 Pazzia restaurant, London Road customers starting to leave , light music still audible, 2 x people smoking out the front but quietly

NTE10277 30/11/2019 00:26 Pazzia restaurant, London Road light noise and music (not live) , no taxis waiting and no one smoking out front

NTE10287 30/11/2019 22:10 Pazzia restaurant, London Road 6 lads smoking outside, not particularly loud or rowdy. Someone singing live inside could also be heard, though not loud.

NTE10294 30/11/2019 23:50 Pazzia restaurant, London Road low level music could be heard, one person sat outside smoking

NTE10308 06/12/2019 23:48 Pazzia restaurant, London Road All quite, on one outside front or back. Music can not be heard either.

NTE10316 08/12/2019 00:23 Pazzia restaurant, London Road Group of 6 people, Male and female stood outside the front chatting to each other. No shouting heard. Group then seen getting in a taxi on main road as we left. Music being played inside, could only hear it when passing door on side of building.

NTE10337 17/02467/NOIPUB Tracey & Tiia 14/12/2019 00:25 Pazzia restaurant, London Road Was closing Christmas lights on outside a few people waiting for taxis

NTE10377 21/12/2019 00:50 Pazzia restaurant, London Road x 2 vehicles in front car park loading music equipment into vehicle. Spoke to manager who stated they had live music but it had all ended by the time we arrived. Last few persons leaving the premises and waiting out the front on the public pavement for a taxi.

NTE10390 17/02467/NOIPUB Alan & Carol 22/12/2019 00:25 Pazzia restaurant, London Road 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.

NTE10400	17/02467/NOIPUB	Dave& Pete	27/12/2019	22:00	Pazzia restaurant, London Road	Shut
NTE10417	28/12/2019	23:10	Pazzia restaurant, London Road All Closed , no activity			

Statutory Nuisance Record – Environmental Protection Act 1990, Criminal Justice Act 1967 and Magistrates Courts Act 1980

Royal Borough of Windsor & Maidenhead
 Waste & Environmental Protection Team
 Public Protection Unit
 York House, 41 Sheet Street, Windsor, SL4 1DD



Area Officer:
 Uniform Ref No:

Your Name:
 Address:
 Tel:
 Address from which nuisance arises: PAZZIA RESTAURANT, LONDON ROAD, SUMMERCOTE, SL5 0RN

Information reported to the Waste & Environmental Protection Team at the Royal Borough of Windsor & Maidenhead will be treated in the strictest confidence but may be shared with the Police and other agencies including Housing Associations UNLESS YOU STATE OTHERWISE.

2019.

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
	Suburban 27 April 2019	11.30pm	11.35pm	5 mins	All areas	Stall car revving engine	Woken up	5/7
	Thursday 30 April 2019	10.30pm	10.35pm	5 mins	All areas	Stall car with noisy engine revving + exclaiming	Noise nuisance	5
	Wednesday 1 April		11.00pm	3 mins	All areas	" " " "	" "	5
"	Friday 3 May		11.00pm	10 mins	Master bedroom	Persons sat outside talking loudly, using profanities	Unpleasant to hear foul language in bedroom	5/7
"	Friday 3 May	11.27pm	11.30	3 mins	All areas	Stall car, revving engine	Noise nuisance	5
	Saturday 4 May	11.16pm	11.12pm	2 mins	All areas	" " " "	" "	5
	"	11.25				Artable music	Heard in bed	5

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
	Saturday 4 May	11.35pm			All areas	Group of people congregated outside talking loudly		5
	"	Midnight	12.35pm		"	Patrons shouting		8
	Sunday 5 May	12.45am				Stall car revving	Woke us up	8
	"	1.05pm				Patrons outside talking loudly	Unable to sleep	7
	"					Stall car revving, running engine & exhaling	Woke us up	8
	Friday 10 May	23.18	23.21	3/4mins	All areas	Stall car revving, running engine & exhaling	Woke us up	8
		23.45			Bedroom	Drunk patrons outside shouting	"	7
	Saturday 11 May	23.43		2 mins	Bedroom	Stall car revving & exhaling		7

This diary exhibit..... (consisting of..... page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is rendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed:.....

Date:.....

Further Witness 1
 Name:.....
 Address:.....
 Signature:..... Date:.....

Further Witness 2
 Name:.....
 Address:.....
 Signature:..... Date:.....

Statutory Nuisance Record – Environmental Protection Act 1990, Criminal Justice Act 1967 and Magistrates Courts Act 1980

Royal Borough of Windsor & Maidenhead
 Waste & Environmental Protection Team
 Public Protection Unit
 York House, 41 Sheet Street, Windsor, SL4 1DD

Area Officer:
 Uniform Ref No:



Your Name:
 Address:
 Tel:
 Address from which nuisance arises:

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2019

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
	11	1.00 am			Bedroom	Car horns b.b.bing	Unable to sleep	7
	Sunday 12 May	12.25 hrs (am)	At least 1.00pm	1 hr	Bedroom	Crowds outside shouting	Woke us up	9
	Tuesday 14 May	22.45 hrs		2 min	Bedroom / all areas	Shell car running engines revving & exiting		7
	Friday 17 May	23.20 hrs on / off	19 contd. all evening			Patrons outside, foul language, audible music	Offended by language / profanities.	6/7
	11	23.30 hrs				Car horns b.b.bing in car park		8
	11	midnight		10 min		Patrons still arguing & swearing	Unable to go to sleep	8
	11	12.20 hrs				Patrons outside shouting,		7

SHEET 2

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
	17/18 May	12.25hrs		10 mins		Fighting, sounded like fight Glass smashing / breaking Noisy w/ patrons outside talking loudly	Called Police to report disturbance / screaming / brawl	10
	"	12.50hrs on / off	R-hill on hour			Car exiting restaurant. (Cancelled)	Noise pollution	7/8
	"	1.00am						9
	Saturday 18 May	2315				Audible music & usual noisy car running engine & exiting		8
	"	12.20		5 mins		Patrons making noisy exit / hanging around car park a lot		6
		12.28hrs	1am	35 mins		Patrons outside talking loudly	Unable to sleep	7/8
		1.05	1.15am	10 mins		Car engines left running patrons making noisy exits		7/8

This diary exhibit..... (consisting of..... page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is rendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed..... Date:.....

Further Witness 1
 Name:.....
 Address:.....
 Signature:..... Date:.....

Further Witness 2
 Name:.....
 Address:.....
 Signature:..... Date:.....

Statutory Nuisance Record – Environmental Protection Act 1990, Criminal Justice Act 1967 and Magistrates Courts Act 1980

Royal Borough of Windsor & Maidenhead
 Waste & Environmental Protection Team
 Public Protection Unit
 York House, 41 Sheet Street, Windsor, SL4 1DD

Area Officer:
 Uniform Ref No:



Your Name: _____
 Address: _____
 Tel: _____
 Address from which nuisance arises: PIZZIA RESTAURANT, LONDON ROAD, SUNNINGHILL, SUNNINGHILL, LONDON, SUNNINGHILL, SL5 0PN

Information reported to the Waste & Environmental Protection Team at the Royal Borough of Windsor & Maidenhead will be treated in the strictest confidence but may be shared with the Police and other agencies including Housing Associations UNLESS YOU STATE OTHERWISE.

2019

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
	Friday 24 May	9.30	MUSIC ceased 11.35pm	1 (hr)	All	audible music / noisy person outside	Noise nuisance throughout home	7
	11	11.40	12.45pm		Bedroom	Noisy crowds outside as per recordings	Unable to sleep properly	8
	11	1 am		5 min	Bedroom	Cars / taxi engines running / whirring		
	Saturday 25 May	10pm ish	Recordings after 11pm until 1am	Intermittent all evening	All parts of bedroom	Audible music; occasionally reverberating around and hearing	Unpleasant noise nuisance then unable to sleep	6-9
	Friday 31 May	9.00pm				Persons outside talking loudly, swearing	Recordings 11.30pm onwards	
	11	11.45pm				Staff, car running, revving + exiting		
		1.00am				Persons outside singing karaoke	Recorded - - -	10

Statutory Nuisance Record – Environmental Protection Act 1990, Criminal Justice Act 1967 and Magistrates Courts Act 1980

Royal Borough of Windsor & Maidenhead
 Waste & Environmental Protection Team
 Public Protection Unit
 York House, 41 Sheet Street, Windsor, SL4 1DD

Area Officer:
 Uniform Ref No:



Your Name:
 Address:
 Tel:
 Address from which nuisance arises:

Information reported to the Waste & Environmental Protection Team at the Royal Borough of Windsor & Maidenhead will be treated in the strictest confidence but may be shared with the Police and other agencies including Housing Associations UNLESS YOU STATE OTHERWISE.

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
	Sunday 2 June	3pm			House + Garden	Crowds of people gathered in front area / car park - possibly a party	Noise nuisance - shouting, screaming, banging on walls of opp. house	Variable
"	"	10.55pm	11.15pm		ALL	Arguing, screaming, threatening in front area / car park / public	Heard inside or here	10
"	"	11.15pm	1.30am		Bedroom	Audible music - Karaoke or DJ?		
						Cars reversing		

Statutory Nuisance Record – Environmental Protection Act 1990, Criminal Justice Act 1967 and Magistrates Courts Act 1980

Royal Borough of Windsor & Maidenhead
 Waste & Environmental Protection Team
 Public Protection Unit
 York House, 41 Sheet Street, Windsor, SL4 1DD

Area Officer:
 Uniform Ref No:



Your Name: [redacted]
 Address: [redacted]
 Tel: [redacted]
 Address from which nuisance arises: PAZZIA [redacted]

Information reported to the Waste & Environmental Protection Team at the Royal Borough of Windsor & Maidenhead will be treated in the strictest confidence but may be shared with the Police and other agencies including Housing Associations UNLESS YOU STATE OTHERWISE.

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
	17/8/19	9.30pm	1.00am			Noisy/loud anti social behaviour in outdoor seating area. A fight/brawl broke out later & spilled onto public highway	Mr Hamblen was on call so unable to intervene & not comfortable leaving the house.	99
						Argument continued on foot for further 20 minutes. Later early hours very audible music - possibly a DJ.	Mrs Hamilton unable to sleep. As usual for no apology received for the anti-social behaviour & excessive noise.	

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)

67

This diary exhibit..... (consisting of..... page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is rendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed:, Date: 18/8/19

Further Witness 1
 Name:
 Address:
 Signature: Date: 18-8-19

Further Witness 2
 Name:
 Address:
 Signature: Date:

Statutory Nuisance Record – Environmental Protection Act 1990, Criminal Justice Act 1967 and Magistrates Courts Act 1980

Royal Borough of Windsor & Maidenhead
 Waste & Environmental Protection Team
 Public Protection Unit
 York House, 41 Sheet Street, Windsor, SL4 1DD

Area Officer:
 Uniform Ref No:



Your Name: KANDON KAY, SUNNINGHILL, SL5 6RN
 Address: KANDON KAY, SUNNINGHILL, SL5 6RN
 Tel:
 Address from which nuisance arises: PIZZIA RESTAURANT

Information reported to the Waste & Environmental Protection Team at the Royal Borough of Windsor & Maidenhead will be treated in the strictest confidence but may be shared with the Police and other agencies including Housing Associations UNLESS YOU STATE OTHERWISE.

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
	Friday 6 September	9pm	Approx midnight		Living + bedroom areas	Excessive patron noise + profanity. Music clearly heard inside our home. Out of hours operators could hear music + singing.	Unable to relax / enjoy evening + lethargy unable to sleep due to music + anti-social behaviour	7

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)

This diary exhibit..... (consisting of..... page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is rendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed:..... Date:..... 7/9/19.....

Further Witness 1
 Name:.....
 Ad.....
 Signature:..... Date: 7/9/19.....

Further Witness 2
 Name:.....
 Address:.....
 Signature:..... Date:.....

Statutory Nuisance Record – Environmental Protection Act 1990, Criminal Justice Act 1967 and Magistrates Courts Act 1980

Royal Borough of Windsor & Maidenhead
 Waste & Environmental Protection Team
 Public Protection Unit
 York House, 41 Sheet Street, Windsor, SL4 1DD

Area Officer:
 Uniform Ref No:



Your Name: _____
 Address: _____
 Tel: _____
 Address from which nuisance arises: _____
 LONDON ROAD, SUNNICHILL SL5 0PN

Information reported to the Waste & Environmental Protection Team at the Royal Borough of Windsor & Maidenhead will be treated in the strictest confidence but may be shared with the Police and other agencies including Housing Associations UNLESS YOU STATE OTHERWISE.

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
	25/10/19	9pm	At least 12.30am		Living room + bedroom		Unable to relax + later unable to sleep. Called out of hours Control Centre around midnight.	7
	25 + 26/10/19	8.30pm	Ongoing until at least 2.00am		"		As above. Called Control Centre @ 1pm. Spoke to Liz, EP Officer @ 11.10pm. Liz arrived on site approx 12.30am to witness site of outside loud voices, shouting!	8

disorderly behaviour Page 1 – continue overleaf
 + music (live tbc?)

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
Hopkinson	27/10/19	Afternoon evening	Until last 2am		All	Car horns binging. Cars parked on public footpaths outside restaurant & OW house.		

71

This diary exhibit..... (consisting of..... page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is rendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed:..... Date:.....

Further Witness 1
 Name:.....
 Address:.....
 Signature.....
 Date: 27/10/19

Further Witness 2
 Name:.....
 Address:.....
 Signature.....
 Date: 29/10/19

Statutory Nuisance Record – Environmental Protection Act 1990, Criminal Justice Act 1967 and Magistrates Courts Act 1980

Royal Borough of Windsor & Maidenhead
 Waste & Environmental Protection Team
 Public Protection Unit
 York House, 41 Sheet Street, Windsor, SL4 1DD

Area Officer:
 Uniform Ref No:



Your Name: _____
 Address: _____
 Tel: _____
 Address from which nuisance arises: PAGE 1 A RESTAURANT

Information reported to the Waste & Environmental Protection Team at the Royal Borough of Windsor & Maidenhead will be treated in the strictest confidence but may be shared with the Police and other agencies including Housing Associations UNLESS YOU STATE OTHERWISE.

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
..	2/11/19	1am	Approx 1.30am		Bedroom	People shouting, appeared to be at front of restaurant	Woken up	7
11	3/11/19	4pm	10.30pm		Kitchen Living room Bedroom	Kitchen extractor fan (faulty)	Continual background noise	72
11	8/11/19	11.20pm	11.25pm		Bedroom	Hysterical women screaming using explosives threatening to "burn the place down"	Woken up. Very frightening + threatening behaviour.	8
11								
11	9/11/19	11.43pm	1.15am or later			Patrons outside, sounded like seating area in use shouting, talking loudly, singing, Anth social noise sporadic, c.	Woken up, unable to sleep	9
						Argument outside. Screaming + use of profanity	DPS not in control of situations	
	10/11/19	12.50am						

Between midnight + after 1am - Noisy customers outside a departing car horns beeping. Taxis parked on public footpath.

Signage in ineffective asking patrons to leave quietly.

Statutory Nuisance Record – Environmental Protection Act 1990, Criminal Justice Act 1967 and Magistrates Courts Act 1980

Royal Borough of Windsor & Maidenhead
 Waste & Environmental Protection Team
 Public Protection Unit
 York House, 41 Sheet Street, Windsor, SL4 1DD

Area Officer:
 Uniform Ref No:



Your Name: _____
 Address: _____
 Tel: _____
 Address from which nuisance arises: PA 221A, LONDON ROAD, SUNNYSIDE, LONDON ROAD, SUNNYSIDE

Information reported to the Waste & Environmental Protection Team at the Royal Borough of Windsor & Maidenhead will be treated in the strictest confidence but may be shared with the Police and other agencies including Housing Associations UNLESS YOU STATE OTHERWISE.

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
Mr + Mrs	Saturday / Sunday 10/11 November	Approx 8pm	Approx 1.00am	5 hrs	Living room Bedroom	Anti social behaviour - shouting, swearing. Car horns, vehicles parked outside our house, revving engines	Unable to relax during evening. Unable to sleep late on.	
							Presented to Environmental Protection office report who attended our home & witnessed unacceptable noise & breaches.	

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)

This diary exhibit..... (consisting of..... page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is rendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed:..... Date:.....

Further Witness 1
 Name:.....
 Address:.....
LORDAN ROAD SUMNER HILL
 Signature..... Date: *17/11/19*

Further Witness 2
 Name:.....
 Address:.....
 Signature..... Date: *17-11-19*

Statutory Nuisance Record – Environmental Protection Act 1990, Criminal Justice Act 1967 and Magistrates Courts Act 1980

Royal Borough of Windsor & Maidenhead
 Waste & Environmental Protection Team
 Public Protection Unit
 York House, 41 Sheet Street, Windsor, SL4 1DD

Area Officer:
 Uniform Ref No:



Your Name: LONDON ROAD, SUNNINGWELL, SL5 0RN
 Address: PIZZERIA RESTAURANT
 Tel: " " " "
 Address from which nuisance arises: PIZZERIA RESTAURANT

Information reported to the Waste & Environmental Protection Team at the Royal Borough of Windsor & Maidenhead will be treated in the strictest confidence but may be shared with the Police and other agencies including Housing Associations UNLESS YOU STATE OTHERWISE.

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
Mr + Mrs	13/12/19	2230	—	→	Whole house + neighbourhood	Excessively loud music. Could be heard inside or property + outside. Pianos continue to use outside area after 10pm curfew. Sweeney, shouting, arguing + general anti social behaviour.	Couldn't relax + later unable to sleep. Mr Han. <u>UN</u> on call	8
	14/12/19							

Statutory Nuisance Record – Environmental Protection Act 1990, Criminal Justice Act 1967 and Magistrates Courts Act 1980

Royal Borough of Windsor & Maidenhead
 Waste & Environmental Protection Team
 Public Protection Unit
 York House, 41 Sheet Street, Windsor, SL4 1DD

Area Officer:
 Uniform Ref No:



Your Name: _____
 Address: _____
 Tel: _____
 Address from which nuisance arises: Pazzia London Road, Sunninghill SL5 0PN

Information reported to the Waste & Environmental Protection Team at the Royal Borough of Windsor & Maidenhead will be treated in the strictest confidence but may be shared with the Police and other agencies including Housing Associations UNLESS YOU STATE OTHERWISE.

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
	14/12/19	9.30pm	Eat hours		Whole house	Anti social behaviour, audible music, car horns, cars parked on public footpath	Unable to relax / totally unable to sleep.	9
	15/12/19		Cat least (1245 hrs)				Call logged w/ Control Centre after 11pm. Noise recording sent to LA, Environment Office as proof outside area is continuously in use, despite 10pm curfew.	

Statutory Nuisance Record – Environmental Protection Act 1990, Criminal Justice Act 1967 and Magistrates Courts Act 1980

Royal Borough of Windsor & Maidenhead
 Waste & Environmental Protection Team
 Public Protection Unit
 York House, 41 Sheet Street, Windsor, SL4 1DD

Area Officer:
 Uniform Ref No:



Your Name: _____
 Address: _____
 Tel: _____
 Address from which nuisance arises: 1 London Road, Sunninghill SL5 0PN
PAZZIA RESTAURANT

Information reported to the Waste & Environmental Protection Team at the Royal Borough of Windsor & Maidenhead will be treated in the strictest confidence but may be shared with the Police and other agencies including Housing Associations UNLESS YOU STATE OTHERWISE.

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
	4/1/20	2200	Approx 2am		Whole house	Music clearly audible inside our home. Patrons being allowed to use foot seating area after 2200hrs, contrary to Noise Abatement Ord.	Unable to relax & largely unable to sleep then awoken at 2.00am.	8
	5/1/20					Possibly <u>DN Karaoke</u> .	Anti social behaviour shouting, arguing & excessive use of profanities. OPS encouraging this behaviour. Call logged with <u>Control Room</u> at <u>2311 hrs</u> .	

Statutory Nuisance Record – Environmental Protection Act 1990, Criminal Justice Act 1967 and Magistrates Courts Act 1980

Royal Borough of Windsor & Maidenhead
 Waste & Environmental Protection Team
 Public Protection Unit
 York House, 41 Sheet Street, Windsor, SL4 1DD

Area Officer:
 Uniform Ref No:



Your Name: London
 Address: PO, Sunninghill
 Tel: " " " "
 Address from which nuisance arises: Pazzia

Information reported to the Waste & Environmental Protection Team at the Royal Borough of Windsor & Maidenhead will be treated in the strictest confidence but may be shared with the Police and other agencies including Housing Associations UNLESS YOU STATE OTHERWISE.

Name of Disturbance(s)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
	5/1/20	2200hrs	2315hrs	1hr as fell asleep	Bedroom	Group of 4 in front of house shouting after 10pm curfew. Loud voices, swearing. Anti social behaviour -	Unable to sleep	7
						Control Centre called at 2231hrs.		
						Telephone conversation w/ 412 @ 2238hrs. (out of hours office)		

Premises Licence

LOCAL AUTHORITY

The Royal Borough of Windsor & Maidenhead
 Town Hall
 St Ives Road
 Maidenhead
 SL6 1RF

tel: 01628 683840
 web: www.rbwm.gov.uk

www.rbwm.gov.uk



Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Pazzia Restaurant

London Road, Sunninghill, Ascot, SL5 0PN.

Telephone 01344 622038

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Saturday	7:00pm	11:30pm
	Sunday	7:00pm	11:00pm
F. Playing of recorded music (Indoors)	Monday to Wednesday	11:00am	Midnight
	Thursday to Saturday	11:00am	1:00am
	Sunday	11:00am	11:00pm
J. Provision of facilities for dancing (Indoors)	Monday to Wednesday	9:00pm	11:00pm
	Thursday to Saturday	9:00pm	Midnight
	Sunday	9:00pm	11:00pm
L. Late night refreshment (Indoors)	Monday to Saturday	11:00pm	1:00am
	Sunday	11:00pm	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Wednesday	11:00am	Midnight
	Thursday to Saturday	11:00am	1:00am
	Sunday	11:00am	11:00pm
	Seasonal Variations:	11:00am	Midnight
	To extend sale of Alcohol by two hours on New Years Eve		



Premises Licence

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday	11:00am	12:30am
Tuesday	11:00am	12:30am
Wednesday	11:00am	Midnight
Thursday	11:00am	1:00am
Friday	11:00am	1:00am
Saturday	11:00am	1:00am
Sunday	11:00am	11:00pm
New Years Eve		
Additional 2 hours on New Years Eve		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises



Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Jorge Pereira Rodrigues

Pazzia Restaurant, London Road, Ascot, SL5 0PN.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Jorge Pereira RODRIGUES

[REDACTED]

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA050676

Issued by Windsor and Maidenhead



Premises Licence

ANNEXES

ANNEX 1 - Mandatory Conditions

No supply of alcohol may be made under the premises licence:

- i. at a time when there is no designated premises supervisor in respect of the premises licence, or
- ii. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

- 1) The responsible person must 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:-
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (d) 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.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

- 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 designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- 3) 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 either -
 - (a) a holographic mark,
 or
 - (b) an ultraviolet feature.

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 in the following measures:
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25ml or 35ml; and
 - iii. still wine in a glass: 125ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises, and



Premises Licence

ANNEXES continued ...

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 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 purpose of the condition set out in paragraph 1 -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 (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 amount of duty chargeable in relation to the alcohol as if the duty were charged in relation to the alcohol as if the duty were charged on the date for 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 if the sale or supply of the alcohol.

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

- i. the holder of the premises licence.
- ii. the designated premises supervisor.
- 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.

- 3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a charge to the rate of duty or value added tax.
- 5) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
- Any individual employed to carry out a security activity must be licensed by the Security Industry Authority (SIA).
 - Admission of children is restricted in accordance with the recommendation by the British Board of Film Classification. If the film has not been classified the restriction of children must be approved by the Licensing Authority. (Children means any person under 18 years).

ANNEX 2 - Conditions consistent with the Operating Schedule

General

Prevention of Crime and Disorder

- Intoxicated persons will not be sold Alcohol
- Binge Drinking will not be encouraged



Premises Licence

ANNEXES continued ...

- All Staff will be trained in Crime Prevention matters

Public Safety

- Maximum of sixty six (66) cover only
- Fire Alarm fully installed.
- Fire fighting equipment on the premises.
- Smoke Detectors fitted in every room.
- All Staff are trained in evacuation procedures.

Prevention of Public Nuisance

- There will be no speakers situated in the extension area as per built plan issued on 02/10/2018
- There are to be no live music played from the extension area as per built plan issued on 02/10/2018
- There be prominent internal and external signage reminding patrons that the premises are in a residential area, and that noise and disturbance ought to be kept to the minimum
- That the window situated within the extension be kept shut after 22.00 hrs
- Bottles disposed of during daytime only.
- The rule of the house is Fair Behaviour and Staff trained accordingly.
- No live music after 23.30 hrs.
- Maximum of two (2) musicians.
- Recorded music mainly background type and no D.J. will be hired or Disco music played.
- There will be continuing obligation that the running of the business does not cause nuisance to neighbours.
- The playing of recorded and live music within the premises should not be audible outside the facade of nearest residential premises.
- Speakers should not be placed outside the premises, at any time.

Protection of Children from Harm

- Under 16's only admitted if accompanied by Adults.
- Proof of age requested.

ANNEX 3 - Conditions attached after a Hearing by the Licensing Authority

Hearing held at Guildhall Windsor on 10th January 2019.


The Sub-committee decided to:

1. Grant the restropective application to vary the premises plan to include the extension area as per built plan issued on 02/10/2018 (plan attached to premises licence)
2. In granting paragraph 1 above, the number of covers permitted within the licensed area will increase from 60 to 66 only
3. Paragraph 1 above will be subjected to the following conditions
 - There will be no speakers situated in the extension area (ref: As build plan issued on 02/10/2018)
 - There are to be no live music played from the extension area (ref. as built plan issued on 02/10/2018)
 - There be prominent internal and external signage reminding patrons that the premises area in a residential area, and that noise and disturbance ought to be kept to the minimum
4. We refuse the application to extend the premises opening hours.

ANNEX 4 - Plans

See attached plan (As built plan issued on 02/10/2018)





David V Scott
Head of Communities



Premises Licence Summary

LOCAL AUTHORITY

The Royal Borough of Windsor & Maidenhead

Town Hall
St Ives Road
Maidenhead
SL6 1RF

tel: 01628 683840
web: www.rbwm.gov.uk

www.rbwm.gov.uk



Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Pazzia Restaurant

London Road, Sunninghill, Ascot, SL5 0PN.

Telephone 01344 622038

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Saturday	7:00pm	11:30pm
	Sunday	7:00pm	11:00pm
F. Playing of recorded music (Indoors)	Monday to Wednesday	11:00am	Midnight
	Thursday to Saturday	11:00am	1:00am
	Sunday	11:00am	11:00pm
J. Provision of facilities for dancing (Indoors)	Monday to Wednesday	9:00pm	11:00pm
	Thursday to Saturday	9:00pm	Midnight
	Sunday	9:00pm	11:00pm
L. Late night refreshment (Indoors)	Monday to Saturday	11:00pm	1:00am
	Sunday	11:00pm	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Wednesday	11:00am	Midnight
	Thursday to Saturday	11:00am	1:00am
	Sunday	11:00am	11:00pm
	Seasonal Variations:	11:00am	Midnight
	To extend sale of Alcohol by two hours on New Years Eve		



Premises Licence Summary

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday	11:00am	12:30am
Tuesday	11:00am	12:30am
Wednesday	11:00am	Midnight
Thursday	11:00am	1:00am
Friday	11:00am	1:00am
Saturday	11:00am	1:00am
Sunday	11:00am	11:00pm
New Years Eve		
Additional 2 hours on New Years Eve		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Jorge Pereira Rodrigues

Pazzia Restaurant, London Road, Ascot, SL5 0PN.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Jorge Pereira RODRIGUES

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Under 16's only admitted if accompanied by Adults.



David V Scott
Head of Communities



From: Feliciano Cirimele
Sent: 03 February 2020 11:53
To: Lauren Deane
Cc: Greg Nelson; Daniel Bayles
Subject: Pazzia - Application to Review the Premises Licence

Dear Licensing,

With regard to the above application please find attached additional evidence Environmental Protection has received from 10 January to 2 February 2020 including 3 out of hours reports, NTE visits and complainant's diary sheets

Regards
Feliciano Cirimele

Statutory Nuisance Record – Environmental Protection Act 1990, Criminal Justice Act 1967 and Magistrates Courts Act 1980

Royal Borough of Windsor & Maidenhead
 Waste & Environmental Protection Team
 Public Protection Unit
 York House, 41 Sheet Street, Windsor, SL4 1DD

Area Officer:
 Uniform Ref No:



Your Name: COTTAGE, London Road, Sunninghill
 Address: RAZZIA RESTAURANT,
 Tel:
 Address from which nuisance arises:

Information reported to the Waste & Environmental Protection Team at the Royal Borough of Windsor & Maidenhead will be treated in the strictest confidence but may be shared with the Police and other agencies including Housing Associations UNLESS YOU STATE OTHERWISE.

