



NOTICE OF DETERMINATION

Date of Hearing:	21 March 2016
Licence Type:	Variation of a premises licence
Name of Applicant:	Norwich City Council
Name of Premises/Postal Address of Premises:	St Andrews and Blackfriars Halls, St Andrews Hall Plain, Norwich, Norfolk
Licensing Sub-Committee: ("the Committee")	Councillors Ackroyd (Chair) Button and Thomas (Vi)
Responsible authorities:	There were no representations made by or attendance on behalf of responsible authorities.
Other persons present:	Mr Shaun Canon, Halls Manager on behalf of the applicant, Ms Martine Holden, Norwich City Council employee supporting Mr Canon but not acting as a witness Mr and Mrs Harris, local residents, Mr A Shearman, Licensing Manager, Mr D Lowens, clerk

DETERMINATION:

The Halls Manager made the following amendments to the application during the hearing:

1. In respect of all licensable activities (other than non-standard timings/non-standard entry times) the end hour is specified as 23.30 rather than midnight.
2. In respect of the sought non-standard timings relating to the sale of alcohol in respect of the CAMRA Beer Festival for the autumn half-term week and the CAMRA Beer Festival in of the spring half-term week the applicant clarified that these would be for a maximum of 7 days per occasion.
3. The applicant amended a proposed condition in respect of general matters in relation to all four licensing objectives. The proposed condition was amended to "To ensure all four licensing objectives are met, bars at the venue will continue to be open for guests at events only, not for passing trade" and the words "and will be open only to provide refreshments pre-show and during intervals. There will be no off-licence sales" were deleted.

4. In respect of the protection of children from harm, the proposed condition was amended to add “or over” to “to protect children from harm, any event of a sexual nature will be restricted to an audience age of 18”.
5. The applicant mentioned that noise from live amplified regulated entertainment will be monitored/measured at the nearest noise sensitive premises, and if the noise level was being breached the noise level would be reduced.
6. In respect of non-standard hours (CAMRA Beer Festivals) it was agreed that the licensable activity of the sale by retail of alcohol would cease 30 minutes prior to the end of opening hours of the premises.

During the hearing the councillors heard from Mr Shearman, Mr Canon and Mr and Mrs Harris.

Mr Shearman presented the report and confirmed that there were no responsible authority objections to the proposals.

Mr Canon presented the application and after dealing with various points of clarification, confirmed that with the neighbours consent a number of live amplified music events without using the limiter had taken place by the minor variation procedure and that no complaints had been received from the neighbours in respect of these. The purpose of the application was in part to remove the need to make a separate application in respect of each concert and to harmonise the regulated entertainment finishing times, to be moved to 23.30 rather than 02.00 hours. It was not the halls intention to seek to raise the noise levels. The current rules relating to recorded music would remain and therefore the halls would continue to restrict discos taking place.

Mr Canon mentioned the current conditions were significantly onerous in respect of their scope and for example covered mobile phone ring tones. The proposed re-wording would ensure that background music could take place in respect of award ceremonies and weddings for example and more clearly addressed the question of regulated entertainment.

Mr Canon then responded to the letters received from Mr Spinks and Mr and Mrs Harris that were included with the agenda papers, mentioning that the venue held primarily classical concerts but had held rock and pop concerts in the past. The number of concerts were decreasing and there was unlikely to be much extra capacity for new events. The premises however was an events venue, rather than a concert hall and events such as dinners and galas took place.

A short break was called so that the applicant could review the question of the sale of alcohol only during intervals and pre-show occasions.

The committee re-started and the applicant amended the relevant proposed condition and responded to questions from the councillors relating to the hours of the beer festival and in respect of the physical controls of amplified noise, responded regarding the method used by the halls, noting the disadvantage of for example a microphone which could cut out if the sound of the audience applause was added to that of the stage. It was confirmed that in respect of live amplified regulated entertainment members of the hall staff would monitor each event from outside, would monitor the noise level and if the proposed level was breached, would reduce the level of noise. In response to questions from Mr and Mrs

Harris as to how the level of noise would be monitored Mr Canon confirmed that it would be measured by hall staff and confirmed the equipment was calibrated on a yearly basis.

Mr and Mrs Harris then presented their concerns to committee mentioning that they did not wish to be unreasonable and had never complained before but were concerned that the present halls management was trying to expand opportunities, no doubt under commercial pressures but the particular concern was in relation to amplified music and discos and particularly at weddings. Whilst the new roof to the halls was mentioned and appreciated, the windows were the main noise route and their house was a small one with thin walls. They felt the reduction in hours was cosmetic as the current hours were not taken advantage of and were happy to say that when the halls wanted an exception, this would be provided. It was emphasised that in Mr and Mrs Harris' opinion, self-regulation would not work and the risk was that due to cuts and similar limitations upon the staff, no person would check the level of noise. Elm Hill was mentioned as a pleasant and important neighbourhood and its value should be maintained. They repeated their concern was in respect of noise and they looked to the committee to provide protection from discos arising at weddings and similar.

Mr Harris further mentioned that he would take more reassurance if the environmental health department of the council was measuring the level of noise, rather than the hall's staff. The licensing manager responded relating to environmental health involvement and confirmed that the environmental health department would expect the hall's management to properly manage their own events.

Mr Harris was questioned by the applicant in respect of their concerns as to any particular event that had caused him concern and he had no particular one to mention but was concerned regarding the possible regular basis of disturbance. Mr Canon mentioned that the halls discouraged wedding receptions taking place, these were put off by the 23.30 limit.

Mr Canon summed up the council's application, mentioning the intention was to insert a clear distinction between live and recorded music and whilst some concerts would have less than 500 persons and therefore the Live Music Act could be considered, it was the hall's wish to seek the current license variation to put the controls on a proper footing and he confirmed that their responsibilities were taken seriously.

The committee took time considering these matters in private.

DECISION OF THE LICENSING SUB-COMMITTEE

The decision of the licensing sub-committee was to grant the application as amended. It was not felt necessary to impose any further condition.

REASONS FOR THE LICENSING SUB-COMMITTEE'S DECISION

The licensing sub-committee took account of the statutory guidance and the evidence it heard and the papers before it. The committee noted the clear concern from objectors Mr and Mrs Harris that the variation application was an enabling attempt to increase events causing noise nuisance but felt that there was no evidential basis for this view.

The committee noted the recent events that had taken place and the fact that there had not been any complaints from residents in respect of these. The committee noted the careful efforts taken by the halls management to inform and work with local residents and it was the committee's view that the halls management was a responsible management. The committee noted the proposals for noise management and control that had been set out on the papers and provided to committee. These were felt to be sufficient to support the licensing objectives.

The committee also took account of the fact that no representations objecting to the proposals had been received from the Environmental Health Department.

The committee felt that there was no evidence before the committee that the proposed controls would be an inappropriate or an unworkable system or that the proposed self-regulation by halls staff would fail. It was noted to be in the interests of the management to monitor and control noise correctly and the committee believed this was well known to staff at St Andrews and Blackfriars Halls. The review procedure was available should problems arise.

RIGHT OF THE PARTY TO APPEAL AGAINST THE DECISION OF THE LICENSING SUB-COMMITTEE

Rights of appeal are as set out in Schedule 5 of the Licensing Act 2003. Any person wishing to appeal this decision should apply to a Magistrates' Court within 21 days of receipt of written notification.

Dated this 24th March 2016