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
"	4/1/20	2200	Approx 2am		Whole house	Music clearly audible inside our home.	Unable to relax & latterly unable to sleep then awoken at 2.00am.	8
"	5/1/20					Patrons being allowed to use front seating area after 2200hrs, contrary to Noise Abatement Ord.		
						Possibly <u>DN Karaoke</u> .		
						High social behaviour shouting, arguing & excessive use of profanities.		
						DPS encouraging this behaviour	Call logged with <u>Control Room at 2311 hrs</u>	

Statutory Nuisance Record – Environmental Protection Act 1990, Criminal Justice Act 1967 and Magistrates Courts Act 1980

Royal Borough of Windsor & Maidenhead
 Waste & Environmental Protection Team
 Public Protection Unit
 York House, 41 Sheet Street, Windsor, SL4 1DD

Area Officer:

Uniform Ref No:



Your Name: COTTAGE, LONDON Rd, SUMNERHILL
 Address: PAZZIA
 Tel: '' '' ''
 Address from which nuisance arises: PAZZIA

Information reported to the Waste & Environmental Protection Team at the Royal Borough of Windsor & Maidenhead will be treated in the strictest confidence but may be shared with the Police and other agencies including Housing Associations UNLESS YOU STATE OTHERWISE.

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
	S/1/20	2200hrs	2315hrs	-	Bedroom	Group sat in front of house - shouting after 10pm curfew.	Unable to sleep	7
						loud voices, shouting after 10pm curfew.	Control Centre called at 2231hrs.	
						Telephone conversation w/ 412 20 2238hrs. (out of hours office)		

Statutory Nuisance Record – Environmental Protection Act 1990, Criminal Justice Act 1967 and Magistrates Courts Act 1980

Royal Borough of Windsor & Maidenhead
 Waste & Environmental Protection Team
 Public Protection Unit
 York House, 41 Sheet Street, Windsor, SL4 1DD

Area Officer:

Uniform Ref No:



Your Name: **COTTAGE**
 Address: **PAZZIA**
 Tel:
 Address from which nuisance arises:

Information reported to the Waste & Environmental Protection Team at the Royal Borough of Windsor & Maidenhead will be treated in the strictest confidence but may be shared with the Police and other agencies including Housing Associations UNLESS YOU STATE OTHERWISE.

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)
	10/1	2230	2330	1hr	Bedroom	Partner sitting outside general anti-social behaviour - shouting.	Unable to relax /	7
	11/1	2230	2350		Whole house	Excessively loud music heard through house.	Witnessed from the road by L12.	8

Name of witness(es)	Day & Date	Time started	Time ceased	Duration	Area(s) affected	Nature of nuisance	How were you disturbed?	Severity (1-10)

This diary exhibit..... (consisting of..... page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is rendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed..... Date.....

Further Wit- Name.....
 Address.....
 Signature..... Date: 12-1-20

Further Witness 2 Name: G. HAMILL
 Address.....
 Signature..... Date: 12-1-20

RBWM Town Hall St Ives Road Maidenhead SL6 1RF		ENVIRONMENTAL HEALTH SER- VICE Service Request & Complaint Record		Service Request No.		RBWM 1145	
				Time & Date Received		2233 hours 05/01/2020	
Complainants Address		REDACTED, London Road, Sunninghill Ascot SL5 REDACTED FAO: REDACTED					
Title		Initial(s)		Surname	REDACTED		
Complainants Contact Details:				Any Additional Details:			
Phone	Home			Time of visit by IHS V/O			
	Work			Previous Request	N		
	Mobile	REDACTED		Via Cllr	Name		
Email				On Hot List	N		
Source of Problem		Pazzia Restaurant, London Road, Sunninghill Ascot SL5 0AN					
Request Nature		Loud voices & laughing					
Time/Date	Officer	Report & Actions					
2233 hours 05/01/2020	LJ	Call received from call centre					
2238 hours	LJ	I telephoned the complainant & REDACTED wanted to log her complaint that although the restaurant is closed, the owner and staff are seated in the outside area laughing and talking loudly which she believes they are doing deliberately. As they have been seated outside before 2200 hours, I asked REDACTED to telephone the call centre at 2200 when they should not be in this area as it is unlikely that they will still be there by the time I arrived on site.					

RBWM Town Hall St Ives Road Maidenhead SL6 1RF		ENVIRONMENTAL HEALTH SER- VICE Service Request & Complaint Record		Service Request No.		RBWM 1147	
				Time & Date Received		2314 hours 10/01/2020	
Complainants Address		REDACTED, London Road, Sunninghill Ascot SL5 REDACTED FAO: REDACTED					
Title		Initial(s)		Surname	REDACTED		
Complainants Contact Details:				Any Additional Details:			
Phone	Home			Time of visit by IHS V/O			
	Work			Previous Request	N		
	Mobile	REDACTED		Via Cllr	Name		
Email				On Hot List	N		
Source of Problem		Pazzia Restaurant, London Road, Sunninghill Ascot SL5 0AN					
Request Nature		Customers sitting outside in the seating area causing a noise disturbance after 2200 hours					
Time/Date	Officer	Report & Actions					
2314 hours 10/01/2020	LJ	Call received from call centre					

2318 hours	LJ	I telephoned the complainant & REDACTED informed that there is a small group of staff in the seating area outside. They are smoking and talking loudly which has disturbed her from her sleep. REDACTED agreed that they would likely to be gone by the time I arrived and I informed her of my intention to visit spontaneously tomorrow.
2220 hours 11/01/2020	LJ	I arrived on site and drove past the Piazza restaurant several times. It was a windy, chilly night and I did not see anyone seated outside for the duration that I was there. Occasionally, an adult male would come outside to have a cigarette but I noticed that no one engaged in conversation outside. However, I could clearly hear the music being played from standing outside but REDACTED is aware, that I will need to witness the noise disturbance from inside her property for the case to be taken forward.
2345 hours	LJ	I remained on site until 2345 hours when I needed to attend another case in Windsor. However I attended again afterwards at 0035 hours on 12/01/2020 & I could still see customers inside the restaurant. There were three taxis outside waiting for their customers.
1130 hours 12/01/2020	LJ	I telephoned the complainant to update her. REDACTED informed me that she was able to clearly hear the music being played but as I have already explained to REDACTED that I do need to witness any noise nuisance relating to music from inside her address in the future. I informed REDACTED that I am hoping to repeat the exercise next weekend & will keep her informed.

RBWM Town Hall St Ives Road Maidenhead SL6 1RF		ENVIRONMENTAL HEALTH SER- VICE Service Request & Complaint Record		Service Request No.		RBWM 1154	
				Time & Date Received		2230 hours 17/01/2020	
Complainants Address		Spontaneous visit re: REDACTED, London Road, Sunninghill Ascot SL5 REDACTED FAO: REDACTED					
Title		Initial(s)		Surname	REDACTED		
Complainants Contact Details:				Any Additional Details:			
Phone	Home			Time of visit by IHS V/O	2230 hours 17/01/2020		
	Work			Previous Request	Y – numerous		
	Mobile	REDACTED		Via Cllr	Name		
Email				On Hot List	N		
Source of Problem		Pazzia Restaurant, London Road, Sunninghill Ascot SL5 0AN					
Request Nature		Customers sitting outside in the seating area causing a noise disturbance after 2200 hours					
Time/Date	Officer	Report & Actions					
2230 hours	LJ	I arrived on site and made observations outside the restaurant. It looked full inside & I could see people dancing but the music wasn't very loud from the street and no-one was sitting in the outside seating area. I contacted REDACTED and confirmed that wasn't being disturbed. I advised REDACTED that I would aim to attend the following day. I left the site at 2300 hours					

2245 hours 18/01/2020	LJ	<p>I arrived on site and walked around to the restaurant. I witnessed a group of five females sitting in the outside area. They had bottles of wine on their table and were laughing and smoking and I believed they could be causing a noise disturbance to nearby residents. I went inside the Piazza restaurant and asked to speak to the Manager. I was introduced to REDACTED who confirmed that he was the duty manager for the night. I pointed out the group sitting outside and asked him why they were permitted to sit outside when management had been specifically instructed not to allow this after 2200 hours. The manager said he wasn't aware of this condition and I suggested that he should read the current terms and conditions of the restaurant's licensing agreement as I had witnessed a clear breach tonight and would be sending a report of my evidence to the Council.</p>
2306 hours	LJ	<p>I contacted REDACTED as lights were on and REDACTED invited me to come inside THE house. REDACTED confirmed that they had been disturbed by the noise from people in the outside area and I informed them of my action taken tonight. I left the site at 2330 hours</p>

NTE and OOH VISITS from 10 January to 2 February 2020

NTE10447 10/01/2020 23:55 Pazzia restaurant, London Road One man on the phone outside on our arrival. Recorded music being played inside but this was not excessively loud. A small group left at the same time as us, getting into a car with a loud exhaust.

NTE10458 11/01/2020 23:26 Pazzia restaurant, London Road Kareoke heard from the side door and smokers to the front of the building. All external lights on.

NTE10469 17/01/2020 22:05 Pazzia restaurant, London Road Nobody outside smoking, no music heard, 7 cars in car park

NTE10470 17/01/2020 00:00 Pazzia restaurant, London Road It was cold, no one outside, gas heaters were off. A few people inside, no music

NTE10477 18/01/2020 22:10 Pazzia restaurant, London Road As we arrived and entered the car park, we saw 4 people standing outside by the front door. As we drove down the side of the restaurant we could hear live music coming from the inside. We parked up in the car park for a few minutes and as we left the restaurant at the junction with the London Road, no one was standing outside. The patrons who were standing outside were not noisy and the music was not loud.

NTE10481 18/01/2020 00:55 Pazzia restaurant, London Road The restaurant was closed, 2 taxi's outside, 2 people outside by the taxi's smoking.

NTE10496 24/01/2020 23:55 Pazzia restaurant, London Road 1 Person outside smoking down the sidew of the building not at the front , no other people outside of building and all quiet from inside

NTE10517 26/01/2020 00:10 Pazzia restaurant, London Road Lights on out front , 1 person sitting on seats to the left of door smoking , no noise heard from inside

NTE10531 31/01/2020 22:05 Pazia restaurant, London Road No one outside at the front of restaurant

NTE10536 01/02/2020 00:07 Pazia restaurant, London Road side door open 4 people standing outside talking music could be heard out side

NTE10545 01/02/2020 22:10 Piazza, Sunninghill one person outside smoking, otherwise quiet

OOH visit 01/02/2020 23:00 - attended Pazzia restaurant on Saturday night to make observations around 2300 hours. However, it was fairly quiet and there was no evidence of customers causing a disturbance outside. I informed complainant of my intention to visit and asked to call the OOH service if was disturbed but I did not hear from the complainant.

NTE10547 02/02/2020 00:00 Piazza, Sunninghill 2 people standing outside, no music. Taxi waiting by entrance

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD.

WITNESS STATEMENT.

CRIMINAL JUSTICE ACT 1967 S9

MAGISTRATES COURT ACT 1980 SS5a (3) (a) and 5B.
CRIMINAL PROCEDURES RULES 2005, RULE 27.1

Statement of: Jake Edward William George HYNARD BA(Hons)

Age of Witness Over 18

Occupation: Community Warden

This statement consisting of 2 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything I know to be false or do not believe to be true.

Dated 21st January 2020

Signature.....*J. Hynard*.....

STATEMENT

My name is Jake HYNARD and I have been a community warden for the Royal Borough of Windsor and Maidenhead council since November 2018. Prior to this I studied at Winchester University, where I achieved a first class honours in criminology.

Community wardens tackle low level anti-social behaviour on a day-to-day basis, as well as promoting community safety and working closely with the environmental protection department. We are often the first point of contact with residents and we also provide the initial investigation into complaints, reporting back to environmental health officers afterwards.

Wardens also work Night Time Economy (NTE) shifts on Friday and Saturday nights from 7pm until 3am. The purpose of these shifts is to deter crime and anti-social behaviour, maintain public safety and to complete observations of areas on our tasking sheet. This tasking sheet often contains problematic areas, such as noisy pubs, which are being investigated by environmental protection.

PAZZIA RESTAURANT has been on our NTE tasking sheet for longer than I have been working for the council. We observe the restaurant at least once every Friday and Saturday night, mainly checking on noise and light levels.

Signed.....*J. Hynard*.....

Name: Jake Edward William George HYNARD BA(Hons)

On Saturday the 14th of September 2019 my colleague, Ben HIGGS, and I were working an NTE shift. At 23:20, we pulled into PAZZIA and slowly drove around to the car park behind the restaurant. Whilst we were performing our observation, the owner of the restaurant, Mr RODRIGUES, approached the car. This was the first and only time I have met him. He was clearly very agitated and angry as he began speaking to Ben. Ben had got out of the vehicle we were in and, when I realised how angry Mr RODRIGUES was, I also exited the vehicle because I deemed the situation to be a threatening one; I believed Mr RODRIGUES posed an immediate physical threat to Ben and I.

Once we had calmed Mr RODRIGUES down I no longer felt threatened by him. However, he remained angry and agitated, although this anger was not directed at us but instead to his neighbours, Mr and Mrs HAMILTON. He believed that his neighbours' complaints about his restaurant were unjustified and he told us about numerous disputes they have had in the past.

At one point, Mr RODRIGUES claimed that he would kill Mr and Mrs HAMILTON, saying something similar to "one day, I will kill them". This was immediately challenged by Ben but, despite this, Mr RODRIGUES repeated the comment on numerous occasions throughout our conversation. Personally, I did not believe the threat to be 100 percent genuine at the time as he was clearly very frustrated. However, in hindsight, it is entirely possible that Mr RODRIGUES meant what he said as there is clearly a lot of resentment between them and I found Mr RODRIGUES' nature to be intimidating.

Mr RODRIGUES vented to us for approximately half an hour, after which Ben and I left the scene without any issues. Throughout the time we spent at PAZZIA he seemed like a man who had been pushed to a breaking point. Whilst I sympathise with his situation, the comments he made to Ben and I were both inappropriate and concerning.

Signed J. Hynard
Name: Jake Edward William George HYNARD BA(Hons)

Signed J. Hynard
Name: Jake Edward William George HYNARD BA(Hons)
Page 2 of 2

21 January 2020

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD.

WITNESS STATEMENT.

CRIMINAL JUSTICE ACT 1967 S9

MAGISTRATES COURT ACT 1980 SS5a (3) (a) and 5B.
CRIMINAL PROCEDURES RULES 2005, RULE 27.1

Statement of: Ben Higgs

Age of Witness Over 18

Occupation: Community Warden

This statement consisting of 3 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything I know to be false or do not believe to be true.

Dated Tuesday 21st January 2020

Signature..........

1. SUMMARY


STATEMENT

My name is Ben Higgs and I am employed by the Royal Borough of Windsor and Maidenhead as a Community Warden. I have been in this role since April of 2018.

My role is to carry out patrols on foot and by vehicle to provide a reassuring visible presence in the community to deter crime and anti-social behaviour, reduce the fear of crime, and foster community cohesion and development; taking enforcement action as required.

Further to this I act in a problem solving capacity – resolving key emerging issues for the Borough, utilising enhanced powers at the discretion of RBWM and the Police. Maintain a Hi Visibility presence in all the Boroughs rural wards and support these communities in maintaining a safe and clean environment.

My role includes working out of hours and overnight on a Friday and Saturday evening, starting at 19:00 and finishing at 03:00. This duty targets problem areas such as car parks and play parks as well as environmental protection issues such as noise, smells and light pollution complaints.

Signed..........

Name: Ben Higgs

At the beginning of a night time economy duty we are given a tasking spreadsheet which is created by a Senior Community Warden. This tasking lists of the areas that need to be patrolled as well as what to look for whilst there. This list ranges from 8-12 locations across the whole Borough.

Please see the attached document of which I exhibit as **BH/01**. This is an extract of the NTE tasking sheet that details the nature of the complaint and relevant information to be aware of and report back on.

The incident that I wish to disclose occurred during an NTE duty at **23.20 hours** on **Saturday 14th September 2019** at **PAZZIA RESTAURANT, London Road, Sunninghill**. At this time the Owner of the restaurant **Mr RODRIGUES** made threats to harm his neighbours **Mr and Mrs HAMILTON**.

At 19:00 hours I began my night time economy duty with Community Warden Jake HYNARD. One of the tasking's for this duty was to attend Pazzia Restaurant as there is an ongoing complaint regarding excessive noise and light pollution. The complainant to RBWM is **Mr and Mrs HAMILTON** who live at **CROSSWAYS COTTAGE** which is the property directly to the right hand side of Pazzia Restaurant.

Jake and I arrived at 23:20 and I drove into the car park to the rear of the Restaurant to allow the checks of the site to be conducted. At this time the lights around the restaurant were illuminated as were the lights to the front of the building. This is in breach of what they had agreed with RBWM Licencing.

As I was exiting the rear car park and about to drive down the side of the building to leave the site a male stormed up to my vehicle and introduced himself as the Owner, Mr Rodrigues. I had never met Mr Rodrigues before so I exited the car but kept the door between myself and him as I was fearful of what might occur. Mr Rodrigues was angry, agitated and seemed unpredictable.

Mr Rodrigues stated that he will no longer be switching off the lights or moving the smoking area to the side of the Restaurant as licensing are trying to get him to voluntarily make adjustments to his Premise Licence which he is unhappy about.

Mr Rodrigues went on to state that he had previously gone around to Mr and Mrs Hamilton's property with a large knife after Mr Hamilton came into the Restaurant to complain about excessive noise which upset his customers. Mr Rodrigues stated that customers in the Restaurant told him that he saw Mr Hamilton running out of the rear of his property and down the garden whilst he was at his front door which Mr Rodrigues seemed impressed about.

Mr Rodrigues also stated that he had previously offered to buy the Hamilton's property at market value with an additional £100k on top however the Hamilton's refused. This clearly angered Mr Rodrigues as he did not get his own way.

During the conversation Mr Rodrigues made several comments about killing Mr Hamilton. Whilst I believed the threat could be genuine based on Mr Rodrigues body

Signed..........

Name: Ben Higgs

language and behaviour I did not believe that the threat was imminent. Looking back at this incident and assessing the actions that I took I feel that I should have reported the incident to the Police sooner as at the point of the threats being made I had no background information on Mr Rodrigues and was capable of.

Mr Rodrigues insisted that Jake and I went to the vehicle entrance of the site to witness noise from the nearby Berkshire Hotel as he felt that they were responsible for some of the noise being complained about I felt more comfortable with Mr Rodrigues at this point as he had calmed down and I felt that did not pose a physical threat towards myself or Jake so walked with him to the entrance where he continued to rant about his neighbours Mr and Mrs Hamilton.

After around a 10 minute conversation Jake and I returned to our vehicle and left the site as we had other tasking's to complete.

I reported this incident to the Police when I was next on duty and supplied PC 6261 Josh Terry an Official Police Statement on Monday 16th September 2019. I have not been updated with any updated to this case.

BHCC

Signed..... *BHCC*

Name: Ben Higgs

NTE – 7, 8 and 9 February 2020

NTE10557 07/02/2020 22:10 Pazzia restaurant, London Road open, busy but noise acceptable, only light music heard

NTE10559 07/02/2020 23:00 Pazzia restaurant, London Road emptying, quiet, no issues

NTE10563 08/02/2020 00:55 Pazzia restaurant, London Road customers leaving, taxi's waiting outside. No loitering or loud noise witnessed

NTE10573 08/02/2020 22:33 Pazzia restaurant, London Road Live music still being played inside. No one outside.

NTE10575 09/02/2020 00:20 Pazzia restaurant, London Road No music heard. No one outside. Couple of taxi's waiting/picking up.

THAMES VALLEY POLICE

Division/Station : HQ Licensing

From : Debie Pearmain
Police Licensing Officer

To : Greg Nelson
Licensing Team Leader, RBWM

Ref :

Date : 17 January 2020

Tel.No. 01865 854022

Subject :

Pazzia Restaurant, London Road, Sunninghill, Ascot

This report supports the application to review the Premises Licence submitted by the Royal Borough of Windsor and Maidenhead Environmental Protection Officer. This review application has been made under the Prevention of Public Nuisance Licensing Objective.

We fully support the recommendations that have been detailed within the review application, which are:

1. No persons shall be permitted in the outdoor seating at the front of the premises between 22:00 hours and 07:00 hours.
2. The smoking solution will be moved to the side of the building at 22:00 hours, 7 nights per week.
3. No table or chairs shall be provided at the side and rear of the building
4. One Security Industry Authority (SIA) member of staff shall be provided from 21:00 to closing time on Friday and Saturday nights to manage the front area of the premises and ensure the above conditions are complied with.
5. Digital CCTV monitoring system must be installed at the front, side and rear of the building and maintained to Thames Valley Police standard. Recordings to be kept securely for 31 days and made available to Thames Valley Police employees and Authorised Persons as defined by Sections 13 & 69 Licensing Act 2003 upon request.
 - a) DPS or nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police employees and Authorised persons as defined by Sections 13 & 69 Licensing Act 2003.
 - b) Nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content. Refusals Register to be on the premises and kept up to date and made available upon the request of Police, Trading Standards Officers and authorised persons as defined by Sections 13 & 69 Licensing Act 2003.
6. Outdoors entertainment and singing is not permitted at any time.
7. There shall be no live or recorded music after 23:00, seven nights a week.

We also support the reduced opening hours of the premises as detailed in the review paperwork.

Since the Licensing hearing in January 2019, whereby members refused the application to extend the licensing hours, I am aware of ongoing noise and disturbance that is still being caused to the local resident. A lot of these complaints have been referred to the Environmental Protection Team at the Royal Borough of Windsor and Maidenhead. I have detailed below the calls that have been logged by Thames Valley Police, since the Licensing hearing in January 2019.

19/04/2019 – 2327 hours URN 518 20/04/2019 refers

Telephone call to the Police by the local resident informing Police that the customers from Pazzia are regularly vomiting or urinating on callers property. Caller advised to contact the Police if he catches anyone urinating, vomiting or being drunk and disorderly.

20/04/2019 2315 hours

I attended the premises with Steve Smith, Licensing Officer, RBWM and Sarah Conquest, Licensing Officer, RBWM. We walked to the front of the neighbouring property and monitored from this area, which was on the boundary of the licensed premises. We positioned ourselves out of sight of any customers. We could hear very clear live music with customers singing "It's not unusual". We monitored this area until 2322 to establish what time the music would stop. The premises appeared to be quite busy and risk assessed and made the decision not to enter the premises. If the risk had not been high, we would have entered the venue to speak to the DPS. We decided to monitor to see what time the music stopped.

At 2324 We observed the Community Wardens arrive in a marked white van. At this time the music levels were turned down.

After the Wardens had gone, the Manager, walked to the front of the premises and it was at this time that he saw us. We were then satisfied that full compliance would be given in relation to licensable activities, as we had been seen.

18/05/2019 0026 hours URN 32 18/05/2019 refers

Telephone call to the Police by local resident informing Police that there was a fight taking place in the car park. The resident can hear shouting and glass breaking and could hear a female voice shouting. Police arrived and reported that persons had gone.

31/05/2019 1859 hours URN 1237 31/05/2019 refers

Telephone call to the Police by Candido Rodrigues informing Police that a person has been detained in the Restaurant and they are looking to fight. Caller has informed the Police that he has locked people inside the Restaurant for not paying. The customer claimed that they had found plastic in their food. Candido was given advise by Police that this was a civil matter and if their customers found service unsatisfactory then they had no obligation to pay the bill. Candido was not happy with this and did not engage further. Further call then received by one of the persons locked in the Restaurant, informing Police that they have offered to pay the bill, but were told to leave by a worker in the Restaurant. Caller stating that he (staff member) is being aggressive and blocking the caller from leaving. Relevant advice given to caller. At 1923 persons have left the Restaurant.

13/09/2019 1945 hours URN 1380 13/09/2019 refers

Telephone call to the Police by a customer informing Police that her sister choked on a screw (which was in the food). Customers raised this to Management who were shouting at the customers accusing them of lying. Caller contacted Police as she felt unsafe as the staff were yelling at her whilst they left.

16/09/2019 1448 hours Occurrence Report 43190286524 refers

The above occurrence report was created for an incident at Pazzia Ristorante, at 2320 on the 14th September 2019.

The occurrence was made following a report from one of the RBWM Community Wardens, who attended the premises at 2320 on the 14th September 2019. The Wardens attended the premises to ensure that they were sticking to their voluntary Licensing restrictions. Upon attendance the Wardens could see that the Restaurant wasn't complying with the restrictions as they had their front lights on and customers smoking at the front of the premises after 2300 hours. The Wardens went into the back car park and requested to speak to the Manager. Within seconds Candido Rodrigues came out. Candido started a barrage of abuse aimed at the Council, saying he wasn't going to stick to the restrictions and the Council is costing him money. The abuse then turned towards the Restaurants neighbours, who were not present. Candido was making comments saying, "I'M GOING TO KILL HIM". This was repeated numerous times towards the Wardens. At one point Candido told the Wardens that "I'LL KILL HIM AND GO TO JAIL FOR HIM". Candido then told the Wardens that he had chased the neighbour with a meat cleaver in the past. The Warden stated that the threats were made 4 or 5 times towards the neighbours. Initially the Wardens weren't concerned with the threats, however, after debriefing their Manager and gaining a better idea of the ongoing tension between the parties they believed that the threats may be followed through.

A voluntary interview was held with Candido Rodrigues on the 16th October 2019. The outcome of this occurrence was that Candido Rodrigues was spoken to by PC Terry and warned about his future contact with the Community Wardens/Council members. He was reminded to be mindful of his language and the way he communicates with people as it is unacceptable to be swearing/acting aggressive towards people for doing their job. The Police Officer then warned Candido not to interact with this neighbours.

17/11/2019 01.00 hours URN 83 17/11/2019 refers

Telephone to the Police by staff member informing of an altercation involving a male who keeps coming in and out of the Restaurant and being very intimidating. Staff member reports the male is trying to hit people and the male has been told to leave as the premises is closing. Officers drove past at 0119 and reported that nothing was going on.

Further telephone call at 0127 hours from the staff member, reporting that the male is still outside and is still shouting. Caller informed Police that there are currently people in premises who are too scared to leave due to the males behaviour. At 0130 hours it was noted that the male had left the area.

With the recommended conditions attached to the Licence and the reduction of hours, this will, in my view assist in the promoting of the Public Nuisance Licensing Objective. The Management of this premises need to recognise that they must be working with all Agencies and residents, to ensure that the balance of the business needs and the needs of the local community are met.

MEMORANDUM

To: Greg Nelson, Trading Standards and Licensing Manager

Date: 10 February 2020

From: Sarah Conquest, Licensing Enforcement Officer

Premises Licence Review - Pazzia Restaurant

RBWM licensing department fully supports the application submitted by RBWM Environmental Protect to review the currently issued premises licence for Pazzia Restaurant.

RBWM Licensing department agree with the recommendations which have been detailed within the review application as follows:-

1. No persons shall be permitted in the outdoor seating at the front of the premises between 22:00 hours and 07:00hrs.
2. The smoking solution will be moved to the side of the building at 22:00 hours, 7 nights per week.
3. No table or chairs shall be provided at the side and rear of the building.
4. One Security Industry Authority (SIA) member of staff shall be provided from 21:00 hours to closing time on Friday and Saturday nights to manage the front area of the premises and ensure the above conditions are complied with.
5. Digital CCTV monitoring system must be installed at the front, side and rear of the building and maintained to Thames Valley Police standard. Recordings to be kept securely for 31 days and made available to Thames Valley Police employees and Authorised Persons as defined by Sections 13 & 69 Licensing Act 2003 upon request.
 - a) DPS or nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police employees and Authorised persons as defined by Sections 13 & 69 Licensing Act 2003.
 - b) Nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content. Refusals Register to be on the premises and kept up to date and made available upon the request of Police, Trading Standards Officers and authorised persons as defined by Sections 13 & 69 Licensing Act 2003.
6. Outdoors entertainment and singing is not permitted at any time.
7. There shall be no live or recorded music after 23:00 hours, seven nights a week.

RBWM licensing supports the reduction of licenced hours as detailed with the review application submitted.

RBWM Licensing have worked closely with RBWM Environmental Protection and Thames Valley Police since the hearing in January 2019, we have been made aware of ongoing noise and disturbances that have been reported by local residents and the community wardens who regular taskings to monitor the premises.

In all the years in which licensing have been working with the premises any formal action or meeting licensing have always request the attendance of Mr Jorge Rodrigues the DPS and Premises Licence holder, however, Mr Candido Rodrigues has always attended as the owner and day to day manager

of the premises. He has always given the impression that he has the final say of any business decisions which must be made.

15/01/2019

Following the licensing sub panel committee hearing licensing met with the PLH/DPS Mr Jorge Rodrigues and owner Candido Rodrigues at the Town Hall.

Steve Smith opened the meeting and made it very clear that this meeting had been called separate to any other process with regards to noise complaints and the very recent subcommittee panel hearing for the full variation. Steve Smith wanted to highlight to both Mr and Mr Rodrigues that we have had reports from routine inspections from Community Wards who attend the premises regularly of possible licensable activities beyond their granted times. Steve Smith made it very clear that should the premises not comply with the hours, terms and conditions set to the issued premises licence then licensing would have no further option than to review the premises licence.

Mr Candido Rodrigues was very passionate throughout the meeting and made the valid point that on at least one occasion that the audible music was in fact from the local hotel. Steve Smith made it clear that not only is this regarding the noise issues but the hours that Pazzia MUST operate to. Mr Candido Rodrigues informed that both Rapha and Michael, previous managers had now left the business and assured us that the hours are being kept to. This was disputed with the reports, however, both Mr and Mr Rodrigues said that the Wardens do not get out of the car when they attend and for the reports they make they should enter the premise to ascertain the type of music being heard (Live music until 23:00hrs and recorded thereafter). This was agreed by Steve Smith and Sarah Conquest and assured that this would be fed back to the Community Wards. Mr Candido Rodrigues was also very clear in saying that he and the premises felt victimised by near neighbours, they said that they have never had any complaints or issues at all from any other residents. As mitigation to the noise issues, however, Mr Candido offered the possibility of installing a noise limiter at the premises which was supported by both Steve Smith and Sarah Conquest as a good idea and Steve Smith offered to contact EPO with regards to this. Further reference was made by the premises to the issues with neighbours and the recent hearing, however, it was made clear that although the issues were well know of the neighbourly dispute that this meeting was not inspired by anything other than the reports by the Wardens of none compliance.

The meeting was concluded with further urging from Steve Smith that the premises keep to their hours, terms and conditions set to the current premises licence with the assurance that failure to comply would result in Licensing (as a responsible authority) reviewing the premises licence.

15/04/2019

Email report received from local resident to Environmental Protection and Licensing regarding loud music, disco music on the 13th April between 22:30 and 23:30.

19/04/2019 - 23.05

Licensing Officer spoke by telephone to the out of hours officer, he informed that he was at Pazzia, he attended the premises due to be working in Staines and not because he had been called.

He informed there were a number of customers within the premises and approx. 10 customers in the outside area that were talking loudly and laughing, Dave did knock on the neighbour's door I believe to establish if this was audible inside their property.

No live music being performed venue playing recorded music that was not audible outside when monitoring at the boundary.

Licensing Officer waited until 01.15hrs but did not receive any further calls from either the control room, the Community Wardens or the out of hours officer.

20/04/2019 – 23:15

RBWM Licensing and TVP Licensing officers arrived at Pazzia on routine monitoring and parked our vehicle out of sight to the front of the neighbouring premises.

We walked to the front of neighbouring property and monitored out of sight on the boundary of the licensed premises, live music was audible (word perfectly) song was "It's not unusual".

At 23.22hrs we remained in situ to monitor what time live music would cease, the premises was quite busy with a number of customers within the venue, live musician clearly audible we considered it advisable not to enter venue to request music levels reduce but to establish if the premises would cease licensable activity on time.

At 23.24hrs the Community Wardens arrived in marked white van the music levels immediately reduced possibly when observed by management of the venue.

At 23.29hrs Community Wardens left site.

At 23.32hrs restaurant manager walked out the front of the premises and onto the public highway, possibly to establish the Community Warden had left the area. At this stage we were spotted by the restaurant manager, I knew that would mean complete compliance by the premises for the rest of the evening.

At 23.55hrs RBWM Licensing received a call from the out of hours officer, he informed that he was at the premises and all was in order, he had been noticed by the manager whilst driving his vehicle out of the premises car-park.

Licensing Officers recommended following the above that Environmental Protection should now install noise monitoring equipment at the neighbours property to ascertain a statutory noise nuisance.

22/04/2019

Email report from resident to Environmental Protection and Licensing detailing more antisocial behaviour/vomit/urine on footpath etc. further reports of fighting.

18/05/19

Email report to Environmental Protection and Licensing from residents informing of antisocial behaviour. Foul language, arguments and a fight breaking out.

16/07/19

Meeting with Premises Owner Candido Rodrigues to discuss noise recordings made from 27 April to 3rd June. Advice was given that based on the evidence Environmental Protection will review the licence to include new conditions, however, should the Premises Licence Holder apply to include the set of condition by way of minor variation then this may not be required. The RBWM licensing officer offered full advice and support in applying for the application in order to attach the following conditions

1. The minor variation to be submitted within 28 days.
2. Use of tables and chairs outside the front of the building to cease at 22:00, 7 nights per week, with the tables and chairs removed or covered up at this time.
3. The smoking solution to be moved to the rear of the building at 22:00.
4. Bo table or chairs to be provided at the rear of the building.
5. CCTV to be provided at the front and rear of the building.

6. Empty bottles to be stored inside and not emptied into outside bins between 21:00 and 09:00.
7. The installation of a noise limiter (with the support of a noise specialist) to address existing condition requirement regarding music noise audibility.

20/08/19

Licensing Officer contacted Mr Candido Rodrigues the owner of the premises who confirmed that the premises would not be applying for a minor variation to include the conditions. Mr Candido Rodrigues was informed that this decision would mean that Environmental Protection would have no other option other than to review

14/10/2019

Email report to Environmental Protection and Licensing regarding further anti-social behaviour logged to RBWM Control Room and detailed the outdoor area in use until 23:45.

It is Licensing's opinion that should the hours and conditions be amended as recommended then this would reduce the public nuisance and support the 4 key objectives which should, in turn, reduce the impact on neighbouring residents whilst balancing the needs of the business.

Crossways Cottage, London Road, Sunninghill, Berkshire SL5 0PN

9th February 2020

Dear Sirs/Madam,

Pazzia Restaurant - Review of an issued Premises' Licence under Section 51 of the Licensing Act 2003

Please find below our representations relating to the four licensing objectives of crime prevention, public safety, public nuisance and child protection.

We live adjacent to Pazzia Restaurant. There have been ongoing issues for several years which are well documented. Further specific details will be available at the Hearing on the 9th March 2020, if required. It is impractical to detail the full history in these submissions.

Please review the following four points. Our current recommendations as at 9th February follow the four licence objectives. These could be subject to change as more information becomes available.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'M. G. Hamilton', written over a horizontal line.

Mr & Mrs Hamilton

The Prevention of Crime and Disorder (demonstrate breaches and provide advisories for items 1-12)

7. Promoting the Prevention of Crime and Disorder	
1. Measures to prevent bottles being carried from premises	<p>Breach: There does not appear to be any consistent measures in place. Bottles are often seen around the premises.</p> <p>Advisory: Increased monitoring by staff.</p>
2. Use of drinks' promotions	No comment
3. Measures to prevent binge drinking	<p>Breach: Patrons leaving the restaurant intoxicated have often been witnessed. See <u>pictures 8.2 in Appendix</u>.</p> <p>Advisory: Improved staff training. Staff should be aware of their responsibilities under the Licensing Act 2003 and be able to recognise appropriate cut off points for serving drunken customers.</p> <p>Licensing hours to be in line with other local restaurants in residential areas.</p>
4. Participation in the Pub Watch Scheme	Advisory: Confirm membership of the local B.a.c.s. Pub & Drug Watch (membership area Bracknell, Ascot, Crowthorne and Sandhurst).
5. Use of door supervisors	<p>Breach: There is no visible external door supervision for patrons entering.</p> <p>Advisory: One Security Industry Authority (SIA) member of staff shall be provided from 21.00 to closing time on Friday and Saturday nights to manage the front area of the premises and ensure the above conditions are complied with.</p> <p>Eject/refuse entry to persons from the premises if they are known to be violent or aggressive.</p>
6. Training staff in crime prevention measures	<p>Breach: 6th September 2019. Excessive patron noise and profanities heard. Music clearly audible inside neighbouring property. Community Wardens attended site. Specific details can be found in Community Warden Report submitted by Environmental Protection.</p> <p>Advisory: Staff training in conflict management should be provided to give them the knowledge and confidence to deal with difficult situations.</p>

7. Promoting the Prevention of Crime and Disorder	
7. Crime including conflict, violence or aggression in and around the premises	<p><u>Breach:</u> January 2020 – Use of social media</p> <p>Posts placed on social media, which appear to be a breach of the Malicious Communications Act 1988.</p> <p>The comments on social media have been positive and negative. Certain information emerged, which raised the visibility of Pazzia Limited (Bananas) in Southwark, London, involvement with HMRC and the impact of liquidation of Pazzia Limited.</p> <p>Without the high profile visibility on social media and subsequent newspaper articles, the full extent of the above may not have come to light.</p> <p><u>Breach:</u> September 2019 – ‘Threat to Life’ crime ref. 43190286524</p> <p>During a visit to Pazzia, a ‘TTL’ was made by a member of staff, in the presence of the Community Wardens. The threat was taken very seriously and reported/actioned by Thames Valley Police.</p> <p><u>Advisory:</u> TVP to provide full details and current status.</p> <p>A selection of historical issues were documented in representations presented to the Licensing Subcommittee Panel hearing in January 2019. Certain issues outside the scope were not included.</p>
8. Search procedures	<p><u>Breach:</u> As per item 5, there does not appear to be any search procedures in place for customers entering or leaving the premises.</p> <p><u>Advisory:</u> One Security Industry Authority (SIA) member of staff shall be provided from 21.00 to closing time on Friday and Saturday nights to manage the front area of the premises and ensure the above conditions are complied with.</p>
9. Use of close circuit television	<p><u>Breach:</u> Inadequate CCTV inside and outside the premises.</p> <p><u>Advisory:</u> Environmental Protection recommendations and the following:</p> <ul style="list-style-type: none"> • CCTV system must be capable of capturing a clear facial image of every person who enters the premises • The cameras should cover all internal areas accessible to the public and areas immediately outside the premise • The date and time settings on the system must be correct • CCTV should cover areas where searches could be conducted

7. Promoting the Prevention of Crime and Disorder	
10. Lighting	<p>Breach: Light pollution to adjacent properties</p> <p>Advisory: Care should be taken so that any lighting does not impact on neighbours and to comply with Environmental Protection recommendations.</p>
11. Where premises are new, designing out crime	n/a
12. Quality of surveillance of premises	<p>Breach: Ongoing anti-social behaviour. Community warden and out of hours Environmental Protection Officer monitoring continues.</p> <p>Advisory: The DPS to monitor and comply with licence conditions.</p>
13. Drugs	<p>Advisory: A zero tolerance policy should be adopted and posters to be displayed throughout the premises to remind customers.</p> <p>Random drug monitoring by Thames Valley Police and regular toilet checks, such as swabbing should be conducted, these should be documented with date and time.</p> <p>Drug awareness training should be provided for all staff and dates of training recorded.</p>

Public Safety

8. Promoting Public Safety	
1. The use of shatterproof glasses	<p>There does not appear to be a policy of using shatterproof glass outside of the restaurant.</p> <p>Breach: Please refer to <u>pictures 8.1 in Appendix</u> showing glasses on the public highway, on car park wall, behind wheel of car on public footpath and thrown into neighbouring garden.</p> <p>Advisory: The use of shatterproof glass outside. No drinks to be taken outside unless served in shatterproof glasses.</p> <p>Regular perimeter checks should be made outside the premises for any glasses or bottles.</p>
2. The promotion of sensible drinking	<p>Breach: There are issues with patrons clearly intoxicated, resulting in anti-social behaviour outside the restaurant.</p> <p>This generally occurs after 10.30 p.m. at weekends when there are inadequate measures in place to prevent binge drinking.</p> <p>Please refer to <u>pictures 8.2 in Appendix</u>. A patron vomiting and street fighting on the public footpath. These are some examples of more recent incidents captured on newly installed CCTV system.</p> <p>Over a typical 6 month period, approximately 20 calls are logged with RBWM. The out of hours/call centre number was only available from 2018, hence there is no detail before 2018 relating to Community Wardens or calls.</p> <p>When advised by Environmental Protection, diary sheets have been submitted.</p> <p>Advisory:</p> <p>Amendment to current licence conditions, particularly on Friday and Saturday nights.</p> <p>Staff training on the effects of alcohol and how to spot early signs of customers becoming drunk should be provided to give them the knowledge and confidence to deal with drunken patrons.</p> <p>Staff should be aware of their responsibilities under the Licensing Act 2003 and be able to recognise appropriate cut off points for serving drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.</p>

8. Promoting Public Safety	
	Discourage drink driving by promoting schemes such as Designated Driver, with notices clearly displayed throughout the premises
3. Measures taken to prevent drug spiking	No comments
4. Drugs policies	Advisory: A zero tolerance policy to the use of drugs in the premises should be adopted and entry refused to anyone who appears to be showing signs of drug use.
5. Safe capacities	No comment. Licensing and Environmental Protection to advise.
6. Capacity	Breach: Pazzia had a retrospective variation approved for an additional six covers approved in 2019. It would appear from evidence on social media that this area is providing seating for 12 covers. Advisory: Revised licence variation required for additional seating.
7. Qualified first-aiders	Advisory: RBWM to verify from employee training records that a first aider is always present on site.

The Prevention of Public Nuisance

9. Promoting the Prevention of Public Nuisance	
1. The disposal of waste, particularly glass	<p>Breach: Ongoing breach of current licence conditions by staff disposing of empty bottles into the recycling bins outside permitted hours.</p> <p>Advisory: Signage and staff training</p>
2. The use and maintenance of plant, including air extraction and ventilation systems	<p>Breach: There are ongoing noise issues with the fan above side extension. The motor bearings appear to be faulty. The motor is not boxed in, there are no sound baffles. The fan can be heard over 150 ft away and is often left on all day at weekends and evenings outside business opening hours.</p> <p>Advisory:</p> <ul style="list-style-type: none"> • Environmental Protection to carry out a site visit to ensure plant and machinery do not cause nuisance to local residents. • Would recommend the motor is replaced enclosed within a soundproof screening enclosure. The fan should only be on, when required. <p>Breach: Air conditioning - there does not appear to be adequate air con in the restaurant. Hence, in warmer weather, doors and windows are often left open resulting in excessive noise and music</p> <p>Advisory:</p> <ul style="list-style-type: none"> • Air conditioning to be reviewed in light of extensions to original building • Double glazing to be installed and self-closing doors to be fitted to front and side exits.
3. Litter in the vicinity of the premises	<p>Breach: Beer cans, personal data, mixer drink cans, scratch cards, cigarette packets, cigarette butts have been seen in the vicinity of the premises.</p> <p><u>Please refer to pictures 9.1 in Annex.</u></p> <p>Advisory: Procedures should be in place for the prompt collection of street litter generated by the premises. Regular patrols of the area outside the premises should be undertaken by staff to clear any litter attributable to the premises.</p>

9. Promoting the Prevention of Public Nuisance	
4. Noise from deliveries / collections to and from the premises	No comments
5. Measures to control behaviour and queues	<p>Breach: The current measures do not appear to be effective. This has ultimately resulted in the Noise Abatement Order in 2019 and Licence review in 2020.</p> <p>Advisory: Staff training in addition to an SIA from 9.00 p.m.</p>
6. Whether door supervisors are able to stay at the entrance to encourage quiet departure	<p>Breach: There does not appear to be any consistent control of noisy patrons after 11.00 p.m. at weekends.</p> <p>Advisory: Provide a space for door supervisor to stand outside from 9.00 p.m. at weekends.</p>
7. The provision of Hackney Carriage / Private Hire services at the premises	<p>Breach: Taxis often park on the public footpath to pick up/drop off and wait. The main road has double yellow lines and vehicles should not be parking/waiting on the public footpath or road. <u>See pictures 9.7 in Annex.</u></p> <ul style="list-style-type: none"> • Pedestrians cannot pass safely when cars are parked on the public footpath • Drivers at the A329/B323 junction are unable to see clearly to the right when cars are parked on the footpath. The junction is an accident black spot <p>Advisory:</p> <p>Staff to advise pick up and drop off points inside the car park, with visible signage. Pazzia to provide a free taxi phone service and a safe waiting area for customers inside the premises</p>
8. Signs on doors and on tables encouraging consideration to the neighbours	<p>Breach: During a visit to the restaurant in July 2018, Environmental Protection confirmed there was no appropriate signage on doors or tables. Subsequently a sign was placed on the wall at a later stage.</p> <p>Advisory: Ongoing monitoring of signage.</p> <p>Breach: Noise Abatement Order issued 23rd September.</p> <p>There are no visible signs providing information on the Noise Abatement Order for patrons.</p>

9. Promoting the Prevention of Public Nuisance

	<p>Advisory: A Noise Abatement Order sign detailing the restricted use to be placed in relevant position and monitoring to continue.</p>
9. Noise	<p>The following conditions on the current Licence have been breached:</p> <p>Breach: Noise outside licensing hours. Reference submitted diary sheets to Environmental Protection.</p> <p>Advisory: All conditions on premises licences to be complied with.</p> <p>Breach: Exposure to strong language and profanities, as per sound recordings. Also witnessed by Licensing representatives and Thames Valley Police.</p> <p>Advisory: Staff training.</p> <p>Breach: The use of outside speakers is prohibited. Over a period of six months, Pazzia used speakers in the temporary bar located in the car park.</p> <p>Advisory: All conditions on premises licences have to be complied with.</p> <p>Breach: The licence does not permit DJs. This has been breached on occasion and witnessed by Licensing and Environmental Protection officers.</p> <p>Advisory: All conditions on premises licences have to be complied with.</p> <p>Breach: The licence does not permit karaoke. This has been witnessed by Community Wardens.</p> <p>Advisory: All conditions on premises licences have to be complied with.</p> <p>Breach. The licence clearly states that music should not be audible outside the façade of the nearest property. Music has been heard outside the restaurant, as witnessed by Community Wardens and the out of hours Environmental Protection Officer as detailed in the reports, on numerous occasions, particularly at weekends.</p> <p>Audible music has been heard inside the neighbouring property and recorded by Environmental Protection.</p>

9. Promoting the Prevention of Public Nuisance

In the period 2012 to 2018, there over 200 reported issues regarding noise from Pazzia Restaurant. The management appear to have done very little to discourage or reduce the nuisance to an acceptable level.

The weekend noise issues would appear to have been controlled and allowed to continue for financial reasons, with very little consideration for the neighbouring properties or the long term impact on potential licence reviews. The financial impact of this is now on the public domain. As far back as 2012, the restaurant was told that failure to comply could result in a licence review.

Rather than closing the premises at 11.00 p.m. at weekends, the premises continued to trade. Had the premises closed at 11.00 p.m., this would have greatly improved and reduced the ongoing situation.

Advisory:

- Better staff training to recognise the impact of audible music
- Windows should be sound insulated and self-closing doors installed to prevent noise breakout
- The current licensing hours are under review. As similar issues with external noise occurred at Pazzia premises in London, due consideration must be taken in this instance as it is not the first time that Pazzia have been through the licence review process. Please refer to a selection of representations from local residents in in Annex, 9.3.
- A noise management policy should be in place that sets out sound attenuation measures to prevent or control music, singing and speech noise breakout from the premises. The policy should be based on the findings of an acoustic consultant's assessment. A sound limiting device could be installed, set and sealed at a level approved by an acoustic consultant

Breach: The licence does not permit live music outside. Please refer to picture 9.9 in Annex showing guitarist performing outside.

Advisory: All conditions on premises licences have to be complied with.

9. Promoting the Prevention of Public Nuisance

Breach: Anti-social noise from persons outside smoking and drinking has been recorded inside neighbouring property. This noise emanates from an area which has had a planning application refused. This antisocial noise primarily occurs after 11.00 p.m. at weekends.

Please refer to picture 9.9.1 in Appendix.

The area with the red canopy was refused retrospective planning permission in part due to the impact and noise issues affecting neighbouring property.

This planning refusal and recommendations were not complied with, as can be seen in the current seating arrangement in Appendix, picture 9.9.2.

At the Licensing Sub-Committee Hearing Panel in January 2019, it was stated by Pazzia management that the designated smoking area was located on the left hand side front facing. Smoking is still taking place in the right hand side front facing.

Advisory:

- Remove tables and chairs permanently on the right hand side front facing and cordon off this section. The left hand side front facing area can be used permitting a manageable number of patrons – a maximum of 10
- Locate smoking areas away from residential premises and to the rear
- Limit the number of smokers permitted outside at any one time after a certain time. Discourage smokers from loitering outside by not permitting them to take their drinks with them and removing external furniture after a certain time
- The Planning Inspectorate, Environmental Protection and local neighbours recommend a rear exit is provided to give patrons and staff direct access to a smoking area at the rear of the property
- Staff should be aware of their responsibilities regarding smoke-free legislation and for monitoring compliance.

Breach: Cars/taxis can be heard late at night after 11.00 p.m., generally at weekends.

9. Promoting the Prevention of Public Nuisance

- Banging doors
- Beeping of car horns
- Cars accelerating unnecessarily on exiting

Advisory: Staff monitoring and training .

Breach: Excessive music and patron noise from a marquee erected in the car park. This was for a New Year's Eve party, which went ahead without TENs approval.

Advisory: TENs approval required for temporary events.

The Prevention of Children from Harm

10. Promoting the Prevention of Children from Harm	
<p>1. Safeguarding children in attendance</p>	<p>Breach: Health & safety issues when children are playing games in the front and rear car parks with patrons entering/leaving the premises by car or taxi.</p> <p>Advisory:</p> <ul style="list-style-type: none"> • Install speed control measures (speed bumps and signage) • Provide fenced off area for children to play <p>Breach: Sunday 2nd June 2019 - Children in the vicinity of an intoxicated customer.</p> <p>Please refer to Environmental Protection sound recordings/report where a woman can be heard screaming hysterically making suicidal threats at 23:07 hrs.</p> <p>Children can be heard playing in the area shortly before and after the incident at 2310 hrs and 2314 hrs. Children should be protected from psychological harm and kept away from intoxicated adults.</p> <p>We heard this incident from inside our home, with the windows shut.</p> <p>Advisory: Staff should be aware of their responsibilities under the Licensing Act 2003 and be able to recognise appropriate cut off points for serving drunken customers.</p> <p>Increased monitoring of area when children are playing outside, particularly at weekends.</p> <p>Breach: Failure to action dangerous chimney stack for six months. Had this chimney/cover fallen over, it could have fallen into an area where children/patrons frequent.</p> <p>A short time after the chimney was repaired, the cover blew off into neighbouring garden. Had this cover hit a person, it would have resulted in serious injury.</p> <p>Advisory: Do not wait six months to carry out repairs to potentially dangerous issues.</p> <p>Please see <u>pictures 10.2 in annex</u>. Middle chimney stack dangerously loose.</p>

10. Promoting the Prevention of Children from Harm

	<p>Breach: A health & safety issue was reported to Steve Smith, RBWM Licensing, when persons set off fireworks from the front car park in a dangerous manner.</p> <p>Had any children (or adults) been in the path of the fireworks, it could have resulted in a serious injury.</p> <p>Advisory: Staff training and monitoring.</p> <p>Breach: Smoking in the presence of children</p> <p>Advisory: There should be a clear smoking policy to protect the needs of children and non-smokers who do not wish to breathe tobacco smoke at the front of the restaurant. It is recommended that the front area is made non-smoking.</p>
<p>2. Safeguarding access</p>	<p>Breach: Broken glass has been seen on the pavement, glasses on the boundary wall, patron vomit at the entrance. Any children entering Pazzia on foot will have to have circumnavigated the above.</p> <p>Refer to <u>pictures 8.1 and 8.2 in Annex.</u></p> <p>Advisory: Staff to remove broken glass immediately and clean up vomit. It has been documented on occasion that this type of issue is left for several days.</p>
<p>3. Underage sales of alcohol</p>	<p>Advisory: Operate a strict 'No ID – No Sale' policy. 'Challenge 21' scheme serves as a reminder to staff of the need to be vigilant in preventing underage sales and to customers that it is against the law for anyone under 18 to purchase alcohol.</p>

Recommendations:

Considering the history of this restaurant, its sister companies and the current managerial structure, we would recommend the following:

1. Temporary licence suspension on Friday, Saturday and Sunday for three months. After this period, a full licence application would be required to review the management structure and DPS. This would need to demonstrate that there would be no future licence breaches and noise issues.

Current operating hours Monday to Thursday revised to 11:00 to 23:00 hrs .

2. If a new licence application is successful after the three month period, operating hours Monday to Sunday 11:00 to 23:00 hrs as per original licence conditions pre 2006 and in line with other local licensed establishments/restaurants in residential areas.
3. Live and recorded music to cease at 22:30 hrs.

Appendix 8.1 Glass on public footpath behind wheel of car at neighbouring property



Appendix 8.1 - Wine glass on public footpath outside neighbouring property



Appendix 8.1 - Broken wine glass stem on restaurant wall/public footpath. Remained on the wall for over a week

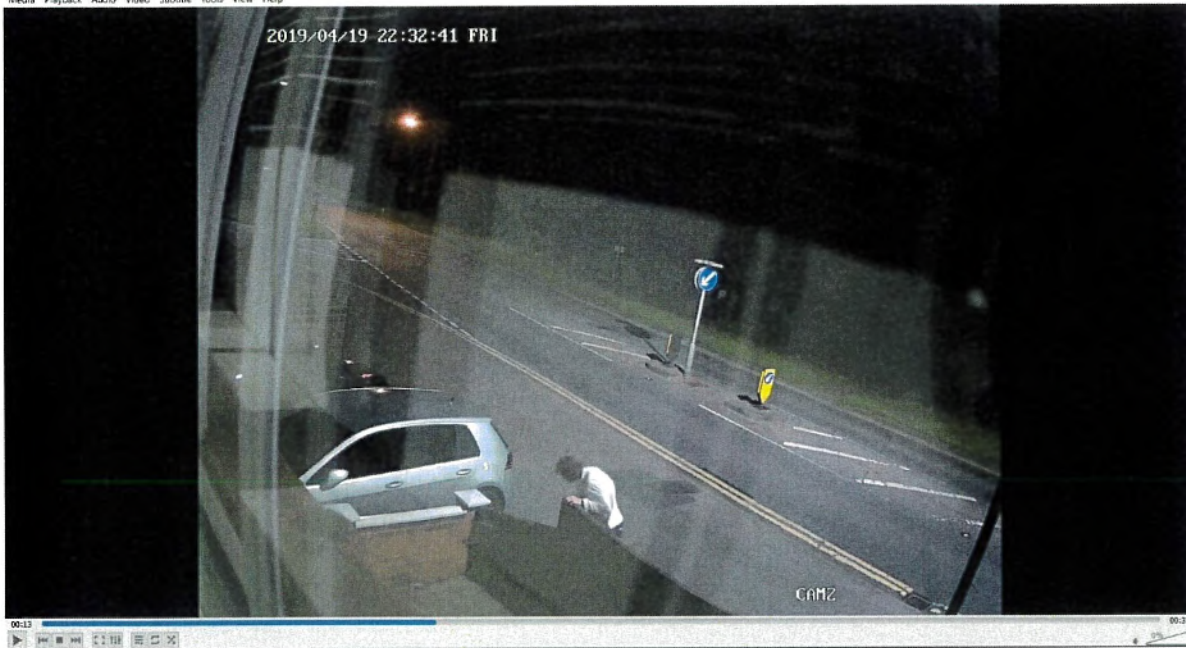


Appendix 8.1 - Tumbler thrown into neighbouring garden



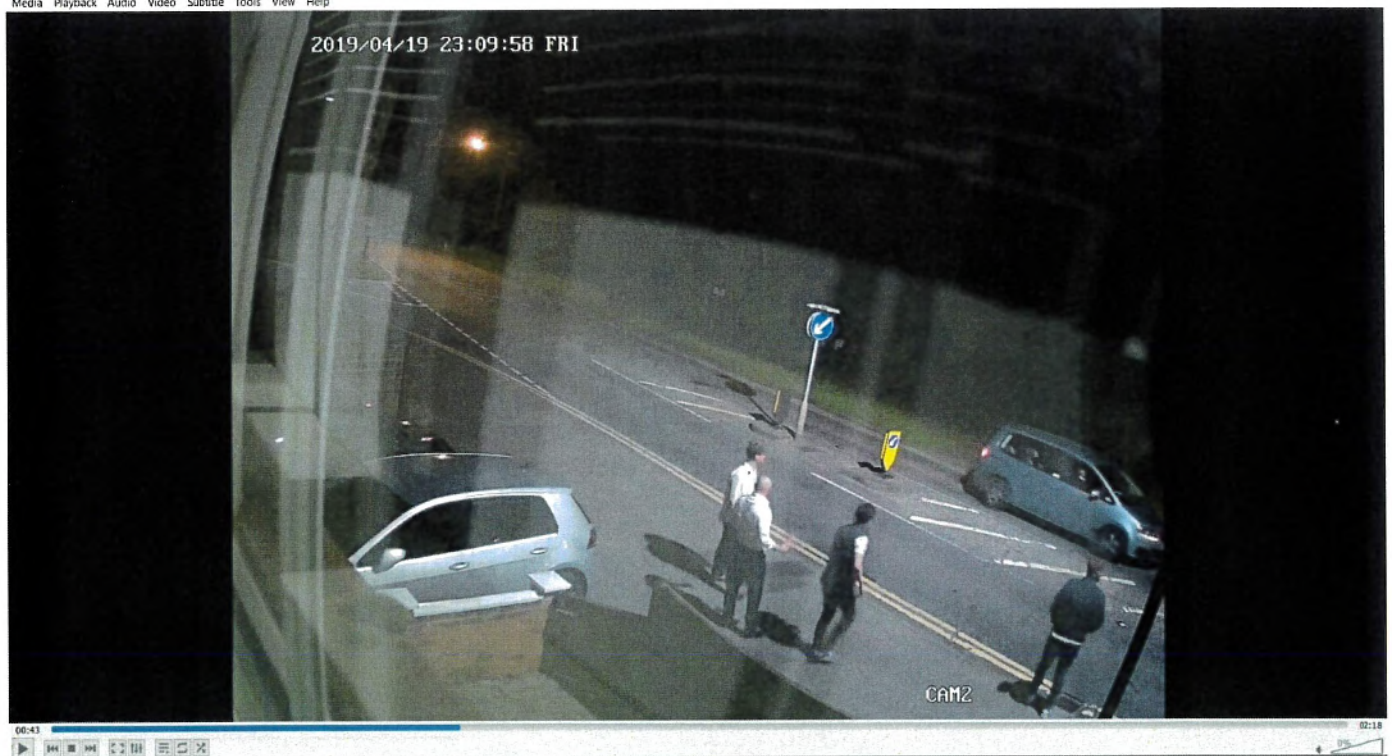
Appendix 8.2 – Patron vomiting on public footpath in front of garden gate of neighbouring property

cam2_19-04-2019_22-32-29-22-13-06_CAM2.avi - VLC media player
Media Playback Audio Video Subtitle Tools View Help



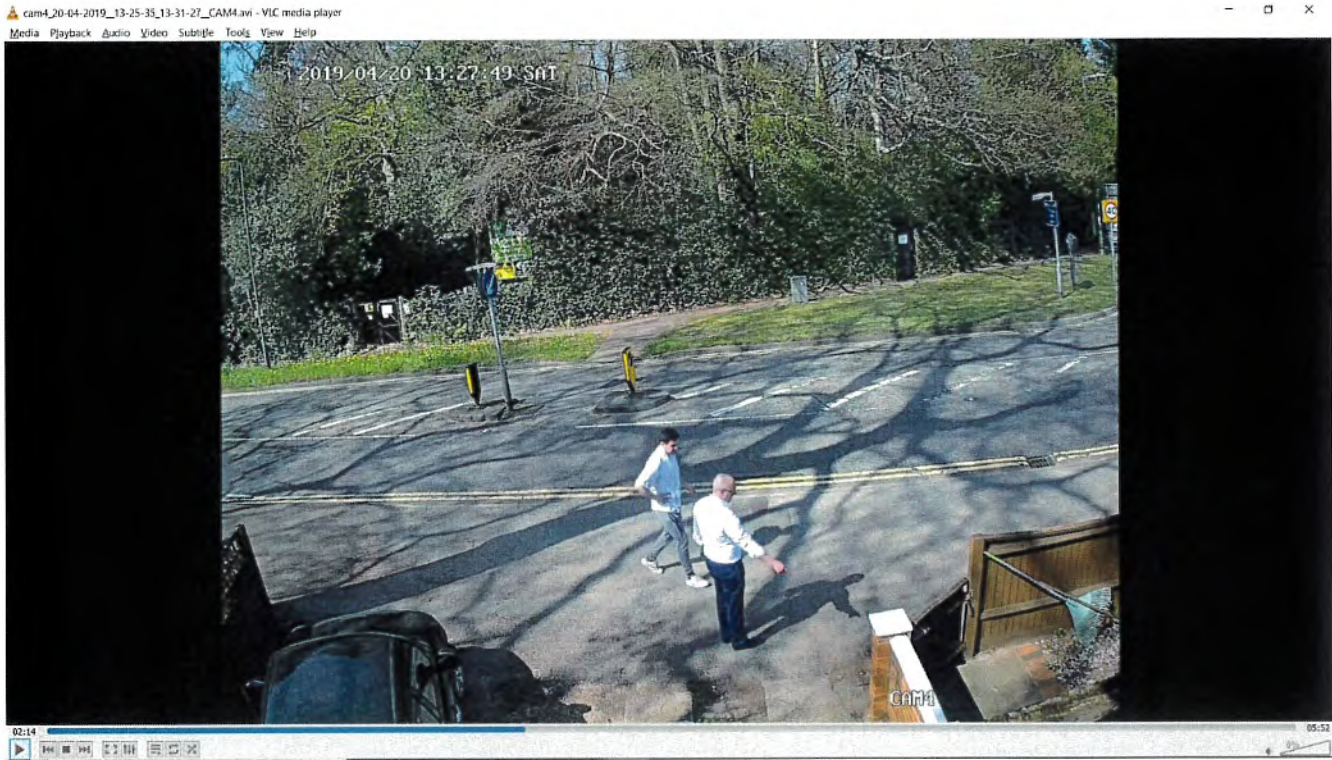
Appendix 8.2 – Confrontation outside on public footpath outside neighbouring property

cam2_19-04-2019_23-09-16-23-11-34_CAM2(2).avi - VLC media player
Media Playback Audio Video Subtitle Tools View Help

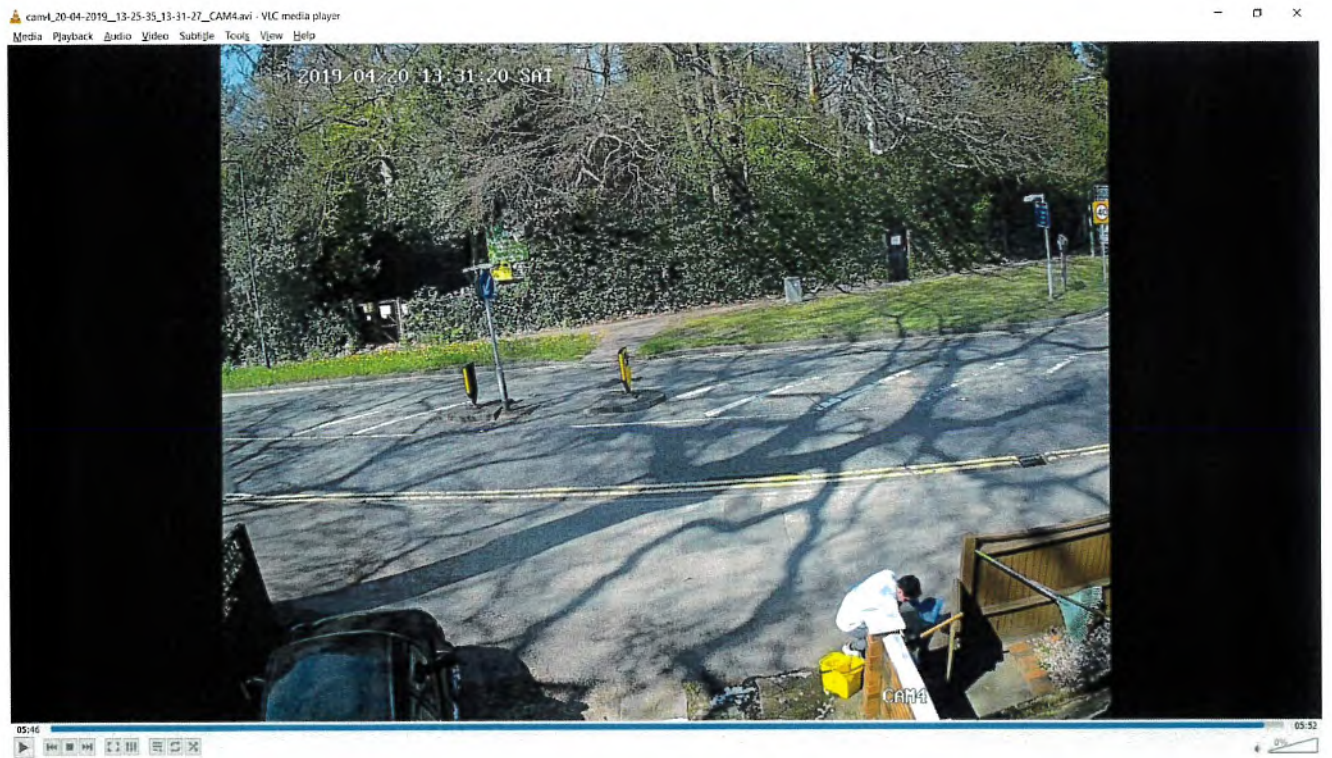




Appendix 8.2 – Pazzia staff assessing vomit incident next day



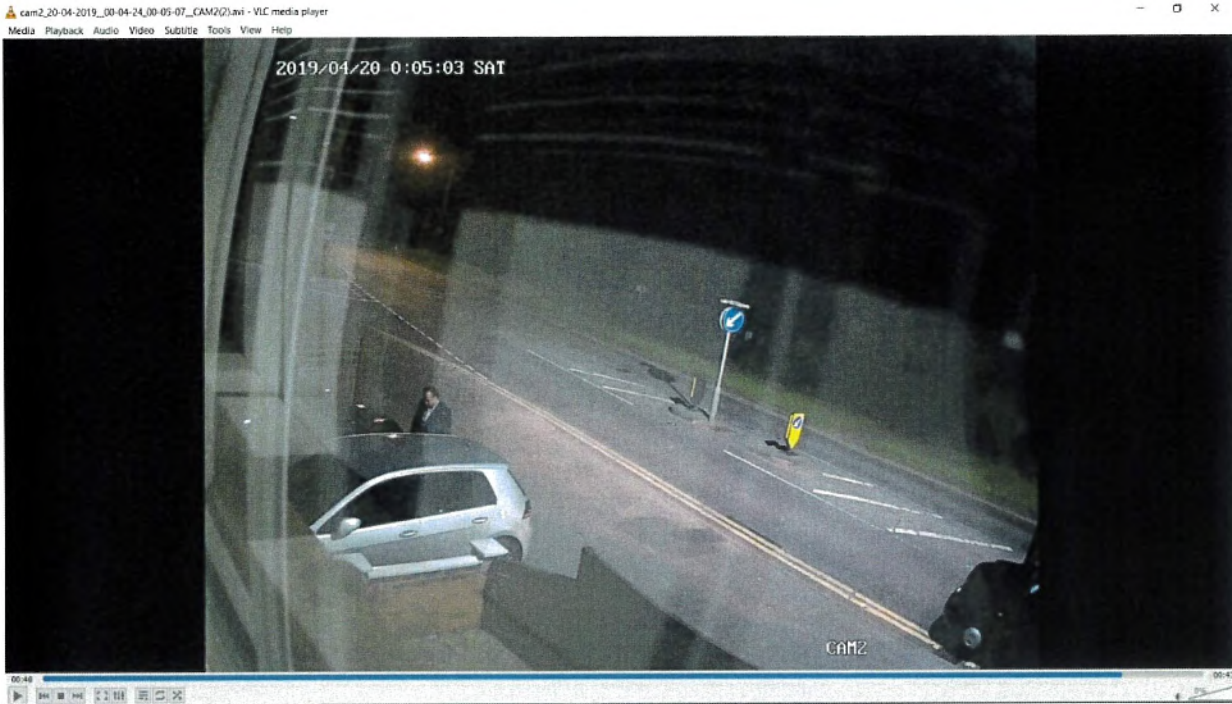
Appendix 8.2 – Pazzia staff cleaning up mess



Appendix 8.2 – Another incident which took place on previous night. Picture taken next day. Left for several days



Appendix 8.2 – Patron urinating in neighbouring property driveway



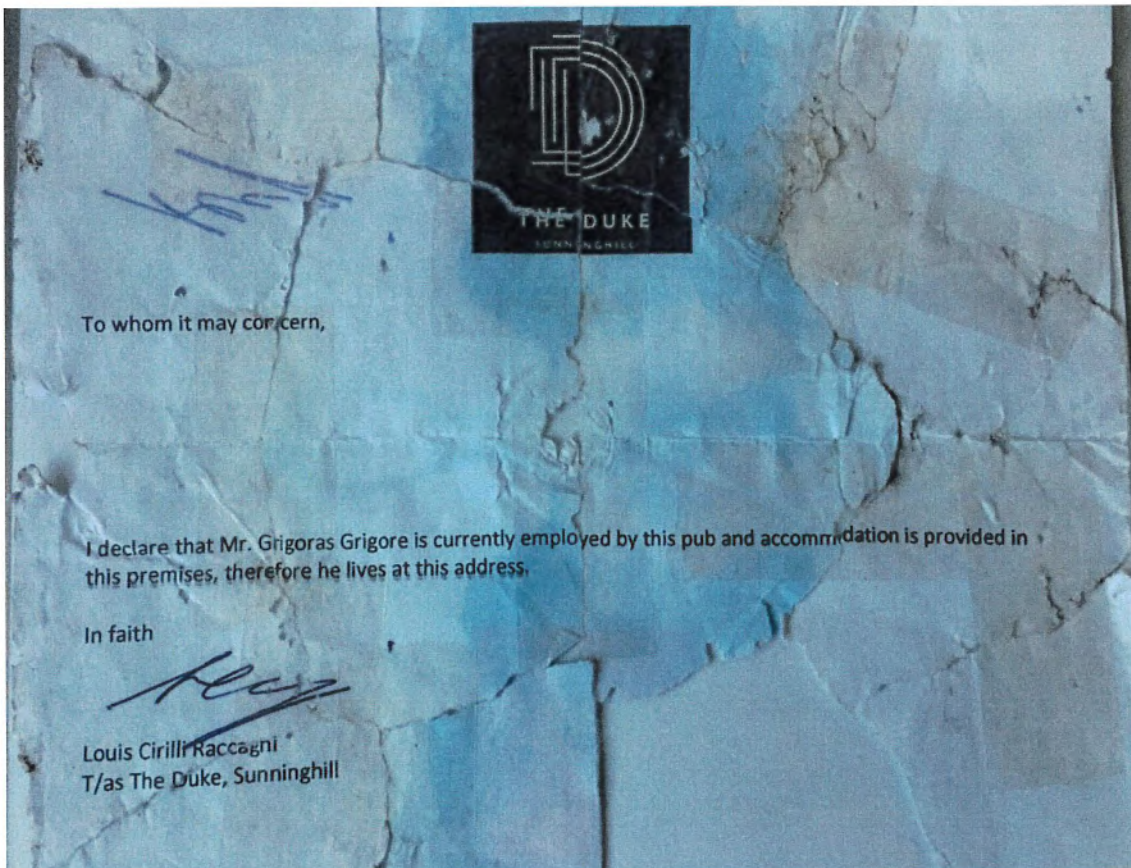
Appendix 8.2 – Staff member and patrons arguing in driveway of neighbouring property. Patron sat on car bonnet



Appendix 9.3 – Beer cans and litter thrown into back garden



Appendix 9.3 – Litter thrown into back garden. Personal details of an ex-employee.



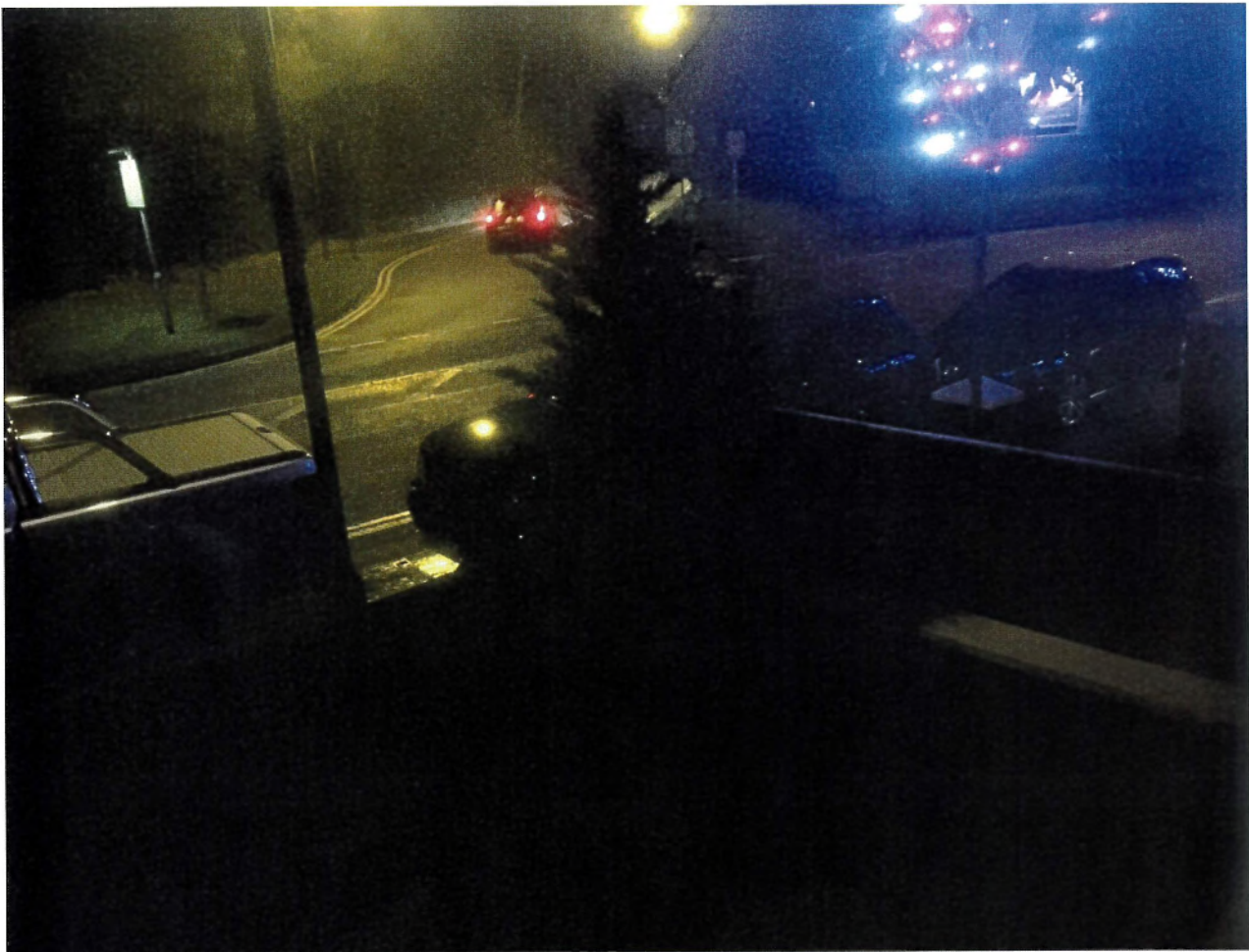
Annex 9.7 – Vehicle parked on public footpath outside neighbouring property



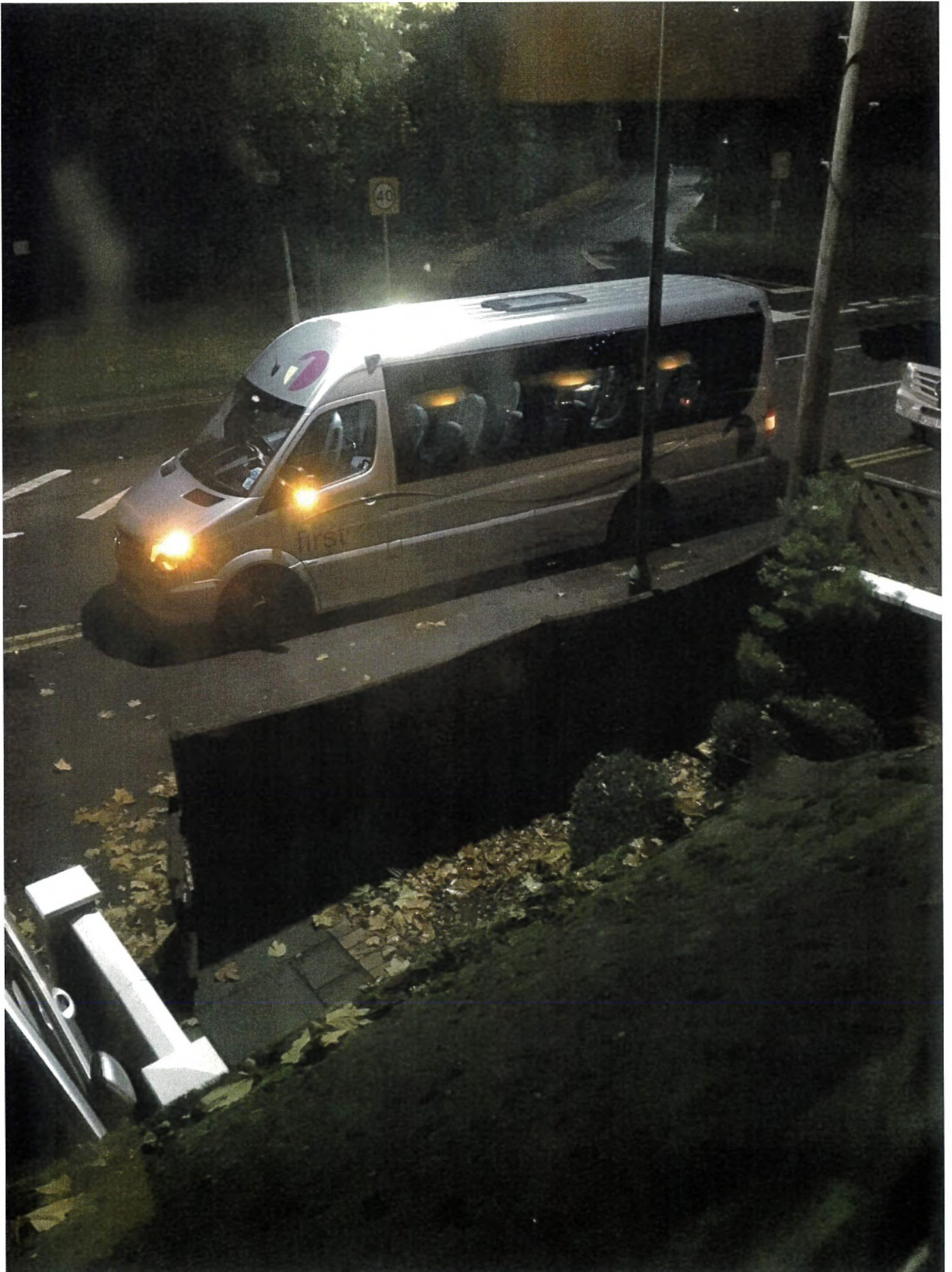
Annex 9.7 – Vehicle parked on public footpath outside restaurant



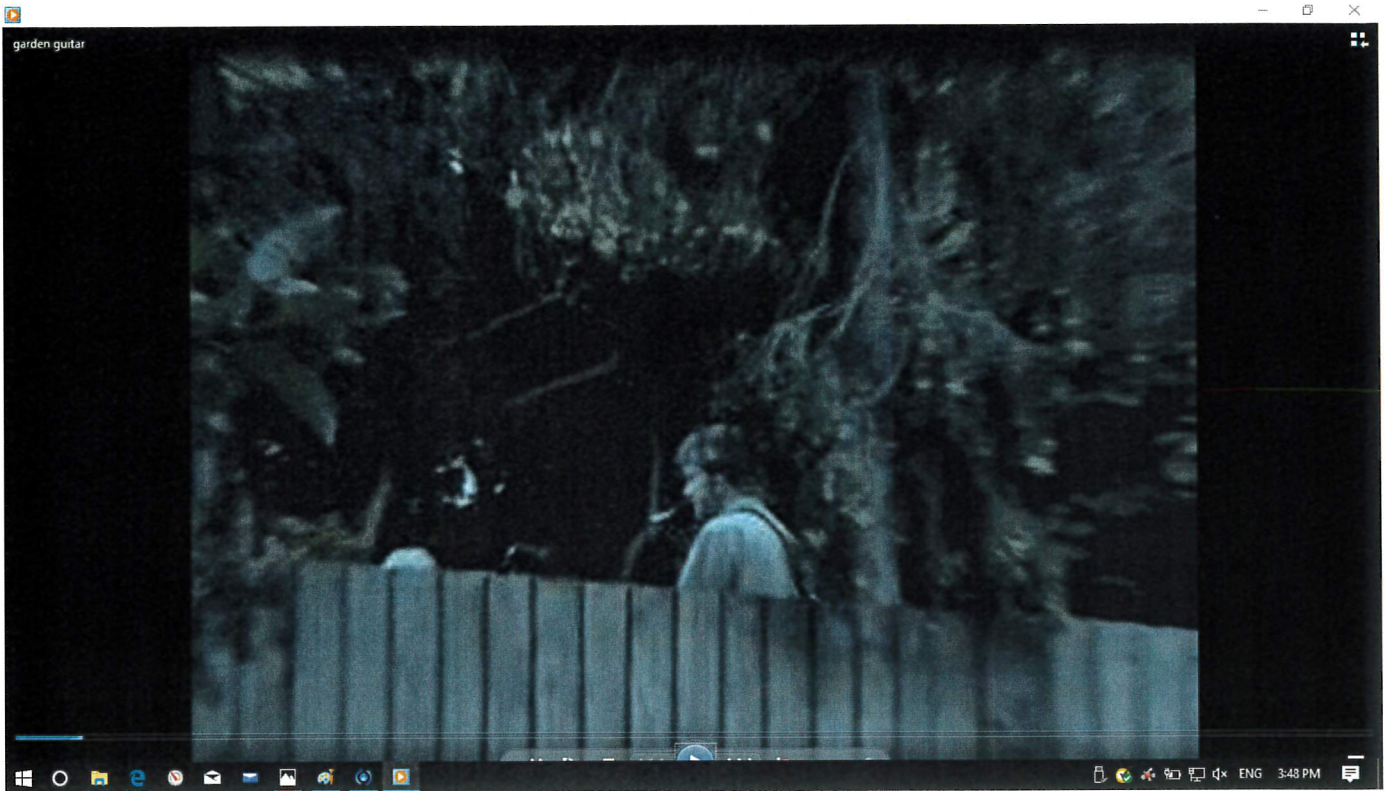
Annex 9.7 – Vehicles parked outside restaurant and neighbouring property



Annex 9.7 – Minibus parked partly on road /partly public footpath outside neighbouring property, affecting visibility and obstructing the highway.



Appendix 9.9 – Guitarist in car park



Appendix 9.9.1 – Retrospective planning permission refused for use of area with red canopy



Appendix 9.9.2 – Current seating area in 2020



Appendix 9.3 – Representations/objections from Pazzia London licence review

From: [REDACTED]
Sent: 20 August 2013 11:22
To: Regen, Licensing
Subject: Review of licence at 374 Walworth Road

Dear Sir/Madam,

I understand the above licence is under review and I am writing as a local resident in support its revocation

Ever since the grant of the late night (post 11pm) licence at the venue, the levels of late night noise, litter and anti-social behaviour in the immediate area have been markedly increased. The effect in Fielding Street is noticeable, as people under the influence of alcohol move between the 24 hour shop at Oli Food Centre and Bananas, until the early hours of the morning, it is always to the detriment of local residents. Revocation of the license at this premises with undoubtedly reduce the oppressive nature of the immediate area late at night over the weekend period.

From: [REDACTED]
Sent: 21 August 2013 12:21
To: Regen, Licensing
Cc: [REDACTED]
Subject: BANANA'S BAR, 374 WALWORTH ROAD

Dear Sirs,

I am writing in support of the police application to rescind the license for Banana's Bar.

I live at no [REDACTED] and my bedroom overlooks the car park at the back and side of the Bar. On a number of occasions I have been disturbed by loud noise late at night coming from area surrounding the bar, particularly on Fridays and Saturdays. This often involved people drinking and talking / arguing loudly.

Although the front of the Bar is on the Walworth Road, its back is right in the middle of a densely residential area and I do not feel residents should have to put up with this level of disruption on a regular basis.

Yours,

From: [REDACTED]
Sent: 23 August 2013 12:41
To: Regen, Licensing
Subject: Review of premises licence - Banana Bar

For the attention of Debbie Mccarthy or Kirty Read.

Dear Ms Mccarthy or Read,

I'm writing to you in support of revoking Banana Bar's (374 Walworth Road SE17 2NF) licence.

I am a resident of Fielding Street [REDACTED] and my house backs onto the back of Banana Bar. On Friday and Saturday nights myself, partner and nine month old baby are kept awake for hours due to the noise from Banana Bar. This includes lots of people hanging around, drinking and talking very loudly.

We have complained to the council and police regarding the noise from Banana Bar and this noise occurs frequently. This is having a negative impact on our life as myself and partner cannot sleep and neither can my baby.

Appendix 10.2 – Dangerous middle chimney stack



Appendix 10.2 – Chimney stack reset with no cowling



Appendix 10.2 – Chimney cowling in neighbouring garden



NOTICE
OF
MEETING

LICENSING PANEL SUB-COMMITTEE

will meet on

THURSDAY, 10TH JANUARY, 2019

At 10.00 am

in the

COUNCIL CHAMBER - GUILDHALL WINDSOR

TO: MEMBERS OF THE LICENSING PANEL SUB-COMMITTEE

COUNCILLORS MALCOLM ALEXANDER, PHILLIP BICKNELL AND DEREK WILSON

Karen Shepherd – Service Lead - Governance - Issued: January 2nd 2019

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Shilpa Manek** 01628 796310

Accessibility - Members of the public wishing to attend this meeting are requested to notify the clerk in advance of any accessibility issues

Fire Alarm - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Congregate outside and do not re-enter the building until told to do so by a member of staff.

Recording of Meetings – The Council allows the filming, recording and photography of public Council meetings. This may be undertaken by the Council itself, or any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be available for public viewing on the RBWM website. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APPOINTMENT OF CHAIRMAN</u> To appoint a Chairman for the duration of the meeting.	-
2.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	-
3.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	3 - 4
4.	<u>PROCEDURES FOR LICENSING PANEL SUB COMMITTEE</u> To note the procedural details for the hearing.	5 - 6
5.	<u>CONSIDERATION OF APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003</u> To consider an application for a new Premises Licence under The Licensing Act 2003 for Pazzia Restaurant, London Road, Ascot, SL5 0PN.	7 - 96

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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LICENSING SUB-COMMITTEE

PROCEDURES

The Chairman will welcome all parties to the meeting, introduce the Sub-Committee Members and officers present, and outline the procedure as below:

- a) The Licensing Officer to outline the application and the decision to be taken
- b) Members to ask questions of the Licensing Officer
- c) The Applicant to put their case to the Sub-Committee and clarify any information arising from the Licensing Officer's outline
- d) Any Objectors to address the Sub-Committee and put their case
- e) Members to ask questions of the Objectors
- f) Applicant to ask questions of the Objectors
- g) Any party requested by the Applicant to address the Sub-Committee (at the Sub-Committee's discretion)
- h) Members to ask questions of the Applicant
- i) Objectors to ask questions of the Applicant
- j) Applicant to briefly summarise their position
- k) Objectors to briefly summarise their position
- l) Licensing Officer to provide a summary
- m) Chair to ask all parties if they have said all that they wish to
- n) Sub-Committee to retire for deliberations

N.B. Decision letter to be sent to applicant within 5 working days

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REPORT TO LICENSING PANEL SUB COMMITTEE.

CONSIDERATION OF APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003

LICENSING PANEL SUB COMMITTEE: 10th January 2019

OFFICER REPORTING: Greg Nelson

A) The Application

Applicant: - Jorge Pereira Rodrigues, C/O Pazzia Restaurant, London Road, Ascot, SL5 0PN

Premises: - Pazzia Restaurant, London Road, Ascot, SL5 0PN

The application relates to an application to vary a premises licence A

summary of the application is as follows:-

To amend the current plans for the premises to reflect a new layout.
Both sets of plans, existing and new are included in the report.

The standard opening hours of the premises:

- 11.00 until 01.30 hrs Monday to Thursday
- 11.00 until 02.00 hrs Friday and Saturday
- 11.00 until 00.00 hrs Sunday

To permit the sale by retail of alcohol for consumption ON/OFF the premises:

- 11.00 until 01.00 hrs Monday to Thursday
- 11.00 until 01.30 hrs Friday and Saturday
- 11.00 until 23.00 hrs Sunday

Live Music (Indoors)

- 11.00 until 01.00 hrs Monday to Saturday
- 11.00 until 23.00 hrs Sunday

Recorded Music (Indoors)

- 11.00 until 01.00 hrs Monday to Saturday
- 11.00 until 23.00 hrs Sunday

Performance of Dance (Indoors)

- 11.00 until 01.00 hrs Monday to Saturday
- 11.00 until 23.00 hrs Sunday

Anything of a similar description to that falling within performance of dance, recorded music and live music

- 11.00 until 01.00 hrs Monday to Saturday
- 11.00 until 23.00 hrs Sunday

Late night refreshment (Indoors)

- 23.00 until 01.00 hrs Monday to Thursday
- 23.00 until 01.30 hrs Friday and Saturday
- 23.00 until 23:30 hrs Sunday

Designated Premises Supervisor (DPS): Mr. Jorge Pereira Rodrigues.

The Premises currently enjoy the following Licensing Activities and Hours:-

The standard opening hours of the premises:

- 11.00 until 00.30 hrs Monday and Tuesday
- 11.00 until 00.00 hrs Wednesday
- 11.00 until 01.00 hrs Thursday to Saturday.
- 11.00 until 23.00hrs Sunday

To permit the sale by retail of alcohol for consumption ON/OFF the premises:

- 11.00 until 00.00 hrs Monday to Wednesday
- 11.00 until 01.00 hrs Thursday to Saturday
- 11.00 until 23.00 hrs Sunday

Live Music (Indoors)

- 19.00 until 23.30 hrs Monday to Saturday
- 19.00 until 23.00 hrs Sunday

Recorded Music (Indoors)

- 11.00 until 00.00 hrs Monday to Wednesday
- 11.00 until 01.00 hrs Thursday to Saturday
- 11.00 until 23.00 hrs Sunday

Performance of Dance (Indoors)

- 21.00 until 23.00 hrs Monday to Wednesday
- 21.00 until 00.00 hrs Thursday to Saturday
- 21.00 until 23.00 hrs Sunday

Late night refreshment (Indoors)

- 23.00 until 01.00 hrs Monday to Saturday
- 23.00 until 00.00 hrs Sunday

B) Relevant Representations

Responsible Authorities.

a . Environmental Health (CPES):	Attached
b . RBFRS (Fire Officer):	None
c . Planning Officer:	None
d . Local Safeguarding Children's Board (LSCB)	None
e . Public Health:	None
f . Trading Standards:	Attached
g . Thames Valley Police:	Attached
h . RBWM Licensing:	Attached

Interested Parties:

- 01 representations from local residents

Responsible Authorities:

Trading Standards have requested a number of conditions which are attached, however, these have been agreed by the applicant.

Environmental Protection, RBWM Licensing and Thames Valley Police (TVP) have also objected to this application. If the Licensing Sub-Committee decide to grant this application then the responsible authorities require their suggested conditions to be added to the premises licence (attached).

C) It is considered that the following policies have a bearing upon the application.

RBWM Licensing Policy:-

2.1 De-regulated Entertainment:-

The Legislative Reform (Entertainment Licensing) Order 2014 came into force on 6 April 2015 with the effect that the following forms of entertainment are no longer licensable —

- Performances of plays between 08.00 and 23.00 provided that the audience does not exceed 500.
- Performances of dance between 08.00 and 23.00, provided that the audience does not exceed 500

- 'Not-for-profit' film exhibition held in community premises between 08.00 and 23.00, 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 between 08.00 and 23.00, provided that those present do not exceed 1000.
- Any contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00, provided that the audience does not exceed 1000.
- Performances of unamplified live music between 08.00 and 23.00, on any premises.
- Performances of amplified live music between 0800 and 2300:
 - On premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
 - In a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500
 - 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 the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises
 - 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
- Playing of Recorded Music between 0800 and 2300:
 - On premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500

7. Promoting the Prevention of Crime and Disorder

Where relevant representations are made, the Licensing Authority will have particular regard to the following issues in relation to the crime and disorder objective:

- Measure to prevent bottles being carried from premises
- Use of drinks' promotions
- Measure to prevent binge drinking
- Participation in the Pub Watch Scheme
- Use of door supervisors
- Training staff in crime prevention measures
- Search procedures
- Use of close circuit television
- Lighting

- Where premises are new, designing out crime
- Quality of surveillance of premises

8. Promoting Public Safety

Where relevant representation have been made, the Licensing Authority will have particular regard to the following issues in relation to the public safety objective:

- The use of shatterproof glasses
- The promotion of sensible drinking
- Measures taken to prevent drug spiking
- Drugs policies
- Safe capacities

In appropriate cases, the following conditions may be imposed on premises 'licenses to ensure the safety of those attending the premises:

- That a personal licence-holder shall be present at all times when the premises are open for the sale of alcohol
- Suitably qualified first-aiders will be required

9. Promoting the Prevention of Public Nuisance

Where relevant representations are made, the Licensing Authority will have particular regard to the following issues in relation to the public nuisance objective:

- The disposal of waste, particularly glass
- The use and maintenance of plant, including air extraction and ventilation systems
- Litter in the vicinity of the premises
- Noise from deliveries / collections to and from the premises
- Measures to control behaviour and queues
- Whether door supervisors are able to stay at the entrance to encourage quiet departure
- The provision of Hackney Carriage / Private Hire services at the premises
- Signs on doors and on tables encouraging consideration to the neighbours
-

Noise

Where relevant representations are made the Licensing Authority will impose conditions in relation to licensed premises to prevent unnecessary noise and disturbance to local residents where relevant representations are made. This may include restrictions on times when music or other licensable activities may take place and may impose technical restrictions on levels of sound at premises. Conditions may also be imposed requiring licensees to display signs at all exits from premises reminding customers to leave premises quietly and to respect the rights of nearby residents.

6. Key Strategies for 2016 – 2021

6.1 Framework Hours

The current staggered closing times of licenced premises, that has developed since 2005 in the Royal Borough, has helped to reduce the problems associated with large numbers of people leaving premises at the same time and reduced congestion at taxi ranks and fast food outlets. However, the later opening hours have brought increased levels of crime, disorder and nuisance. Responsible Authorities, local residents and local Councillors have reported many issues, including noise, anti-social behaviour and litter, which are having an adverse impact on their quality of life. In particular, there has been an increase in violent crime in Windsor town centre between the hours of 00:00 and 04:00.

Having considered the evidence of alcohol related crime, disorder and anti-social behaviour, the number of late night premises and, in particular, the social, practical and regulatory impacts on the morning after the night before, the Licensing Authority has adopted a Framework Hours Policy. This Framework Hours Policy will apply to new and variation applications.

The Framework Hours are: Premises Type:	Commencement Hour for Licensable Activities No earlier than :	Terminal Hour for Licensable Activities No later than:
• Off licence	• 09:00am	• 11:00pm
• Restaurant	• 09:00am	• 01:00am
• Pub/Bars/Night Clubs	• 10:00am	• 02:00am
• Takeaways	• n/a	• 02:00am

Have greater freedom to operate outside framework hours. Such venues are predominantly seated. Examples include:

- Theatres
- Cinemas
- Qualifying Clubs

For the purpose of this policy, premises shall be considered as a restaurant or café if the sale of alcohol is made only to seated customers who are also dining and where this is a condition of the licence, or a condition volunteered in the Operating Schedule for the premises. Where such conditions have not been offered, the premises will be treated as a public house.

Framework Hours are intended to guide applicants on the Licensing Authority's expectations when preparing their Operating Schedule. However, if no relevant representations are received, the application will be granted by the Licensing Authority under delegated powers.

Any conditions setting out hours of premises refers, unless otherwise stated, to the hours during which licensable activities may take place pursuant to the Premises

Licence or Club premises Certificate. The Licensing Authority expects the premises to close thirty minutes after the terminal hour for the latest licensable activity.

6.4 Wider Community Interest

The Licensing Authority considers that its licensing functions are exercised in the public interest, furthermore that the licensing authority is under a duty to take any steps with a view to the promotion of the licensing objectives in the interests of the wider community and not just those of the individual licence holder.

The Licensing Authority will have particular regard to those applications in close proximity to residential premises and the likely effect on the promotion of the licensing objectives in such circumstances. Subject to any relevant representations, the Licensing Authority will have particular regard to:

- The nature of the activities
- The character of the surrounding area
- Measures for limitation of noise emissions from the premises. These may include as appropriate; noise limitation devices, sound insulation, whether windows are to be opened, the insulation of acoustic lobbies and double glazing
- Measures to deal with queuing, where necessary
- Use of outdoor areas
- Measures to deal with dispersal of customers from the premises as necessary, including the employment of door supervisors, use of dedicated Hackney Carriage / Private Hire firms, notices in the premises requesting customers to respect neighbours
- Winding down periods, particularly in public houses and nightclubs etc.

D) 182 National Guidance April 2017

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).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in premises (see paragraph 10.10). 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.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licenced premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. 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. 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.

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in the licensed premises might include requiring a premises licence holder to undertake right to work check on all staff employed at the licensed premises or requiring that a copy of any documents checked as part of a right to work check are retained at the licensed premises.

Public Safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather public health which is addressed in other legislation.

Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol₁₀

poisoning. Conditions relating to public safety may also promote crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety
- Ensuring appropriate access for emergency services such as ambulance
- Good communication with local authorities and emergency services, for example communication networks with the police and signing up for local incidents alerts. (See paragraph 2.4 above)
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation)
- Ensuring appropriate limits on the maximum capacity of the premises (See paragraphs 2.12-2.13)
- Considering the use of CCTV in and around the premises (See paragraph 2.3 above)

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. Applicants should consider when making their application which steps it is appropriate to take to promote the public safety objectives and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Public nuisance

2.15 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 may¹¹

be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 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 may 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.

2.17 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 persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 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.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the 10 | Revised Guidance issued under section 182 of the Licensing Act 2003 early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial 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.

Protection of Children from harm

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly to alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- Adult entertainment is provided
- A member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- It is known that unaccompanied children have been allowed access;
- There is known association with drug taking or dealing; or
- In some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises

2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of

premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- Restrictions on the hours when children may be present;
- Restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- Restrictions on the parts of the premises to which children may have access;
- Requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 year old with alcohol-related illness or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has

been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

E) Observations.

The Sub Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance
- The protection of children from harm.

It must be noted, however, that this is an application for variation only, the Sub-Committee are only able to deliberate on the application before them today and not the issued premises licence held by the premises licence holder.

In making its decision, the Committee is also obliged to have regard to national guidance and the Council's own Licensing Policy. Of course, the Committee must have regard to all of the representations made and the evidence it hears.

The 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.

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **JORGE PEREIRA RODRIGUES**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL001171

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
PAZZIA RESTAURANT LONDON ROAD ASCOT SL5 0PN			
Post town	ASCOT	Postcode	SL5 0PN

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£10750

£190.00

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

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

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The Reason of this Premises License Variation is to:

Update the Plan of the Premises (we extend the layout of the premises)

To extend the hours of the following Activities:

Sale of Alcohol on and Off License

Late Night Refreshment

Live Entertainment (Record Music; Live Music and Dancing Indoors)

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

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) **Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4) Not Applicable	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 6) <hr/> <hr/> <hr/> <hr/>		
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7) <hr/> <hr/> <hr/> <hr/>		

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5) Not Applicable
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</u> Not Applicable	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish		
Mon			<u>Please give further details here (please read guidance note 5)</u> 	
Tue				
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)</u> 	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)</u> 	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	11:00	01:00			
			State any seasonal variations for the performance of live music (please read guidance note 6)		
Tue	11:00	01:00			
			Non standard timings. Where you intend to use the premises for the <u>performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Wed	11:00	01:00			
Thur	11:00	01:00			
Fri	11:00	01:00			
Sat	11:00	01:00			
Sun	11:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	11:00	01:00			
Tue	11:00	01:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Wed	11:00	01:00			
Thur	11:00	01:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	11:00	01:00			
Sat	11:00	01:00			
Sun	11:00	23:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00	01:00	<u>Please give further details here</u> (please read guidance note 5)		
Tue	11:00	01:00			
Wed	11:00	01:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur	11:00	01:00			
Fri	11:00	01:00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	11:00	01:00			
Sun	11:00	23:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing <p style="text-align: center;">ENTERTAINMENT FACILITIES FOR DANCING</p>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Mon	11:00	01:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11:00	01:00	<u>Please give further details here</u> (please read guidance note 5)		
Wed	11:00	01:00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Thur	11:00	01:00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	11:00	01:00			
Sat	11:00	01:00			
Sun	11:00	23:00			



I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	23:00	01:00	<u>Please give further details here</u> (please read guidance note 5)		
Tue	23:00	01:00			
Wed	23:00	01:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur	23:00	01:00			
Fri	23:00	01:30	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	23:00	01:30			
Sun	23:00	23:30			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)					
Mon	11:00	01:00						
Tue	11:00	01:00						
Wed	11:00	01:00						
Thur	11:00	01:00						
Fri	11:00	01:30						
Sat	11:00	01:30						
Sun	11:00	23:00						
						Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

NOT APPLICABLE

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	11:00	01:30	
Tue	11:00	01:30	
Wed	11:00	01:30	
Thur	11:00	01:30	
Fri	11:00	02:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Sat	11:00	02:00	
Sun	11:00	00:00	

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

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

WE ARE HAPPY WITH THE CONDITIONS WE HAVE AT THE MOMENT IN OUR PREMISES LICENCE. WE WILL ADD A DISPERSAL POLICY TO OUR EXISTENT CONDITIONS. WE WELCOME ANY ADDIONAL CONDITIONS PROPOSED BY THE RELEVANT AUTHORITIES

b) The prevention of crime and disorder

WE ARE HAPPY WITH THE CONDITIONS WE HAVE AT THE MOMENT IN OUR PREMISES LICENCE . WE WILL ADD A DISPERSAL POLICY TO OUR EXISTENT CONDITIONS. WE WILL ADD A DISPERSAL POLICY TO OUR EXISTENT CONDITIONS

c) Public safety

WE ARE HAPPY WITH THE CONDITIONS WE HAVE AT THE MOMENT IN OUR PREMISES LICENCE.

d) The prevention of public nuisance

WE ARE HAPPY WITH THE CONDITIONS WE HAVE AT THE MOMENT IN OUR PREMISES LICENCE. WE WILL ADD A DISPERSAL POLICY TO OUR EXISTENT CONDITIONS

e) The protection of children from harm

WE ARE HAPPY WITH THE CONDITIONS WE HAVE AT THE MOMENT IN OUR PREMISES LICENCE

Please tick as appropriate

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

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	MANUEL ROCHA 
Date	23/09/2018
Capacity	AGENTE

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

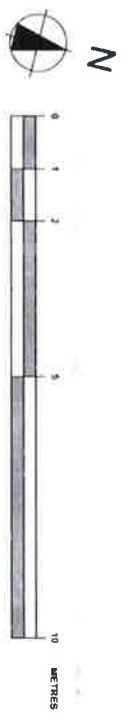
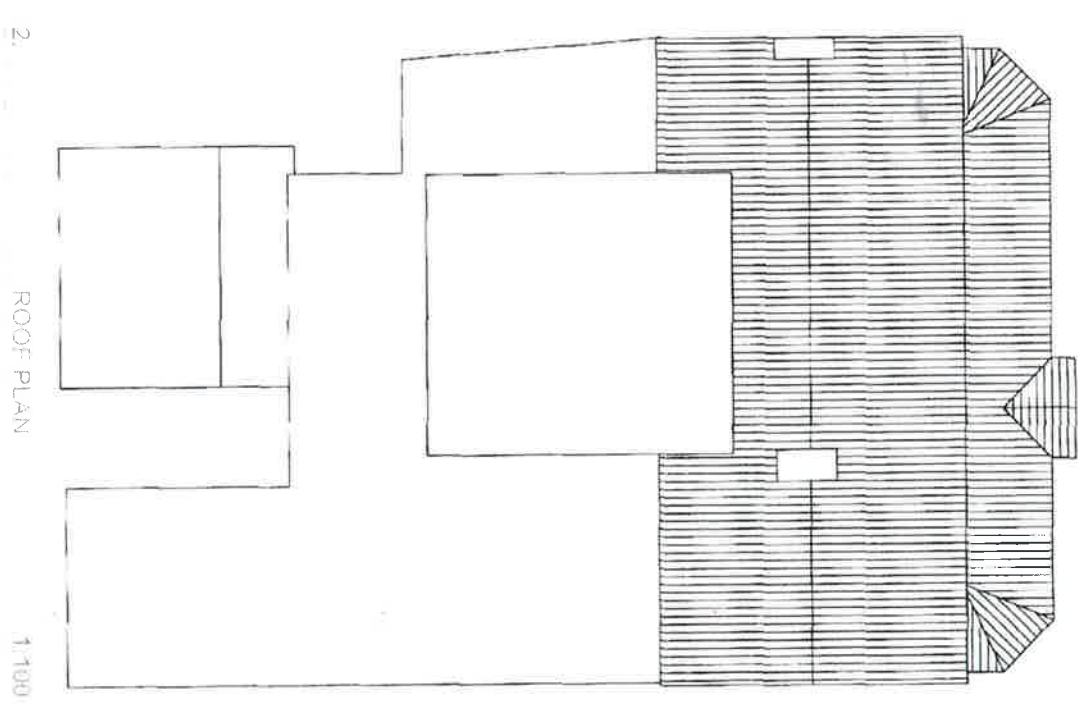
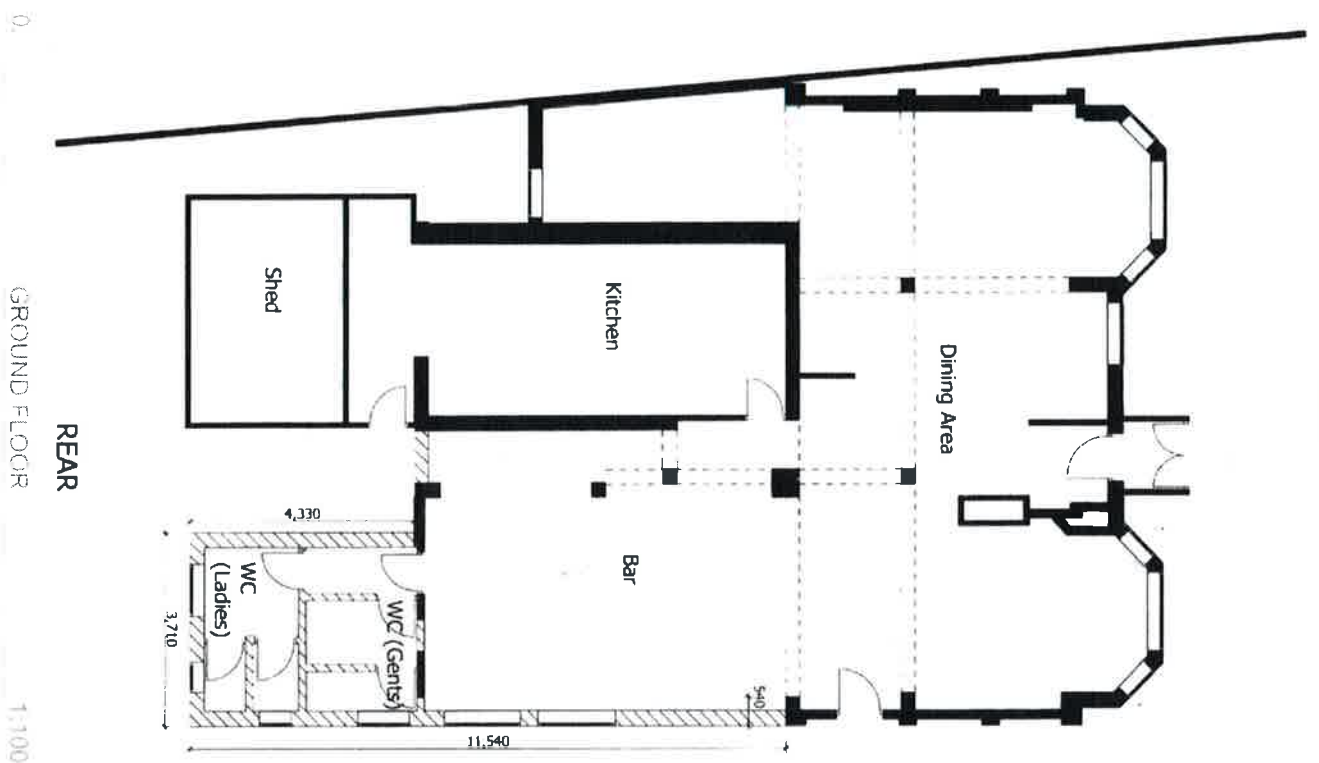
Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

MANUEL ROCHA
 UNIT 35 BATTERSEA BUSINESS CENTRE
 99-109 LAVENDER HILL
 LONDON
 SW11 5QL

Post town	LONDON	Post code	SW11 5QL
Telephone number (if any)	07868697778		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) manuelrocha01@hotmail.com			

FRONT
AS BUILT PLAN
PAZZIA RESTAURANT



LOCAL AUTHORITY

The Royal Borough of Windsor & Maidenhead

Town Hall
St Ives Road
Maidenhead
SL6 1RF

tel: 01628 683840

web: www.rbwm.gov.uk

www.rbwm.gov.uk



POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Pazzia Restaurant

London Road, Sunninghill, Ascot, SL5 0PN.

Telephone 01344 622038

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

E Performance of live music (Indoors)	Monday to Saturday	7:00pm	11:30pm ✓
	Sunday	7:00pm	11:00pm ✓
F Playing of recorded music (Indoors)	Monday to Wednesday	11:00am	Midnight ✓
	Thursday to Saturday	11:00am	1:00am ✓
	Sunday	11:00am	11:00pm ✓
J Provision of facilities for dancing (Indoors)	Monday to Wednesday	9:00pm	11:00pm ✓
	Thursday to Saturday	9:00pm	Midnight ✓
	Sunday	9:00pm	11:00pm ✓
L Late night refreshment (Indoors)	Monday to Saturday	11:00pm	1:00am ✓
	Sunday	11:00pm	Midnight ✓
M The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Wednesday	11:00am	Midnight ✓
	Thursday to Saturday	11:00am	1:00am ✓
	Sunday	11:00am	11:00pm ✓
	Seasonal Variations:	11:00am	Midnight

To extend sale of Alcohol by two hours on New Years Eve



THE OPENING HOURS OF THE PREMISES

Monday	11:00am	12:30am
Tuesday	11:00am	12:30am
Wednesday	11:00am	Midnight
Thursday	11:00am	1:00am
Friday	11:00am	1:00am
Saturday	11:00am	1:00am
Sunday	11:00am	11:00pm
New Years Eve		
Additional 2 hours on New Years Eve		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises



Licensing Act 2003

Premises Licence

PL001171

NAME (REGISTERED) ADDRESS TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Jorge Pereira Rodrigues

Pazzia Restaurant, London Road, Ascot, SL5 0PN.

REGISTERED NUMBER OF HOLDER. FOR EXAMPLE COMPANY NUMBER. CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Jorge Pereira RODRIGUES

9 Ashley Crescent, Cavendor Hill, London, SW11 5QZ.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA050676

Issued by Windsor and Maidenhead



Premises Licence

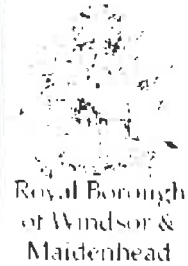
LOCAL AUTHORITY

The Royal Borough of Windsor & Maidenhead

Town Hall
St Ives Road
Maidenhead
SL6 1RF

tel: 01628 683840
web: www.rbwm.gov.uk

www.rbwm.gov.uk



POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Pazzia Restaurant

London Road, Sunninghill, Ascot, SL5 0PN

Telephone 01344 622038

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

E Performance of live music (Indoors)	Monday to Saturday	7:00pm	11:30pm ✓
	Sunday	7:00pm	11:00pm ✓
F. Playing of recorded music (Indoors)	Monday to Wednesday	11:00am	Midnight ✓
	Thursday to Saturday	11:00am	1:00am ✓
	Sunday	11:00am	11:00pm ✓
J Provision of facilities for dancing (Indoors)	Monday to Wednesday	9:00pm	11:00pm ✓
	Thursday to Saturday	9:00pm	Midnight ✓
	Sunday	9:00pm	11:00pm ✓
L Late night refreshment (Indoors)	Monday to Saturday	11:00pm	1:00am ✓
	Sunday	11:00pm	Midnight ✓
M The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Wednesday	11:00am	Midnight ✓
	Thursday to Saturday	11:00am	1:00am ✓
	Sunday	11:00am	11:00pm ✓
	Seasonal Variations:	11:00am	Midnight
	To extend sale of Alcohol by two hours on New Years Eve		



Premises Licence

THE OPENING HOURS OF THE PREMISES

Monday	11:00am	12:30am
Tuesday	11:00am	12:30am
Wednesday	11:00am	Midnight
Thursday	11:00am	1:00am
Friday	11:00am	1:00am
Saturday	11:00am	1:00am
Sunday	11:00am	11:00pm
New Years Eve		
Additional 2 hours on New Years Eve		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises



Licensing Act 2003

Premises Licence

PL001171

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Jorge Pereira Rodrigues

Pazzia Restaurant, London Road, Ascot, SL5 0PN.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Jorge Pereira RODRIGUES

9 Ashley Crescent, Cavendor Hill, London, SW11 5QZ.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No PA050676

Issued by Windsor and Maidenhead



Public Notices

I- JORGE PEREIRA RODRIGUES
 Have Applied to:-
ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD, LICENSING, TOWN HALL, ST IVES ROAD, MAIDENHEAD, BERKS.
 For a Variation of a Premises Licence under the Licensing Act 2003, to extend the hours for all licensable activities for:
PAZZIA - LONDON ROAD - SUNNINGHILL - SL6 0PN
 Licensable activities and accompanying hours applied for are:
SALE BY RETAIL OF ALCOHOL
 On and Off License
 Monday to Thursday From 11:00 To 01:00 Am
 Friday and Saturday From 11:00 To 01:30 Am
 Sunday From 11:00 To 23:00
REGULATED ENTERTAINMENT
 Monday to Saturday From 11:00 To 01:00 Am
 Sunday From 11:00 To 23:00
LATE NIGHT REFRESHMENT
 Monday to Thursday From 23:00 To 01:00 Am
 Friday and Saturday From 23:00 To 01:30 Am
 Sunday From 23:00 To 23:30
 Full details of the Application sought can be viewed at:- LICENSING TEAM, ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD, TOWN HALL, ST IVES ROAD, MAIDENHEAD, BERKSHIRE SL6 1RF
 Interested parties or Responsible Authorities can make written representation to:- LICENSING TEAM, ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD, TOWN HALL, ST IVES ROAD, MAIDENHEAD, BERKSHIRE SL6 1RF WITHIN 28 DAYS:
 From 05/10/18 To 02/11/18
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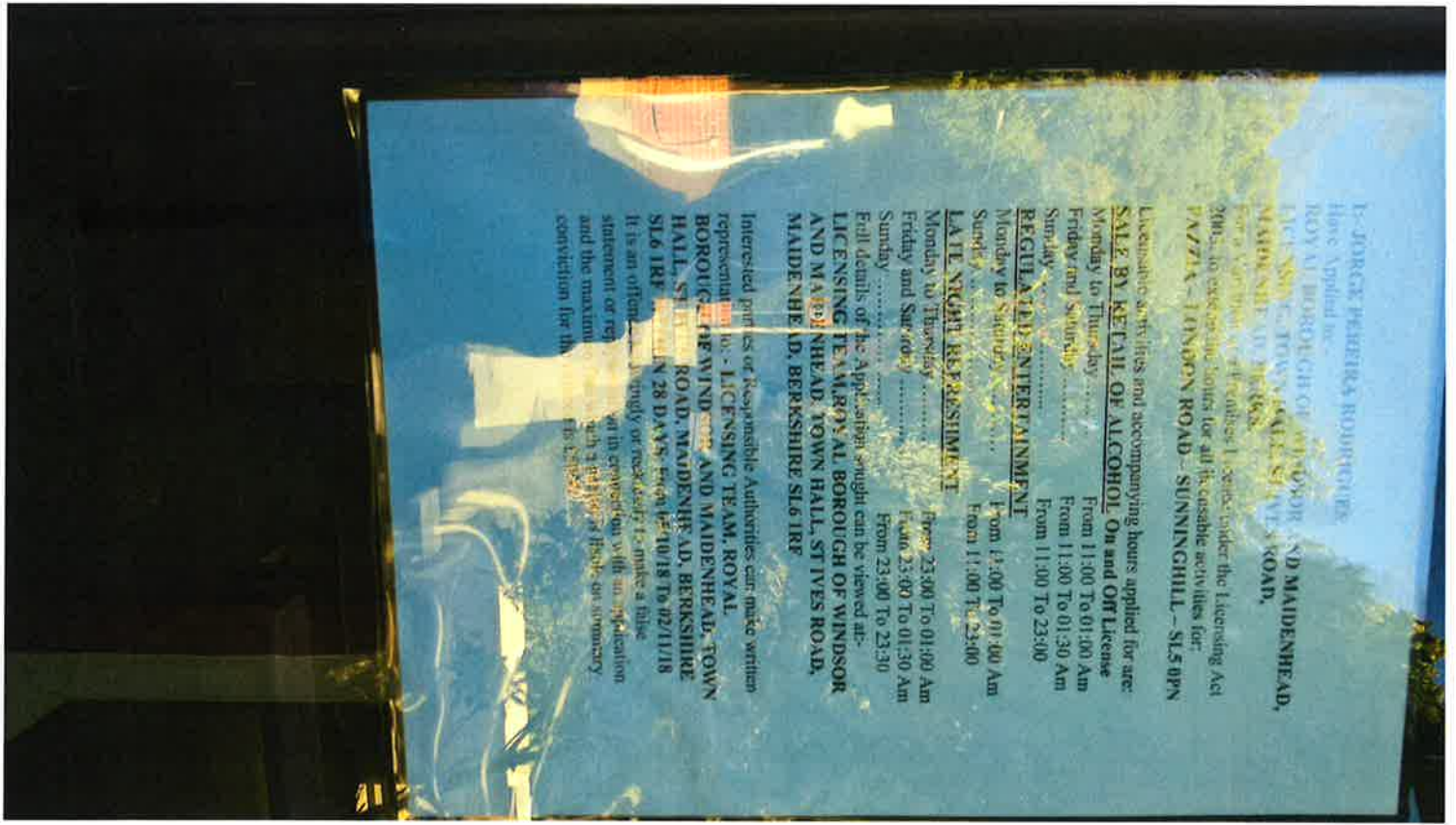
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L. JORGE PEREIRA RODRIGUES
Have Applied to:
ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD,
LICENSING TEAM, ALBANY AL, ST IVES ROAD,
MAIDENHEAD, BERKSHIRE.

From a Variation of Licence 1, under the Licensing Act 2003, to exercise the rights for all the enable activities for:
PA/Z1A - LINDOP ROAD - SUNNINGHILL - SL5 0PN

Licencing activities and accompanying hours applied for are:
SALE BY RETAIL OF ALCOHOL ON and OFF Licence

Monday to Thursday From 11:00 To 01:00 Am
Friday and Saturday From 11:00 To 01:30 Am
Sunday From 11:00 To 23:00

REGULATED ENTERTAINMENT
Monday to Saturday From 11:00 To 01:00 Am
Sunday From 11:00 To 23:00

LATE NIGHT REFRESHMENT
Monday to Thursday From 23:00 To 01:00 Am
Friday and Saturday From 23:00 To 01:30 Am
Sunday From 23:00 To 23:30

Full details of the Application might can be viewed at:
LICENSING TEAM, ALBANY AL, BOROUGH OF WINDSOR AND MAIDENHEAD, TOWN HALL, ST IVES ROAD, MAIDENHEAD, BERKSHIRE SL6 1RF

Interested parties or Responsible Authorities can make written representations to:
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It is an offence under the Licensing Act 2003 to apply or to make a false statement or representation in connection with an application and the maximum penalty for such a offence is a fine on summary conviction for the offence of up to £5,000.





Katia Russo

From: Jose Manuel Rocha <manuelrocha01@hotmail.com>
Sent: 05 November 2018 12:51
To: Katia Russo
Subject: Re: Pazzia Restaurant - TS Additional Conditions

Caution: External email. Think before clicking links or opening attachments.

Dear Miss Katia

Hope you well

I can confirm the Applicant Agree with all your Proposed Conditions

Kind Regards
Manuel

From: Katia Russo <Katia.Russo@RBWM.gov.uk>
Sent: 30 October 2018 15:31
To: Jose Manuel Rocha
Cc: Steve Smith (Licensing)
Subject: Pazzia Restaurant - TS Additional Conditions

Dear Manuel,

Pazzia Restaurant – Ascot

I write with reference to your application mentioned above.

Our Trading Standard Officer has requested the following conditions to be attached, alongside those already offered, to the premises licence:

- Proxy sale of alcohol will not be permitted.
- Management will ensure ongoing training. All bar staff/staff will be fully trained and retrained every 6 months which includes to discourage the sale of alcohol to customers on behalf of children
- A Challenge 25 policy shall be operated at the premises at all times. All staff shall require identification of all customer who appear to be less than 25 years old and wish to purchase alcohol.
- Acceptable proof of age will be a PASS approved proof of age card, passport, photographic driving licensing, or any identification recognised or approved by either the Licensing Authority or Thames Valley Police. No other form of identification shall be accepted unless agreed with the Licensing Authority or Thames Valley Police
- The Premises Licence Holder shall operate and maintain an up-to-date record of refused sale of alcohol, indicating the date, time, reason for refusal and person refusing. The record shall be reviewed from time to time by the Designated Premises Supervisor or Premises Licence Holder. This information shall be made available upon request to the Licensing Authority, Thames Valley Police and any other responsible authorities

Please could you confirm that your client is in agreement with them.

Best Regards,

Katia Russo

Assistant Licensing Enforcement Officer
Licensing | Royal Borough of Windsor & Maidenhead

Town Hall, St Ives Road, Maidenhead SL6 1RF

Tel: 01628 685851

Mobile: 07788625949

katia.russo@rbwm.gov.uk

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Crossways Cottage, London Road, Sunninghill, Berkshire SL5 0PN

Licensing Section
Royal Borough of Windsor & Maidenhead
Town hall
St Ives Road
Maidenhead
SL6 1RF

20th November 2018

Dear Sir/Madam,

Ref: Pazzia Restaurant – full variation application

Please find below our representation for your consideration:

email
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20 NOV 2018
LICENSING

1. THE PREVENTION OF CRIME & DISORDER

1.1 Anti-social behaviour

Patrons are generally allowed to drink to excess and are regularly heard being verbally abusive and on occasion fighting/brawling, as witnessed by local residents. This behaviour does not appear to be policed properly by the PLH.

The Premises License Annex 2 Prevention of Crime & Disorder:

- *"Binge drinking will not be encouraged"*
- *"Intoxicated persons will not be sold alcohol".*

Extending the licensing hours will only exasperate this situation.

1.2 Safety of residents

We have been verbally abused following polite requests to turn down the music. For this reason, we have stopped calling Pazzia directly.

On one occasion, we phoned Pazzia to ask if the excessively loud music could be turned down. Rather than discussing or honouring our request, the owner of Pazzia and several accomplices stormed onto our property, shouting, swearing and kicking our front door. We dialled 999 and the police attended site.

On this occasion, we didn't have any family or friends staying. This would have been very distressing if close family with young children had been visiting.

Prior to the above incident, the owner attended a meeting at with RBWM Licensing at Windsor Police Station. At this meeting, the owner was instructed to have no confrontation with neighbours.

Crime report nos: LB3003401/08, LB3235689/08, LB9532679/06

If the licensing hours are extended, this would result in more confrontations with neighbours, especially if outside the working hours and support of the local Community Wardens.

2. PUBLIC SAFETY

2.1 Parking on the public footpath

Patrons' cars and taxis regularly park on the public footpath outside Pazzia and at the front of adjoining properties. This is a dangerous practice. Cars driving on the A329 towards Ascot must swerve around vehicles onto oncoming traffic. Cars navigating the staggered junction have reduced visibility. Pedestrians and patrons are unable to walk on the footpath safely. Patrons are not encouraged to use the car park.

Unfortunately, TVP do not issue parking fines after 7 pm, when this generally occurs.

Should the extension be granted, this would only exasperate the situation.

2.2 Broken glasses and bottles

Broken bottles and glass tumblers are regularly left by patrons on the public footpath and not cleared up by staff. This is a danger to pedestrians.

This problem will be exasperated if the extended licensing hours are granted.

2.3 Dangerous driving

Pazzia is located on an accident black spot with regular RTAs occurring at this junction.

With current legislation, there is a limit to drink/driving. By extending the licensing hours, this will exasperate the situation. We regularly hear vehicles exiting the restaurant at high speed at anti-social hours.

On one occasion, a vehicle crashed into the bollards immediately outside the restaurant. The driver abandoned the vehicle on the public highway and fled the scene after persons from Pazzia were unable to move the vehicle off the road into Pazzia's car park. The police attended the scene.

There does not appear to be random breathalyser checks carried out by TVP in the immediate area.

3. THE PREVENTION OF PUBLIC NUISANCE

3.1 Noise

Other local licensed establishments in residential areas do not create a public nuisance or play music after 11.30 pm.

There are several licensed establishments in Ascot and surrounding areas with no residential properties on their boundaries which are open later and can be reached on foot or by a short taxi ride. These establishments do not have residential properties on their boundaries, unlike Pazzia, which has residential properties on all borders.

3.2 Potential breaches of current license

There are ongoing discussions regarding breaches of the existing music licence, as witnessed by Environmental Health, Thames Valley Police and local Community Wardens.

These are well documented with Licensing and Environmental Health since the original music license was granted, without local consent or knowledge. Discussions are ongoing with RBWM Licensing regarding the validity of the existing extended license as it was approved without full visibility to neighbouring properties. It has a major bearing on Pazzia retaining its existing music license and having it extended further. In the meantime, we object to this license extension application.

The PLH does not appear to be able to control rowdy customers as per the license conditions.

The Premises License Annex 2, Prevention of Public Nuisance:

- *"There will be continuing obligation that the running of the business does not cause nuisance to neighbours"*

By extending the licensing hours, this will only exasperate the current situation.

Music is often audible outside the façade of our property. This is a breach of the music licensing conditions with live and recorded music, which are well documented.

The Premises License Annex 2, Prevention of Public Nuisance:

- *"The playing of recorded and live music within the premises should not be audible outside the façade of nearest residential premises"*

The application to extend the opening hours will only exasperate this situation. It is not acceptable to have to listen to music at 1.30 am and later.

The Premises License Annex 2, Prevention of Public Nuisance:

- *“Speakers should not be placed outside the premises at any time.”*

Pazzia were instructed to remove speakers outside the property. However, the problem of music heard outside the premises remains - windows and doors are left open, which allows the noise to transmit. This noise pollution experienced is no different to the detrimental effects of speakers being placed outside.

This ongoing issue will only be exasperated if the licensing hours are extended further.

3.3 Supervision of patrons

Current government legislation allows for 24-hour drinking. This is only where licensed premises abide by conditions of the license and do not cause any public nuisance or issues with public safety or crime and disorder.

Revised Guidance issued under section 182 of the Licensing Act 2003 April 2018

“1.5 ..., the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- *protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;”*

Some of Pazzia’s clientele are not managed outside the premises, which results in anti-social behaviour at unsociable hours outside of the restaurant in the car park and on the public highway.

3.4 Cars and taxis

By extending the licensing hours, this would result in cars leaving and taxis picking up patrons at even more anti-social hours. It must also be considered that staff would also be leaving the premises even later.

RBWM Licensing have requested that taxi companies and private citizens do not park on the public footpath and refrain from using car horns or music in the car park at unsociable hours.

This ongoing problem will only be exasperated by extending the licensing hours.

3.5 Impact on lifestyle

Some local residents work at weekends and are often disturbed by noisy

patrons and music, particularly on Friday and Saturday nights.

This will only be exasperated if the licensing hours are extended.

3.6 Light pollution

There is currently an ongoing issue with light pollution.

Pazzia is unwilling to switch off the anti-social light pollution source at a reasonable hour, despite a request by the RBWM Community Protection Lead Officer.

Flashing lights at the front of the premises are also causing light pollution to the living accommodation to the front of neighbouring properties.

Should the extended hours be granted, this situation would result in powerful halogen spotlights shining onto the bedroom window at even more anti-social hours.

3.7 Disposal of empty bottles into bins

The Premises License Annex 2 - Prevention of Public Nuisance:

- *"Bottles disposed of during daytime only"*

RBWM have cautioned Pazzia regarding this activity.

The staff of Pazzia continue to regularly dispose of empty bottles at anti-social hours and after closing time. This activity can be heard by all neighbouring properties, especially those closer in location to the bins than Crossways Cottage.

Should the licensing hours be extended, this would result in staff emptying bottles into the large industrial waste disposal bins at 2.30 am or later.

3.8 Outdoor smoking area

A retrospective planning application for an outdoor smoking area was refused in 2013 (ref. APP/T0355/C/08/2071767). This was in part as a result of noise and disturbance to neighbouring properties due to the congregation of customers late into the evening.

To date, Pazzia customers and staff continue to use this area. It now provides seating for up to 60 patrons, which is four times the size of the refused planning applications. The use of this area is currently under discussion with RBWM. It is not used as just a designated 'smoking area'. It is also used for drinking.

The Planning Inspectorate advised using the large open space to the rear of the property for this purpose.

By extending the hours, this will result in patrons smoking and drinking outside in the front car park at even more anti-social hours.

3.9 Noise Abatement Order

We understand from RBWM that the evidence collected to date will likely result in a Noise Abatement Order being issued in the near future.

On the basis that this Noise Abatement Order is imminent, it makes no sense to allow for a further extension to music and licensing hours.

There are ongoing discussions with Licensing regarding breaches of the licensing and music conditions.

On the basis that the above is currently under review, it makes no sense to allow for a further extension to music and licensing hours.

3.10 Support to the local community by RBWM

By extending music and licensing hours, we have no doubt that there will be more complaints, increasing the continual strain on RBWM's resources, time and money. There is have no visibility of the accumulated costs for Warden visits, Licensing or Environmental Health meetings. Unfortunately, this information is not available on the public domain.

The local community are concerned that if there are breaches of licensing and music conditions going forward, there will be no support available from the Environmental Health Community Wardens to attend site after 1.30 am. Given the history and number of recorded site visits, what support would be available to the local community after the Wardens have finished their shifts?

3.11 Extension to building plan as per this application

Retrospective planning application for the extended bar/dining area was approved. However, the Party Wall agreement for the dining room extension is not in place.

The additional seating area in the extension built onto the third-party wall is currently under investigation by RBWM Building Control and legal advisors.

Pazzia have been using this area for two years without Party Wall consent and investigations are currently ongoing to confirm if this area has been approved by the Fire Authority. The newly extended area was not brought to the attention of the Licensing Department

The windows are often left open in this extended area. Extending the licensing hours will only exasperate the effects the music and noise nuisance being heard in neighbouring properties.

Pending a resolution, changes to the existing plan should not be approved.

4. THE PREVENTION OF CHILDREN FROM HARM

4.1 Debris

Children are often seen at weekends outside the restaurant in an area where there are intoxicated patrons with glasses and bottles.

If this extension is approved, it will result in more glasses, bottles and litter being left on the public footpath/highway.

There is a nursery school 200 yards away. Mothers and children regularly walk past the restaurant in daylight hours.

4.2 Disturbance

Local residents regularly have friends/family with children staying overnight. Collectively, the neighbours have to endure the late-night drinking and excessive music from Pazzia.

By extending the licensing hours, children will be further kept awake until 2 am or later, listening to music and foul language. This anti-social behaviour has been witnessed by RBWM Environmental Health.

4.3 Public health and safety

On one occasion, we observed patrons sitting outside the restaurant setting off fireworks over the public highway (A329) - lighting rockets and shooting them across the road. This could have had catastrophic consequences to both oncoming traffic and/or pedestrians.

4.4 Impact on the local community

The PLH fails to appreciate the serious impact activities have on other people's lives in the vicinity.

Young people do not have a choice. Perhaps if children were living in the accommodation above the restaurant, the PLH might run the business differently.

There is no benefit to young people or the local community by encouraging further drinking at anti-social hours by extending the license.

Yours faithfully,

Mr & Mrs Hamilton

MEMORANDUM

To: Licensing Team & Planning Enforcement

Date: 15 November 2018

From: Environmental Health, Health and Safety and the Community Protection Team

Proposal Premise Licence Variation Application

Location: Pazzia Restaurant, London Road, Sunninghill, Ascot SL5 0PN

This representation is raised on behalf of the

1. The Responsible Authority for Environmental Health
2. The Responsible Authority for Health and Safety and the
3. Community Protection Team (The team responsible for tackling antisocial behaviour)

SUMMARY

The Pazzia Restaurant is located between two residential properties.

This application has been submitted at the request of responsible authorities to regularise ongoing problems with the premises licence including an area that was not covered by the previous licensing plan. Complaints are continuing and including problems with noise late at night disturbing residents. Potential breaches of the existing premises licence have been witnessed and are continuing to be witnessed despite the management being advised several times.

This variation gives the opportunity to remove or update outdated conditions on the current premises licence making it more robust.

The variation to extend the hours of the premises licence is strongly objected to.

It is recommended that the premises licence is varied to only authorise activities consistent with a pub in a residential area. Additional activities can either be authorised by temporary event notices (TEN's) or the Live Music Act 2013.

LOCATION

The Pazzia Restaurant is set back from London Road between two residential properties. Due to the layout the front of Pazzia Restaurant is beneath the bedroom window of the neighbouring Crossways Cottage. Please see pictures in appendix 2.

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19 NOV 2018
LICENSING

COMPLAINTS

There have been a number of complaints about the premises by local residents including to Adam Afriyie MP.

Complaints include:

- Loud music beyond the licence hours
- Loud voices, including swearing, from smokers outside the front of the premises
- Emptying of bottles late at night
- The noise of taxis sounding their horns and parking on double yellow lines
- Light shining in to neighbouring bedrooms

Visits have been undertaken by Mr Bayles and the Community Wardens. These visits have confirmed that the noise of smokers and the lights do cause unacceptable disturbance to the neighbouring property.

Due to the layout the noise of taxis beeping their horns outside the restaurant causes disturbance to neighbouring residential properties.

A summary of the complaints received by the Out of Hours Service and the monitoring by Community Wardens is included in Appendix 1.

Possible Contraventions of Premises Licence

The Pazzia Restaurant has been a cause of repeated complaints to the Royal Borough including the responsible authorities for Environmental Health, Health & Safety, Planning and Licensing.

The Premises Licence authorises live music until 11:30 Monday to Saturday and recorded music until 1am Wednesday to Saturday. However, the conditions restrict this to:

- No live music after 23:30
- Maximum of two (2) musicians,
- Recorded music mainly background type and no D.J, will be hired or Disco music played. There will be continuing obligation that the running of the business does not cause nuisance to neighbours.
- The playing of recorded and live music within the premises should not be audible outside the façade of the nearest residential premises.

Community Wardens patrolling the night time economy (NTE) have been asked to monitor the premises and have witnessed the following possible breaches of the premises licence:

1. 23:47 9 March 2018 Live music playing that should have finished at 23:30
2. 00:05 13 April 2018 Loud Music with DJ
3. 00:45 29 April 2018 Karaoke witnessed
4. 00:05 9 June 2018 could head live music singing, "Joleen."
5. 01:00 22 August 2018 music playing and people outside drinking
6. 23:15 5 October 2018 DJ on mic could be heard and loud music
7. 23:42 21 October 2018 loud music audible (not live)

A summary of the complaints received by the Out of Hours Service and the monitoring by Community Wardens is included in Appendix 1.

Planning

Complaints have been received that the Pazzia Restaurant is in breach of planning permissions including, that the tables at the front of the restaurant do not have planning permission. These complaints have been passed to planning enforcement. Planning are a licensing responsible authority and are expected to comment on this variation application.

Meeting with Pazzia Restaurant

On Friday 20 July 2018 a meeting took place at Pazzia restaurant between Michael Drghici (Manager), Mr Jordie Rodrigues (the brother of the Licence Holder and Designated Premises Supervisor (DPS)), Steve Smith (Licensing Officer) and Daniel Bayles (Community Protection Lead).

This meeting had been arranged. Mr Jorge Rodrigues, the DPS, had been told of the complaints and advised to check to ensure that the restaurant was trading in accordance with its premises licence.

The complaints were discussed and the Premises Licence was checked.

The following contraventions were identified:

1. It was found that the layout of the premises did not conform to the agreed plan in the premises licence as there had been an extension to the right of the premises.
2. As a result of this extension the premises had 66 covers but, a condition restricts the premises to 60 covers.
3. A sign requesting customers to leave the premises quietly, required by condition was missing.
4. The Premises Licence summary was not displayed
5. There was an admission that live music had been played after midnight.

As this meeting had been prearranged it was expected that no contraventions would be found. The fact that contraventions were found indicates that the management is showing no regard to the Premises Licence and its conditions or advice and requests from the responsible authorities.

Licensing is investigating possible offences.

To regularise the contraventions of the Premises Licence Mr Jordi Rodrigues was invited to submit an application to vary the Premises Licence by 1 September 2018 or a review would be requested. This deadline was missed and further possible contraventions of the Premises Licence have been witnessed since this meeting.

DISCUSSION

The layout of the Pazzia Restaurant does not match the layout in the Premises Licence and due to development in the law some of the conditions are unenforceable and do not provide the necessary protection to local residents who are reporting problems.

Premises Licence conditions have been observed being infringed on multiple occasions.

The Pazzia Restaurant has not been proactive in resolving the complaints nor resolving problems with its Premises Licence.

The Pazzia Restaurant is in a mixed residential area and its setting is not suitable for a late night venue.

This variation permits the current licence and its conditions to be reviewed in light of changes to the law and knowledge and experience.

Licensing Plan

The plan does not show the tables at the front of the premises. These tables should be included in the licensing plan. Please see pictures in appendix 2.

As the external tables are not shown on the licensing plan table service at these cannot take place.

Although the application form includes performance of dance (G) and anything of a similar description (H) the plan submitted does not designate an area for performances so the hazard cannot be assessed.

The Premises Licence should not authorise performance of dance or anything of a similar description.

Opening Hours

The close proximity of the neighbouring residential premises means that the disturbance caused by patrons and patrons leaving including taxis will cause unacceptable disturbance. It is recommended that the premises is only authorised to open between 11:00 and 23:00 Sunday to Thursday and between 11:00 and midnight Friday and Saturday.

Public Safety

The limit on the number of covers is a condition relating to public safety. Since the licence was issued The Regulatory Reform (Fire Safety) Order 2005 was enacted. This requires the Pazzia Restaurant to undertake its own risk assessment, which will limit covers and requires fire safety measures. This condition and the fire safety conditions are no longer required, unless the Royal Berkshire Fire and Rescue Service requires them.

The evacuation condition should be updated so that it requires the keeping of training records that authorised officers can inspect.

Prevention of Crime and Disorder

The Licensing Act 2003 prevents intoxicated persons being supplied alcohol and binge drinking so conditions restricting these are not required.

The crime prevention condition should be updated so that it requires the keeping of training records that authorised officers can inspect.

Music

The close proximity of the neighbouring residential premises means that the Pazzia Restaurant is not suitable for live nor recorded music after 23:00.

It is recommended that the premises licence authorises no live or recorded music.

Live music can take place until between 08:00 and 23:00 under the provisions of the Live Music Act 2013 without conditions.

Occasional live recorded music and live music after 23:00 could take place under temporary event notices (TEN's).

Background music (music that conversation can be heard over) does not require authorisation (licensing).

The condition, "The playing of recorded and live music within the premises should not be audible outside the façade of nearest residential premises," is no longer enforceable. This is because case law is now that audibility is not a clear level of sound and cannot be used as a requirement in conditions.

External Noise

There are a number of tables outside the front of the premises. This area is also used as the smoking area. This area is below the bedroom of the neighbouring residential premises so the noise of patrons, such as smokers, taking including swearing is disturbing and a possible nuisance.

The area at the front should be closed at 21:00 and a smoking area at the rear shall be designated.

Protection of Children from Harm

The condition, "Proof of age requested," is not a clear requirement and should be replaced with a condition requiring a Challenge 25 policy.

CONCLUSION

The Pazzia Restaurant has a verified history of causing problems to the neighbouring residential premises and of non-compliance. The Pazzia Restaurant has been repeatedly given advice about complaints and to ensure compliance with its Premises Licence. This advice has been disregarded causing a negative impact on local residents.

This licence variation was submitted at the request of the responsible authorities for Health & Safety, Environmental Health and the Community Protection Team to regularise on going breaches of the Premises Licence. The Pazzia Restaurant has taken this as an opportunity to apply to extend its existing trading hours.

The Pazzia Restaurant has not been proactive in ensuring that it trades in accordance with its premises licence or to resolve complaints. Extending the trading hours at this time could be seen as rewarding non-compliance.

It is recommended that due to its location and verified negative impact that the activities at the Pazzia Restaurant are restricted to those of a normal pub / bar in a residential area.

The hours authorised by the premises licence should be 11am until 11pm Sunday to Thursday and 11am until Midnight Friday and Saturday.

The Premises Licence should not authorise the playing of live and recorded music late night refreshment, facilities of dance or anything similar.

Live music is authorised between 8am and 11pm by the Live Music Act 2013. Other activities could be authorised on an ad hoc basis using temporary event notices (TEN's).

The Pazzia Restaurant is able to make another application to vary the premises licence and extend the hours once it has proven it can trade in accordance with its premises licence and does not cause nuisance to neighbouring residents. It is recommended that any application is first tested using TEN's.

REPRESENTATION BY THE RESPONSIBLE AUTHORITY FOR:

- **Health And Safety**

Although the application form includes performance of dance (G) and anything of a similar description (H) the plan submitted does not designate an area for performances so the hazard cannot be assessed.

The licence should not authorise performance of dance or anything of a similar description.

This variation of the premises licence permits the out dated public safety conditions to be removed from the licence.

It is requested, that unless demanded by the Royal Berkshire Fire and Rescue Service, that the following conditions be removed as the requirements have now been replaced by The Regulatory Reform (Fire Safety) Order 2005.

- ~~Maximum of Sixty (60) covers~~
- ~~Fire alarm fully installed~~
- ~~Fire fight equipment on the premises~~
- ~~Smoke detectors fitted in every room~~

The following condition shall be deleted:

~~All Staff are trained in evacuation procedures~~

and replaced with:

“All staff shall be trained in evacuation procedures. Details and records of training shall be available to authorised officers of responsible authorities.”

Daniel Bayles
Community Protection Lead

REPRESENTATION BY THE RESPONSIBLE AUTHORITY FOR:

- **Environmental Health**

And REPRESENTATION BY:

- **The Community Protection Team**

Due to the verified problems with noise and disturbance to the neighbouring residential property the Licence Premises should only authorise the supply of alcohol.

The Premises Licence should not authorise live or recorded music, performance of dance, anything of a similar description or late night refreshment.

The Premises Licence should only authorise the supply of alcohol:

M The sale by retail of alcohol for consumption ON and OFF the premises

Sunday to Thursday	11am	10:45pm
Friday to Saturday	11am	11:45pm

The Opening Hours of the Premises

Sunday to Thursday	11am	11pm
Friday to Saturday	11am	Midnight

With the following conditions:

Prevention of Crime and Disorder

1. All staff shall be trained in crime prevention matters. Details and records of training shall be available to authorised officers of responsible authorities.

Prevention of Public Nuisance

All existing conditions deleted and replaced with:

2. Notices shall be displayed at entrance/exit requesting customers to leave the premises quietly.
3. Bins, including bottle bins, shall only be emptied between 07:00 and 23:00.
4. Table service to the external tables is not permitted
5. No drinks shall be taken outside after 21:00
6. The use of the external tables shall stop at 21:00. Lights illuminating the external tables shall not be used after 21:00. External tables shall be put out of use after 21:00 such as by the use of covers.
7. A smoking area shall be designated at the rear of the premises for the use of smokers and shall be suitably signed a lit.
8. Unless a lighting plan is agreed in writing by the Environmental Protection Team, of the Royal Borough of Windsor and Maidenhead, all external signage lighting shall be switched off at 22:00.

Protection of Children from Harm

The following condition shall be deleted

~~proof of age requested.~~

and replaced with,

9. "A challenge 25 policy shall operate at the premises."

CONDITIONS FOR TRADING AFTER 11PM

If the Licensing Committee wishes to authorise the premises to trade after 11pm, which is not recommended, then the following condition in addition to those above are requested.

Prevention of Crime and Disorder

- a) SIA registered door staff shall be employed from 11pm until half an hour after the premises closes. Door staff shall remind patrons to leave the premises quietly.

Prevention of Public Nuisance

- b) No recorded music shall be played or live music shall be performed after 11pm until a noise management plan has been agreed in writing with the Environment Protection Team of the Royal Borough of Windsor and Maidenhead and fully implemented. The noise management plan shall not be altered unless agreed in writing with the Environment Protection Team.

Daniel Bayles
Community Protection Lead

Appendix 1

Summary of visits to Pazzia – NTE/OOH team 2018

Ref:	Date	Time	Premises	Notes	Department
NTE7477	20/01/2018	23:45	Pazzia Restaurant Ascot	No loud Music	Cpes/Lin
NTE7498	26/01/2018	23:45	Pazzia Restaurant Ascot	All quiet	Cpes/Lin
NTE7533	03/02/2018	00:15	Pazzia Ascot	No noise hard. Parked up outside, dark indoors, 2 ladies sat outside Com Safe	
NTE7537	03/02/2018	01:00	Pazzia Ascot	Lights off closed no noise heard Com Safe	
NTE7563	04/02/2018	00:56	Pazzia	All quietr.doors shut, no people seen inside or outside	
09/02/2018	21:00	Pazzia	I observed lights from the Pazzia in the neighbours' bedroom. These lights have the potential to be a nuisance. Also in the neighbours 'bedroom I heard the sound of voices of smokers outside Pazzia and directly under the bedroom window. This noise would disturb sleep.		
NTE7587	10/02/2018	01:15	Pazzia Sunninghill	Taxi Driver Block and pavement we did not hear any loud music	CPES
NTE7614	17/02/2018	00:05	Pazzia Restaurant Ascot	No problem - all quiet	CPES/Licensing
NTE7643	23/02/2108	23:00	Piazza , Sunningdale	patrons making noise in car park, coming out of restaurant	CPES/Licensing
NTE7671	25/02/2018	00:27	Pazia	Could hear music, windows open on arrival although as we drove to the car park a member of staff saw us and proceeded to shut all the windows quickly	Com Safe/Licensing
NTE7686	02/03/2018	22:55	Pzzia london rd sunninghill	no sound of music no activity outside	cpes/Liec
NTE7702	03/03/2018	11:40	Pazzia	Music could be heard in the car park, but not loud (15Minutes)	cpes/Liec
NTE7722	09/03/2018	23:47	Pazzia, Ascot	We could hear a lone musician playing a guitar, he was singing "Don't Be Cruel". There was nobody standing outside but we could see a few people inside.	CPES
NTE7748	17/03/2018	00:30	Piazza Restaurant	Music heard from premises on driving into car park but not excessive. "Tainted love" heard but small window open which didn't help.	CPES/Licensing
NTE7774	24/03/2018	00:28	Pazzia, Sunninghill	open but very quiet, no noise	CPES/Licensing
NTE7787	24/03/2018	00:00	Pazzia, Sunninghill	A group Stand outside but very quiet	CPES/Licensing
NTE7818	01/04/2018	00:28	Pazzia NTR		CPES/Licensing
NTE7838	07/04/2018	00:15	Pazzia Restaurant Ascot	Closed	CPES/Licensing
NTE7859	08/04/2018	12:22	Ascot Pazzia	Shut no noise heard from outside	CPES/Licensing

NTE7876 13/04/2018 00:05 piazza, Sunninghill Loud music with DJ , could be heard outside.
CPES/licensing

NTE7888 14/04/2018 00:35 Pazzia Restaurant Ascot Loud music been played CPES/Licensing

NTE7906 28/04/2018 00:15 Pazzia Restaurant Ascot Again very quiet no noise could be heard
licensing/CPES

NTE7933 29/04/2018 00:45 The Pazzia Restaurant Karaoke singing but not excessive asb

NTE7949 05/05/2018 01:15 Pazzia very quiet, possibly only one table, no noise, no taxi's CPES /
Licensing

OOH 06/05/18 Request Nature People shouting/laughing

Time/Date Officer Report & Actions

06/05/18 2345hrs I called the complainant, she told me the long history of noise related problems associated with this premise, tonight she is unable to sleep due to a number of patrons outside talking loudly and laughing, she is not able to hear any music. I advised her I will attend and investigate.

I arrived at the Piazza restaurant, and parked in the car park, as I did so I observed approximately eight people outside the front of the premises laughing and talking loudly, at the rear of the premises there were two females and three males leaving carrying party balloons, they too were in high spirits, and laughing and talking loudly. At 2355hrs I entered the Piazza restaurant, it was clear a private function had taken place, as there was a DJ playing music (at a low level) and approximately ten people (including staff) milling around. I identified myself to the owner and requested he turn off the music and bring the patrons making the noise outside back into the premises, he was very compliant and immediately turned the music off and brought the people in from outside, I gave him some advice regarding controlling noise from the premises in future which he accepted, I also advised him I would be submitting my findings to the council for follow up. I left site at 0010hrs now all quiet.

NTE7965 06/05/2018 00:40 Pazzia 4 people outside but they're not loud they're quite enough very low level music inside CPES / Licensing

NTE7977 11/05/2018 23:20 Pazzia Restaurant Ascot All quiet met outside by Staff. Reassured us that there no issues. No music could be heard from the Car Park of the Restaurant CPES/Licensing

Date 12/05/2018 Time call 23:59 taken by No. 4540

Noise complaint about the Pazzia Restaurant/normal noise didn't want anyone to call her back

NTE7995 12/05/2018 00:01 Piazza, Sunninghill The Restaurant was not overly busy and no sound could be heard from the front. Music could be heard from the side fire exit but this was by no means excessive
CPES/Licensing

OOH - DH 18/05/18 2303hrs I called the complainant, she told me she is being disturbed by Lam coming from the Paziza Restaurant again, I agreed to attend and investigate.

I arrived at the location and made observations externally, four or five people sitting at the tables outside the front of the restaurant, minimal noise. I entered the complainant's property, they told me that since calling the noise levels have reduced considerably, they were sitting in their lounge with the windows and doors closed with the

Television muted, Mrs Hamilton told me that they had to turn up their television as the noise from the restaurant was so loud. The sound of a male singer was barely audible both in the lounge and the bedroom and not at a level to be a stat nuisance, with the windows/doors open, the noise breakout was minimal. Whilst in the bedroom complainant said that the floodlights on the front of the restaurant were also causing light pollution in her bedroom, however I noticed she had venetian blinds closed, and with these closed there was minimal intrusion. I left the property to visit the Pazzia restaurant.

NTE8006	18/05/2018	23:55	Pazzia Restaurant Ascot	All windows doors shut . Live music quite loud from side of building .	CPES/Licencing
NTE8018	20/05/2018	00:08	Piazza, Sunninghill	Parked car listened for noise. No music but could hear voices. All windows shut.	CPES/Licencing
NTE8028	25/05/2018	1145	Pazzia,	very quiet, spoke with the owner and he is said' they stoped music at around 1130pm.	CPES/LICENSING
NTE8045	02/06/2018	00:45	Pazzia Restaurant Ascot	people outside waiting for taxis	CPES/Licencing
NTE8059	03/06/2018	00:58	Pazzia Restaurant Ascot	NTR	CPES/Licencing
NTE8074	09/06/2018	00:05	Pazzia Restaurant Ascot	Parked up in the road directly in front of the restaurant. Could hear what sounded like live music and singing a rendition of Joleen. Member of staff came out for a cigarette, saw us and went back in. The sound then went down. He came out and approached us. He stated that the music was turned down.	ASB
NTE8090	09/06/2018	23:35	Pazzia, Sunninghill	Parked up alongside the premises in the driveway and turned the engine off. Could hear what sounded like live music. The group appeared to be playing 'Greek' style music.	CPES/Licencing
NTE8092	10/06/2018	00:05	Pazzia Restaurant Ascot	Parked up alongside the premises in the driveway and turned the engine off. All quiet.	TVP/Saf Com
NTE8118	16/06/2018	00:50	Pazzia Ascot	No music heard from outise. Was closing	CPES LICENSING
NTE8143	16/06/2018	23:57	Pazzia Restaurant Ascot	All quiet no noise heard	CPES
NTE8170	23/06/2018	01:05	Piazza, Sunninghill	Closed	licensing asb

Date 29/06/2018 Time call 21:55 taken by No. 4681

Loud Music Coming from Pazzia Restaurant,London Road, Sunninghil.SL5 OPN

Update

Ongoing complaint from resident. requested RBWM wardens to attend to live music coming from restaurant.

Conatcted RBWM wardens on duty who will attend to location.

NTE8177 29/6/2018 23:20 Pazzia, Sunninghill People standing outside and chatting / laughing but live music had stopped. cpes /licensing

NTE8205 01/07/2018 01:15 Pazzia, Sunninghill Further check on Pazzia. Car Park much quieter than earlier. No music could be heard. Entrance door to the front of the premise closed. CPES / Licensing

Time/Date Officer Report & Actions

2300hrs

02/07/18 DH Call received from call centre

2310hrs

I called the complainant, she told me she is being disturbed by shouting and screaming coming from people leaving the restaurant, I could hear the very loud shouting over the telephone so I called the manager at the restaurant, he told me there was not much that he could do and went outside and said the people have now left. I told him he needs to make sure people leave quietly, and ensure they do, he was not very happy.

NTE8226 07/07/2018 00:40 Pazzia Restaurant Ascot Restaurant closed. CPES / Licensing

NTE8236 14/07/2018 00:39 Piazza, Sunninghill Parked vehicle / car park. No noise music.
Approached by owner informed him why we were here. CPES/LICENSING

NTE8244 14/07/2018 2340 Pazzia no music heard from outside. Licensing/CPES

NTE8246 14/07/2018 00:05 PIAZZa, Sunninghill no music heard outside Licensing/CPES

Date 18/07/2018 Time call 23:55 taken by PB No 4751

Complainant rang RBWM Control Room to report loud noise and shouting from group of people who are gathered at Pazzia restaurant. Complainant wanted Duty Env protection officer to be made aware of this but to not ring her back

Update

- 1) Contacted Duty Protection officer to be made aware only.
- 2) Copied proforma ticket to EP and Licensing

NTE8266 20/07/2018 00:45 Pazzia Resturant Sunninghill No musice heard out side very quiet.
cpes/Lincesing

Time/Date Officer Report & Actions

2210hrs

22/07/18 DH Call received from call centre, complainant only wanted her call logged, and not rang back, she wants it logged that patrons of the Piazza restaurant were tonight banging on her walls.

2335hrs DH I entered the Pazzia Restaurant, the owner recognised me from my previous visit, there was a male singer, singing to backing tracks on an amplifier I spoke to the owner who said he has done everything possible to try and minimise any disturbance to them, but they continue to complain, he said he is licensed to play live music until midnight. Regarding the light pollution he said he has already extinguished one light that was causing a problem to them previously, and the existing uplighters (orange) have been there for eighteen years and they have not complained about these previously. I left site at 0010hrs.

NTE8283 22/07/2018 00:20 Pazzia Restaurant Ascot All very quiet no music at all cpes/Licensing

NTE8300 28/07/2018 00:11 Pazzia Restaurant Ascot NTR cpes/Licensing

NTE8317 29/07/2018 00:20 Pazzia 18/00145/ASB closing up no music CPES/Licensing

NTE8333 03/08/2018 12:22 Pazzia Restarant, London Road, Sunninghill(EP reference 18/00145/ASB)
All quiet, 2 people sitting outside CPES/Licensing

NTE8350 04/08/2018 23:45 Pazzia Restarant, London Road, Sunninghill(EP reference 18/00145/ASB)
All quiet, about 6 people sitting outside. CPES/Licensing

Request Nature Rowdiness/people noise/ (No music)

Time/Date Officer Report & Actions

0003hrs

06/08/17 DH Call received from call-centre

0015hrs I called the complainant she has been subjected to fighting and rowdiness outside the Pazzia restaurant tonight, together with associated noise of people shouting. The noise has now quietened down and complainant was asked to call in when disturbed by the Licensing Officer. I advised her the details of her complaint will be passed to Licensing on Monday morning.

NTE8374 11/08/2018 00:25 Pazzia Restaurant London Road 18/00145/ASB Vehicles exiting and all leaving plus roadworks going on so nothing else to report this morning. Licensing

NTE8399 12/08/2018 00:30 Pazzia restaurant, London Road, Sunninghill 18/00145/ASB No music heard and no other ASB issues witnessed. CPES/Licensing

NTE8449 19/08/2018 00:25 Pazzia restaurant, London Road, Sunninghill Parked vehicle . Noted all windows sid building shut. No noise music heard. Licensing

NTE8475 25/08/2018 00:35 Pazzia Restaurant Ascot - 18/00145/ASBPremise closed. Lights off.
CPES/LICENSING

NTE8485 25/08/2018 23:40 Pazzia Restaurant Ascot - 18/00145/ASBNo music heard and no other ASB .
CPES/LICENSING

NTE8520 01/09/2018 Pazzia Ascot 2 waiters sat outside on bemches no one seen inside

NTE8552 08/09/2018 00:10 Piazza restaurant , Sunninghill , 17/02467/NOIPUB several people outside talking. Bar busy. Faint sound of music heard coming from bar CPES/Licensing

NTE8565 09/09/2018 00:15 Pazzia restaurant, London Road, Sunninghill 17/02467/NOIPUB No mudic heard and windows shut. CPES/Licensing

NTE8578 15/09/2018 00:20 Pazzia restaurant, London Road, Sunninghill 17/02467/NOIPUB No music heard, but lots of talking outside of the premises between groups of males CPES/Licensing

NTE8595 16/09/2018 00:40 Piazza restaurant , Sunninghill , 17/02467/NOIPUB Upon arrival customers leaving and no loud music or persons outside. Licensing/CPES

NTE8605 22/08/2010 01:00 Pazzia restaurant, London Road, Sunninghill 17/02467/NOIPUB music playing & people outside drinking CPES/Licensing

NTE8618 23/09/2018 01:13 Pazzia restaurant, London Road, Sunninghill 17/02467/NOIPUB Lights on rear of building appears closed. CPES/Licensing

NTE8623 28/09/2018 23:22 Piazza restaurant , Sunninghill , 17/02467/NOIPUB Music playing inside with doors/windows closed. Noise at a low level. No issues CPES/Licensing

29/09/2018. 23:40. No music heard. There were about 6 people outside to the front of the restaurant. Doors and windows closed. No noise heard from the restaurant.

Date 05/10/2018 Time call 22:57 taken by SK No 4992

Complaint about high levels of noise coming from Pazzia restaurant.

Update

Community Wardens Informed, will attend and access the situation.

NTE8661 05/10/2018 22:30 Pazzia Visited site music could be heard from inside dj on mic and recorded music doors and windows closed in my opinion the noise is not an issue. CPES/Licensing

NTE8664 05/10/2018 23:15 Pazzia music still the same has before no louder and the doors and windows were still shut. DJ on mic could be heard and recorded music could slightly be heard but again in my opinion the music is not an issue. CPES/Licensing

NTE8677 06/10/2018 22:15 Pazzia Nothing heard all quiet CPES/Licensing

Date 12/10/2018 Time call 22:25 taken by No S011

Mrs Hamilton, Noise complaint excessive noise from Pazzia, London Rd, Sunninghill, Ascot. SLS OPN

Update

Passed to duty Environmental Protection Officer and Community Wardens

NTE8704 13/10/2018 23:25 Pazzia Adam Furniss from the control room contacted us at 23:20pm to tell us there had been a noise complaint regarding loud music at the venue and requested that we attend when free. Dave, the out of hours EP duty officer had already been called by Adam. When we arrived there was no noise or ASB issues to report.

NTE8707 13/10/2018 00:06 Pazzia Door open all quiet

NTE8728 14/10/2018 00:40 Pazzia, Although lights on, no persons seen in restaurant and only 1 x vehicle in car park CPES/Licensing

NTE8738 19/10/2018 22:14 Pazzia, Sunninghill Music audible from outside CPES / Licensing

Date 20/10/2018 Time call 23:08 taken by SB No 5039

complaint about the loud music and people outside who are swearing and generally being unpleasant at The Pazzia Restaurant in Ascot SLS OPN. She does not want a call back from the duty protection officer, Just wants the community wardens to attend and log the call.

221 72
15

Update

Community Wardens Called and will attend.

NTE8743	20/10/2018	00:50	Pazzia, Sunninghill	Appeared to be empty, closed with just staff present
	and no noise / music	CPES / Licensing		
NTE8749	20/10/2018	20:55	Pazzia, Sunninghill	open, customers present but noise acceptable and
	no audible music during our visit	CPES / Licensing		
NTE875	21/10/2018	23:42	Pazzia, Sunninghill	3 ladies out the front talking but not loud, music
	audible (not live) but acceptable level.	CPES / Licensing		
NTE876	22/10/2018	01:25	Pazzia, Sunninghill	closed

Daniel Bayles
Environmental Protection Officer

Appendix 2

Pictures of Pazzia Restaurant Taken 13 November 2018

Picture 1 Front of Pazzia Restaurant



View of the front of Pazzia Restaurant. Crossways Cottage is located to the right.

Picture 2 Front of Pazzia Restaurant



View of from of Pazzia Restaurant looking towards the side wall of Crossways Cottage. The external tables are not shown on the licensing plan and are under the rear bedroom window of Crossways Cottage

Picture 3 Side of Crossways Cottage



Note the external seating and smoking area not shown on the Licensing Plan, under the rear bedroom window of Crossways Cottage.

THAMES VALLEY POLICE

Division/Station : HQ Licensing

From : Debie Pearmain
Police Licensing Officer

To : Greg Nelson
Licensing Team Leader, RBWM

Ref : _____ Date : 20th November 2018 Tel.No.01865 854022

Subject :

Application for a Variaton to Premises Licence – Pazzia Restaurant, London Road, Ascot

This objection report is a joint representation from myself on behalf of Thames Valley Police and Steve Smith, Licensing Manager, RBWM.

Thames Valley Police & RBWM Licensing both have concerns with this application if the hours to sell alcohol and Licensable activities are to be extended.

We do have evidence to support the crime and disorder licensing objective being undermined, which is detailed below. We are also aware of ongoing noise complaints and believe that if the hours are extended for the sale of alcohol, Late Night Refreshment, Recorded music, Live music, this could potentially undermine the Prevention of Public Nuisance Licensing Objective.

I have listed below details of incidents which we have on the Licensing file for this premise:

03/01/2012 at 11.30am

Steve Smith telephoned the premises and spoke to the Duty Manager following complaints of a New Years Eve party on the 31/12/2011.
See Gen40

13/07/2012 at 10.31pm

Complaint to Police from Local Resident complaining of loud music, which sounded like a karaoke and was very loud. Further call at 0008 hours informing us that the music was getting worse and Police attended at 0016 hours and reported in their view was not excessive and the premises was just about to close.

14/07/2012 at 1239am

Complaint to Police from Local Resident complaining of ongoing noise outside the premise, with approximately 50 persons shouting and screaming . At 0114am complainant states that the crowd that were outside had now gone back into the premise and the music was blarring away again. Police Officers were not able to attend due to serious incidents that were occurring at this time.

21/12/2012 at 10.30pm

Steve Smith and Sarah Conquest, RBWM Licensing attended the premises following concerns raised regarding a marquee that had been erected at the front of the venue. They did not observe any unlicensable activities in the marquee at the time of their visit.

31/12/1012 at 8.15pm

Steve Smith and Debie Pearmain attended the premise to conduct a licensing visit. Licensable activities observed and advice given to the Owner and General Manager to ensure that the premises does not cause any public nuisance to the local residents and that they close on time. Owner informed that further action would be

taken regarding breach of licence in relation to the speakers being located outside in the marquee.

08/01/2013

Appointment letter from Steve Smith, Licensing Officer, RBWM sent to Mr Rodrigues requesting he attend Maidenhead Town Hall on Tuesday 5th February 2013 at 2pm for a formal PACE interview.

08/02/2013

Letter sent from Steve Smith, Licensing Officer, RBWM to Mr Rodrigues informing him of the decision of the PACE interview on the 08/01/13. Letter requests he attends the Town Hall on Wednesday 20th February 2013 for the caution to be administered.

18/03/2013

Copy of Simple Caution administered to Mr Rodrigues.

06/07/2013 at 11.42pm

Telephone complaint to Police by local resident complaining of excessive noise coming from the venue. The music has been going on all evening. Caller reports that they have all the windows open so the music can be clearly heard. Police arrived at 0056am and report music was turned off at this time.

31/08/2013 at 1205am

Steve Smith, Licensing RBWM and Michele Speed, EPO RBWM attended the venue following noise nuisance complaints and possible licence breaches. Steve Smith and Michele Speed ensured the music was ceased to ensure no further public nuisance to local residents.

11/03/2017 at 0424am

Gen 40 states that a male was in a lock-in at the venue, when he was accused by the Owner of the Restaurant of cheating with the owners wife. The premise owner has then allegedly punched the aggrieved male in the face causing minor injuries but required an ambulance to attend. Both had consumed a quantity of alcohol. Officers were contacted by Ambulance to attend.

29/03/2017

Licensing meeting with Jorge Rodrigues, Premises Licence holder and DPS, Candido Rodrigues, brother of DPS, who also works at the premises, Steve Smith, Licensing Officer, RBWM and Debie Pearmain, Police Licensing Officer. Meeting arranged to discuss the recent Gen40 dated 11/03/2017 in relation to a domestic incident involving Candido. The time of the reported incident was 04.24am. Candido stated that the premise was not open at this time and that he had been working there on that night but stated that the premise was not open at this time. I informed Candido that I was not going to discuss the alleged incident, as it was the time of the report from the Police Officer who had attended, that we were alerted to. Jorge and Candido were both reminded to keep to the hours and conditions on their licences for both premises.

29/07/2017 at 11.50pm

Gen 40 detailing Steve Smith and Debie Pearmain attended the premises following concerns of public nuisance. Music was audible from 10 meters, we walked to the rear garden no windows open but the rear door was open.

There were 7 customers outside the front entrance (smoking) quite loud with foul language audible. Manager was stood at the front of the premises smoking, we suggested music levels be reduced, however, music ceased at midnight whilst we were in attendance.

01/09/2017

Licensing meeting with Jorge Rodrigues, Premises Licence Holder and DPS, Candido Rodrigues, (Brother of DPS) who works at the premise, Steve Smith, Licensing Officer, RBWM and Debie Pearmain, Police Licensing Officer.

Meeting arranged to discuss the recent noise complaints received by RBWM and TVP. They were both informed of our visit to the premises on 29/07/17 whereby music was audible from 10 metres and we observed the rear door was open. There were 7 customers outside the front entrance smoking being quite loud with foul language audible. The Manager was at the front of the premises smoking and we suggested the music levels needed to be reduced.

Both were requested to ensure that they do whatever they can to ensure that the public nuisance licensing objective is not undermined. Candido informed us the complainant (we have not disclosed who this is) next door has a personal issue with him and this has been going on for some time. He stated that she has a real issue with him and she will continue to complain. They were both informed that we, RBWM and TVP, will now have to monitor the venue and if we witness any breaches of licence or any public nuisance, that undermines the licensing objective, we will have to take enforcement action.

Candido showed us a picture on his phone from 16/07/2017, there were 3 people outside talking about work at 2253. One of these persons was him. He then told us that the lady from next door was shouting and swearing at him as he was talking. I informed Candido that this would be an issue to me as being disturbed at this time on a Sunday evening is not really acceptable. Advice given.

Steve Smith and I both stressed that we do not want any issue with the complainant to be made any worse than it already is. Steve then explained about the review procedure.

We are aware of ongoing complaints that have been sent to RBWM this year (2018).

We both believe that the area is residential and extending hours and licensable activities, as already stated, could potentially undermine the Public Nuisance Licensing Objective, which could further affect the quality of lives for residents.

If members do grant the extended hours and licensable activities we would request the following conditions are placed on the premises licence, alongside those conditions already on the licence.

Digital CCTV monitoring system to be installed and maintained to Thames Valley Police standard. Recording to be kept securely for 31 days and made available to Thames Valley Police employees and Authorised Persons as defined by Sections 13 & 69 Licensing Act 2003 upon request.

DPS or nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police employees and Authorised persons as defined by Sections 13 & 69 Licensing Act 2003.

Nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content. Refusals Register to be on the premises and kept up to date and made available upon the request of Police, Trading Standards Officers and authorised persons as defined by Sections 13 & 69 Licensing Act 2003.

A noise level control device shall be installed as directed by, and set to a level agreed with the Head of Environmental Health who reserves the right to alter the level during the currency of the Licence.

Submitted for your information and necessary action.

Regards

Debie Pearmain and Steve Smith

Royal Borough of Windsor and Maidenhead

LICENSED PREMISES INCIDENT REPORT

Licensing	R.B.W.M.	Location	Data House
Name of Premises:	Pazzia Restaurant. London Road, Ascot.		
Time and Date of Incident:	3/1/12 - 11.30am		
Sources of Information (i.e. Discovered by Officers on supervisory visit, Complaint by member of public/licensee - name of officer or name and address of complainant to be included)			
Steve Smith L O RBWM			
Nature of Incident:			
<p>Telephoned premises following reports received from neighbour [REDACTED] and observations made when visiting venue on Saturday 31/12/11 of large marquee erected in car park at front of venue, the marquee covers almost all the frontage and is joined to licensed main building, my telephone call was diverted and eventually answered by Duty Manager "Raphael", I introduced myself and informed that I had called into the venue this morning and observed the marquee erected, I then asked what event was taking place outside in the marquee, Raphael immediately respond without any hesitation "just eating we are only serving food with the marquee" I enquired how many covers are they serving in marquee, Raphael informed "approx 45 people that's all". I informed Raphael that he must ensure the issued premises licence is not breached or that no un-licensable activities take place, he informed "my boss has sorted all this out, and he has spoken to all the neighbours? He was going to have the marquee up for all of December for a whole month, but its now only up for N.Y.E I'm sure it's alright though".</p> <p>I strongly suggested to Raphael that he now checks his copy of the issued premises licence, I instructed that he checks for "inside / outside" on all the licensable activities, if it states inside then that is inside the main building and not a marquee, I informed that its there licence, there business and so there responsibility, and although I have not got a copy of the issued premises licence with me, I strongly suspect they are only licensed inside only, I informed that if any breaches were observed or reported further action would be taken, I informed the reason for my telephone call was that I am concerned that un-licensable activities may take place and I want to ensure they remain within the licence, its working with the premises.</p> <p>Raphael was very polite and cooperative, and although he did refer to his "boss was sorting it" he claimed firmly that only food was being served and eaten within the marquee and that singing and dancing would be within the main building.</p>			
Details of Person(s) Cautioned/reported and offences:			
Action taken in all other cases:			
Other Information:			
Inform TVP. / EP RBWM.			
Endorsed by:	Steve Smith		
Date:	3/1/12	Officer Reporting:	Steve Smith Licensing Officer
<u>To be forwarded to the Licensing Officer for noting prior to filing</u>			

THAMES VALLEY POLICE

LICENSED PREMISES INCIDENT REPORT

Division HQ Licensing

Station: Ascot

Name of Premises: Pazzia, London Road

Time and Date of Incident: 2231 13/07/2012 (URN 1837 13/7/12 refers)

Sources of Information (i.e. Discovered by Police on supervisory visit, Complaint by member of public/licensee - name of officer or name and address of complainant to be included)
Complaint to the Police from [REDACTED], local resident

Nature of Incident:

Complaint that caller is hearing music from the Restaurant, this should not be heard.

Caller requested police attendance – Thames Valley Police. Policy explained to caller. The noise was heard by the operator whilst the complainant was on the telephone, sounded like a karaoke and was very loud. Further call at 0008 advising that the music is getting worse, caller advised a unit has been dispatched – police attended at 0016 and states that the noise not excessive and looks like its just about to close.

Details of Person(s) arrested or reported and offences:

Action taken in all other cases:

RBWM Licensing informed.
RBWM EPO informed.

Other Information:

GEN 40 endorsed:

CCTV Seized? Y or N if 'Y' Property Number? _____

Date: 16/07/2012

Officer Reporting: Debie Pearmain, PLO

To be forwarded to the Chief Inspector Prosecutions for filing

THAMES VALLEY POLICE

LICENSED PREMISES INCIDENT REPORT

Division HQ Licensing

Station: Ascot

Name of Premises: Pazzia, London Road

Time and Date of Incident: 0039 14/07/2012 (URN 76 14/7/12 refers)

Sources of Information (i.e. Discovered by Police on supervisory visit, Complaint by member of public/licensee - name of officer or name and address of complainant to be included)

Complaint to the Police from [REDACTED] local resident

Nature of Incident:

Further complaint that caller is reporting ongoing noise outside the premises now, Caller states that although the music has died down approximately 50 persons have been outside shouting and screaming and is stating that there is ongoing anti social behaviour. Caller very disappointed that the Police did not do anything about this.

At 0114 hours caller states that the crowd that were outside have now gone back inside the premise and the music is blarring away again - caller wants officers to attend as they are now beyond their hours.

Details of Person(s) arrested or reported and offences:

Action taken In all other cases:

RBWM Licensing informed.

RBWM ASB informed.

Other Information:

GEN 40 endorsed:

CCTV Seized? Y or N if 'Y' Property Number? _____

Date: 16/07/2012

Officer Reporting: Debie Pearmain, PLO

To be forwarded to the Chief Inspector Prosecutions for filing

Royal Borough of Windsor and Maidenhead

LICENSED PREMISES INCIDENT REPORT			
Licensing	R.B.W.M.	Location	Data House
Name of Premises:	Pazzia Restaurant. Ascot		
Time and Date of Incident:	21/12/12 at 22.30hrs		
Sources of Information (i.e. Discovered by Officers on supervisory visit, Complaint by member of public/licensee - name of officer or name and address of complainant to be included)			
Steve Smith L O RBWM - Sarah Conquest L O RBWM			
Nature of Incident:			
<p>Routine visit to premises following concerns raised regarding a marquee erected at the front of the venue, the marquee was actually covering the entire frontage from the main double door entrance to almost the boundary of the premises at the front, we did not observe within the marquee any sign of un-licensable activities or facilities that would allow any form of regulated entertainment, no speakers or any equipment for music or S.O.A was located within the marquee.</p> <p>No music or noise was audible outside the premises at all, they had a Christmas function taking place with a live singer with recorded backing track, all windows and doors were closed, the marquee actually acted as a sound buffer.</p> <p>DPS Mr Rodrigues was at the venue he confirmed that the marquee would only be used as an over-spill for family members to eat on NYE and that conditions would not be breached.</p>			
Details of Person(s) Cautioned/reported and offences:			
✓	Premises Licence Summary on display.		
✓	D.P.S on site.		
Action taken in all other cases:			
Other Information:			
Inform – E.P.Officer, Michele Speed. Inform – T.V.P Debie Pearmain.			
Endorsed by:	Steve Smith		
Date:	4/1/13	Officer Reporting:	Steve Smith Licensing Officer
To be forwarded to the Licensing Officer for noting prior to filing			

Pazzia Restaurant. London Road, Sunninghill, Ascot.

Monday 31.12,12 ...Steve Smith (SGS) RBWM – Debie Pearmain (DP) TVP.

20.15hrs we arrived at premises and entered marquee through side entrance, we observed approx six (6) people outside marquee smoking, no customer noise or recorded music was actually audible on our approach to premises, or outside the marquee.

Inside the marquee we observed approx 30 /35 customers sitting at tables, with recorded music being played through an unmanned music system, this had two (2) speakers attached located to the left and the right of the system, music was clearly being played through the speakers.

They did not have a bar set up within the marquee taking money, however, covers at the tables were clearly drinking alcohol being supplied from main bar within restaurant, and we observed a large container filled with ice and bottles of Champagne within the marquee.

We called a waiter over and requested to speak to the duty manager; at this point Raphael (duty manager) entered the marquee from the main restaurant. We both I.D ourselves and informed Raphael that he should not have speakers outside, he replied "I am only doing what the boss say's and you will have to speak with him"

Mr Jorge Rodrigues (JR) then walked into the marquee dressed in chefs whites, we informed JR that he was not licensed for regulated entertainment outside the main restaurant and the premises licence also is conditioned that no speakers should be located outside, (pointing to the two (2) speakers located in marquee)

JR then informed us "I have spoken to my solicitor and he told me that I don't require a licence for New Years Evening" we both informed JR that a form of regulated entertainment is taking place within the marquee and furthermore you have placed two (2) speakers outside, this we will now follow up formally ASAP. JR then said "well if I bring my car round and park it up I could play the radio.....it's the same, like having a party in my home"

We informed JR that this is not a private dwelling but a licensed venue, to which you have activities and conditions on the issued premises licence to adhere too.

DP then asked JR "are you licensed to do this" pointing to music system.

JR replied without any hesitation "No"

JR then informed us "In London the Council would allow this on New Years Evening" we informed JR that he is not in London and instructed him to ensure the premises doesn't cause any form of noise nuisance and to ensure they cease trading as per the licence, we will monitor this throughout the evening and return to ensure they close on time.

Due to the number of customers located within both the marquee and main restaurant, giving full consideration to our personal safety and the potential of creating a public order issue, we decided to witness / document and withdraw and follow up formally ASAP.

The premise at time of our visit was not causing a noise nuisance, no music was actually audible from outside the marquee, all windows and doors of main building remained closed.

TRADING STANDARDS SERVICE

Please reply to: Steve Smith
Direct Line: 01628 685850
Fax: 01628 685608
Email: s.smith@rbwm.gov.uk
My ref: PL001171
Your ref:

**The Royal Borough of Windsor and
Maidenhead**
Town Hall
St Ives Road
Maidenhead
Berkshire SL6 1RF



8th January 2013

Mr J Pereira Rodrigues
Pazzia Restaurant
London Road
Ascot
SL5 0PN

Dear Mr Rodrigues,

Subject: Pazzia Restaurant, Ascot

I am making further enquiries in relation to possible un-licensable activities at the above premise on Monday 31st December 2012. You are the Premises Licence Holder and Designated Premises Supervisor for this premise and, as a result, you are requested to attend:

The Town Hall, St Ives Road, Maidenhead, Berkshire, SL6 1RF.
On the below date:-

Tuesday 5th February 2013 at 14.00hrs.

For a formal interview held under the conditions of the Police and Criminal Evidence Act 1984 conditions. You are of course entitled to bring legal representation to this interview but this will be at your own expense.

A copy of the licensing Enforcement and Prosecution Policy can be found on the RBWM website www.rbwm.gov.uk

On arrival, please go to the main reception and ask for myself

Please confirm your attendance.

Yours Sincerely,

Steve Smith
Licensing Officer
RBWM

cc Debie Pearmain, Licensing Officer, Thames Valley Police.

Please reply to: Steve Smith
Direct Line: 01628 685850
DX: 6422 Maidenhead 1
Email: s.smith@rbwm.gov.uk
My ref: PL001171
Your ref:

Town Hall
St Ives Road
Maidenhead
Berkshire SL6 1RF



Friday, 08 February 2013

Mr Jorge Pereira Rodrigues
Pazzia Restaurant
Londom Road
Ascot
SL5 0PN

Dear Mr Rodrigues

Subject: Pazzia Restaurant, London Road, Ascot. SL5 0PN.

As a result of your interview carried out at the Town Hall, Maidenhead on, Tuesday 5th February 2013, regarding, "Breach of Premises Licence" Contrary to Sec 136 (1)(a & b) of the Licensing Act 2003.

It has been decided that on this occasion we will issue you with a simple Caution. This Caution will be written.

If you agree to abide by this decision, the caution will be administered at the following location: -

: - **The Town Hall, St Ives Road, Maidenhead, Berkshire, SL6 1RF**

On the below date: -

:- Wednesday 20th February 2013 at 11:30hrs.

I have to inform you however, that if you fail to agree with this course of action then a Court Prosecution may ensue.

You are entitled to bring legal representation to this procedure but it will be at your own expense.

Please confirm your attendance by completing the return reply slip and send this reply to the Licensing Department, Town Hall, St Ives Road, Maidenhead, Berkshire, SL6 1RF, for my attention.

Yours Sincerely

Steve Smith
Licensing Officer

REPLY: I confirm that I will accept the written caution as outlined above, and I will be attending the Town Hall on **Wednesday 20th February 2013 at 11:30hrs.**

Signed: -----
Mr Jorge Pereira Rodrigues

<u>SIMPLE CAUTION</u>		OFT Reference No.:	N/A
		Case Reference:	Licensing 13:04
NAME OF DEFENDANT:	Candido Pereira Rodrigues	D.O.B.	18.1.1973
ADDRESS:	9 Ashley Crescent, Lavender Hill, London. SW11 5QZ.		
	Registered Company Number:	N/A	
JOINT DEFENDANT:	N/A		
ADDRESS:	N/A		
ENFORCEMENT AUTHORITY:	Royal Borough of Windsor and Maidenhead.		
LEGISLATION: (Act(s), Section(s), Regs. etc.)	Section 136 (1) (b) Licensing Act 2003		
DATE OF OFFENCE(s):	31.12.2012		
TIME OF OFFENCE(s):	20.15hrs (8.15pm)		
LOCATION:	Pazzia Restaurant. London Road, Sunninghill, Ascot, Berks. SLS OPN		
OFFENCE (S):	Breach of premises licence conditions. ✓ <i>Speakers should not be placed outside the premises, at any time.</i>		
NAME OF OFFICER ADMINISTERING CAUTION:	Stephen Smith Licensing Officer Royal Borough of Windsor & Maidenhead		
SIGNED:		DATE:	18.3.13
CONTACT FOR ENQUIRIES:	01628 798888		
TELEPHONE NUMBER:	01628 798888		

C.C. Licensing Officer, Thames Valley Police, R.B.W.M. Area

Submitting Officer
Shoulder No/Name: C3232 Debie Pearmain **Station:** **LPA:** Windsor

Incident References

Premises Name/Location:	PAZZIA, London Road, Ascot		
Incident Date:	23.42 hours 06/07/13	Incident Time:	
Command & Control URN:	URN 1978 refers	Crime Report(s):	
CCTV Seized?			
Sources of Information:			

Nature of Incident – what happened?

Complaint to TVP from [redacted] of excessive noise coming from neighbours, music which has been going on all evening. Caller states this is an ongoing issue, caller states the music has been playing really loudly all evening and she wants to go to bed but cannot sleep with the music so loud. Caller states that they have all the windows open so the music can be heard quite clearly.

RBWM EPO & Licensing updated

Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?**Police Response – what action was taken? Please identify the main officers who dealt with the incident.****Persons Involved - to add more rows click into the final cell of this table**

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

Royal Borough of Windsor and Maidenhead

LICENSED PREMISES INCIDENT REPORT

Licensing	R.B.W.M.	Location	Data House
Name of Premises:	Pazzia Ascot.....London Road.		
Time and Date of Incident:	Saturday 31 st August 2013 00.05hrs		
Sources of Information (i.e. Discovered by Officers on supervisory visit, Complaint by member of public/licensee - name of officer or name and address of complainant to be included)			
Michele Speed E.P. Officer RBWM Steve Smith L.O 03 RBWM			
Nature of Incident:			
Premises visited following reports received from E.P. Team of noise nuisance and possible licence breaches:			
<p>We arrived at the venue at 00.05hrs parking our vehicle directly opposite in Buckhurst Road. We observed that the front doors of the premises were open with a number of customers standing outside front entrance of premises, this was a mixture of customers awaiting taxi's and customers using the smoking shelter, we observed approximately three (3) taxi's arrive and collect customers leaving. A live female singer with recorded background music was audible from the location of our parked vehicle, we then observed the duty manager known as Raphael talking to customers leaving venue and generally monitoring the front of the premises, live music was still very audible from the venue. Raphael noticed our vehicle parked and at 00.10hrs walked over to us, he said "All is OK" whilst pointing to the outside front area of Pazzia, he made mention to taxi's collecting customers. We informed Raphael that when we arrived at 00.05hrs and we could clearly hear a live singer, at this point the female singer became audible. We informed Raphael that live music is only licensed on a Friday till 23.30hrs. Raphael then replied "Yes.....we have a birthday party and the birthday group requested that the singer plays on.....they have paid her extra money" we informed Raphael again that live music should cease at 23.30hrs, to which he replied " Yes I know.....this happens once in a blue moon.....what can you do about it. We then asked Raphael if Candido (Owner) was at the venue he replied "No"</p> <p>We informed Raphael that live music now need to cease, Raphael then walked away from our vehicle and entered the premise through the front entrance.</p> <p>At 00.18hrs live music was no longer audible, at 00.19hrs Raphael monitoring outside premises.</p>			
Other Information:			
<ul style="list-style-type: none"> ✓ Raphael gave this information freely and not whilst under caution. ✓ Customers using the outside front area not audible whilst monitoring premises. ✓ Windows and door of premises opened. 			
Endorsed by:	Steve Smith		
Date:	2.9.13	Officer Reporting:	Steve Smith
<u>To be forwarded to the Licensing Officer for noting prior to filing</u>			

Submitting Officer		
Shoulder No/Name: N9968 GREEN	Station: LA	LPA: LA/LC

Incident References			
Premises Name/Location:	PAZZIA RISTORANTE, LONDON ROAD, ASCOT		
Incident Date:	11/03/2017	Incident Time:	0424
Command & Control URN:	337 11/03/17	Crime Report(s):	43170071540
CCTV Seized?	N/A		
Sources of Information:	Officer		

Nature of Incident – what happened?
Male was in a 'lock in' at the PIZZIA RISTORANTE, LONDON ROAD, ASCOT when he was accused by the owner of the restaurant of cheating with the owners wife. The premises owner has then punched the aggrieved male in the face causing minor injuries but required an ambulance to attend. Both had consumed a quantity of alcohol. Officers were contacted by SCAS to attend incident who attended and conducted an initial investigation.

Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?
Premises did not call in the incident, officers were called by SCAS.

Police Response – what action was taken? Please identify the main officers who dealt with the incident.
Officers conducted initial investigation to ascertain circumstances. Investigation on-going. P6013 DAVIS and P5306 WALLACE.

Persons Involved - to add more rows click into the final cell of this table				
Name	Date of Birth	Role	Action Taken	Ref No. <small>(e.g. Custody, PND etc)</small>
[REDACTED]	Unknown	Suspect	Voluntary Interview	N/A
[REDACTED]	[REDACTED]	Aggrieved	Taken to Hospital by SCAS	N/A

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

Submitting Officer			
Shoulder No/Name:	C3232 Debie Pearmain	Station:	LPA: Windsor/Maidenhead

Incident References			
Premises Name/Location:	Pazzia Restaurant, London Road, Ascot		
Incident Date:	2.00pm 29/03/2017	Incident Time:	
Command & Control URN:		Crime Report(s):	
CCTV Seized?			
Sources of Information:			

Nature of Incident - what happened?
<p>Jorge Rodrigues, PLH and DPS, Candido Rodrigues, (Brother of DPS) who works at the premise, Steve Smith, Licensing Officer, RBWM and Debie Pearmain, Police Licensing Officer.</p> <p>Meeting arranged to discuss the recent Gen40 dated 11/03/2017 in relation to a domestic incident involving Candido. The time of the reported incident was 04.24am. Candido stated that the premise was not open at this time and that he had been working there on that night but stated that the premise was not open at this time. I informed Candido that I was not going to discuss the alleged incident as it was the time of the report from the Police Officer who had attended, that we were alerted to.</p> <p>Jorge and Candido were both reminded to keep to the hours and conditions on their licences for both premises.</p>

Premises Response - what part did staff play? How did they react/assist (include good/poor performance)?

Police Response - what action was taken? Please identify the main officers who dealt with the incident.

Persons Involved - to add more rows click into the final cell of this table

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)

When complete, please forward to the Licensing Officer for the area (and anyone else as per local Instructions)

Shoulder No/Name:	C3232 Debie Pearmain	Station:	LPA: Windsor/Maldenhead
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Premises Name/Location:	Pazzia - Ascot		
Incident Date:	11.50pm 29/07/2017	Incident Time:	
Command & Control URN:		Crime Report(s):	
CCTV Seized?			
Sources of Information:			

Nature of Incident – what happened?

Steve Smith and Debie Pearmain attended premises following concerns of public nuisance. Music was audible from 10 meters we walked to the rear garden no windows open but the rear door was open.

There were 7 customers outside the front entrance (smoking) quite loud with foul language audible. Manager was stood at the front of the premises smoking, we suggested music levels be reduced, however, music ceased at midnight whilst in attendance.

Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?

Police Response – what action was taken? Please identify the main officers who dealt with the incident.

Persons Involved – to add more rows click into the final cell of this table

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

Submitting Officer**Shoulder No/Name:** C3232 Debie Pearmain**Station:****LPA:** Ascot**Incident References****Premises Name/Location:** Pazzia Restaurant,**Incident Date:** 11.15am 01/09/2017**Incident Time:****Command & Control URN:****Crime Report(s):****CCTV Seized?****Sources of Information:****Nature of Incident – what happened?**

Jorge Rodrigues, Premise Licence Holder and DPS, Candido Rodrigues, (Brother of DPS) who works at the premise, Steve Smith, Licensing Officer, RBWM and Debie Pearmain, Police Licensing Officer.

Meeting arranged to discuss the recent noise complaints received by RBWM and TVP. They were both informed of our visit to the premises on 29/07/17 whereby music was audible from 10 metres and we observed the rear door was open. There were 7 customers outside the front entrance smoking being quite loud with foul language audible. The Manager was at the front of the premises smoking and we suggested the music levels needed to be reduced.

Both were requested to ensure that they do whatever they can to ensure that the public nuisance licensing objective is not undermined. Candido informed us the the complainant (we have not disclosed who this is) next door has a personal issue with him and this has been going on for some time. He stated that she has a real issue with him and she will continue to complain. They were both informed that we , RBWM and TVP, will now have to monitor the venue and if we witness any breaches of licence or any public nuisance, that undermines the licensing objective, we will have to take enforcement action.

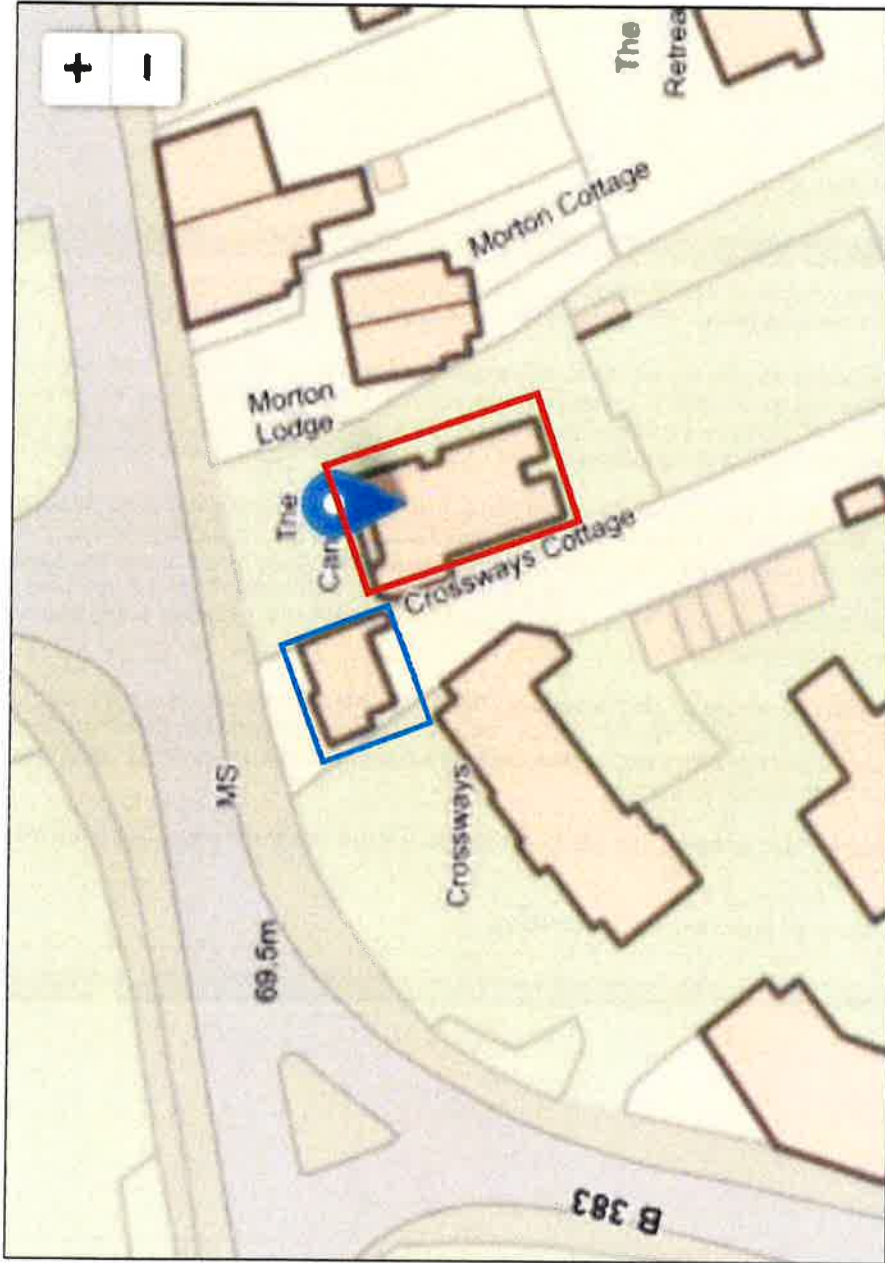
Candido showed us a picture on his phone from 16/07/2017, there were 3 people outside talking about work at 2253. One of these persons was him. He then told us that the lady from next door was shouting and swearing at him as he was talking. I informed Candido that this would be an issue to me as being disturbed at this time on a Sunday evening is not really acceptable. Advice given.

Steve Smith and I both stressed that we do not want any issue with the complainant to be made any worse than it already is.

Steve then explained about the review procedure.

Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?**Police Response – what action was taken? Please identify the main officers who dealt with the incident.**

Location Map of Premises and Representees



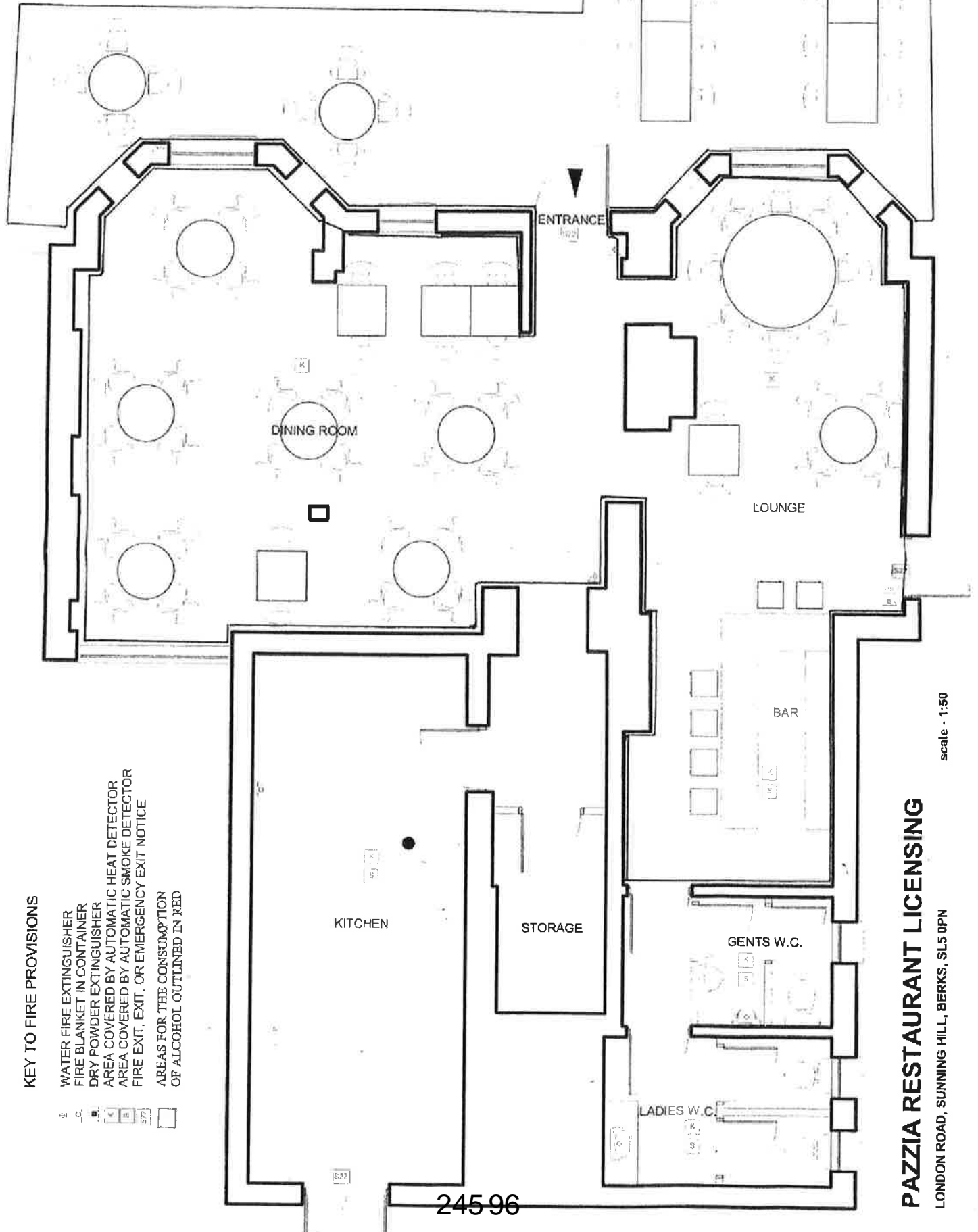
- PREMISES
- REPRESENTES

EXISTING PLAN

FIRE FIGHTING EQPT. TO BS 5306
 FIRE SIGNAGE TO BS 5499
 OCCUPANCY 81 PERSONS (INSIDE)
 46 PERSONS (OUTSIDE)

SIZE OF LICENSED AREA - 122 SQM
 + EXTERIOR PATIO AREA

PATIO



KEY TO FIRE PROVISIONS

- WATER FIRE EXTINGUISHER
- FIRE BLANKET IN CONTAINER
- DRY POWDER EXTINGUISHER
- AREA COVERED BY AUTOMATIC HEAT DETECTOR
- AREA COVERED BY AUTOMATIC SMOKE DETECTOR
- FIRE EXIT, EXIT, OR EMERGENCY EXIT NOTICE
- AREAS FOR THE CONSUMPTION OF ALCOHOL OUTLINED IN RED



scale - 1:50

PAZZIA RESTAURANT LICENSING

LONDON ROAD, SUNNING HILL, BERKS, SL5 0PN

245 96

770100

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