



# **NORWICH**

## **City Council**

### **NOTICE OF DETERMINATION**

Date of Committee: Tuesday 6 November 2018

Application for the variation of a premises licence

Name of Applicant: Norwich City Football Club Plc

Name of Premises/Postal address: Norwich City Football Club, Carrow Road, Norwich NR1 1JE

Members of Licensing Sub-Committee: Councillors Fullman (Chair); Brociek-Coulton and Thomas (Va)

Other Persons Present: Mr Bruce Faulkner, applicant's solicitor; Mr Stuart Cox the Director of Catering employed by the applicant; Mr David Hannant, Eastern Daily Press representative; Maxine Fuller, Norwich City Council Licensing Officer; D Lowens Solicitor and J. Cunnington-Brock, Trainee Solicitor of nplaw (Norfolk County Council). There was no attendance by any of the residents who had made representations.

Prior to the start of committee, a coloured plan showing the extent of the public highway around the Norwich City Football Club stadium was circulated.

There were no declarations of interest.

#### **NOTES OF HEARING:**

Ms Fuller presented the report. It was agreed that the application was in respect of the outside areas as shown in yellow on the plan marked "full plan of variation" and that the application was to licence these outside areas on Monday to Saturday 09:00 hours to 23:00 hours and on Sunday 10:00 hours to 22:30 hours in respect of the licensable activity of the sale by retail of alcohol, subject to limited days of use.

Mr Faulkner on behalf of the applicant ("NCFC") presented their application noting the background was that NCFC had a premises licence permitting the selling of alcohol and live music in the stadium. Occasionally NCFC wished for the ability to use the stadium and wider premises for large events. The purpose of the application was to extend the licensed area for alcohol sales to the outside ground without needing to obtain temporary event notices for catering facilities, the catering facilities existing within the stadium being insufficient for such large events. Consultation had taken place with the police and the Environmental Health Department and additional conditions had been agreed. These had been circulated prior to committee.

NCFC did not have any intention to keep bars open after the music event had completed, NCFC would liaise with the police and other responsible bodies relating to public safety. Fencing would be used to delineate the licensed area with supervised break-out points. The intention would be to have bars on NCFC's land when concerts took place.

A discussion took place relating to the public highway and NCFC confirmed they wished to receive a licence for the areas applied for, noting that some areas had the status of public highway. NCFC were aware that they would not be able to place obstructions on the public highway without additional lawful authority beyond that provided by the sought variation under the Licensing Act 2003.

Discussion took place relating to what was intended by the further six event days per calendar year on the car park which were mentioned in a proposed condition. NCFC confirmed the intended uses were unspecified for flexibility but could for example include out-door cinema. Discussion took place relating to the wording of the proposed additional conditions. It was clarified that there was no intention of limiting music concert days in the stadium to three per calendar year, instead the purpose of the proposed condition wording was to enable the entire outside area as marked in yellow to be used as licensed under the Licensing Act 2003 on a maximum of three days per calendar year provided that a music event was taking place in the stadium on those days. This was independent of the use of the car parking area on a maximum of six days per calendar year. The applicant confirmed that they did not intend the condition mentioned in Annex 2 number 2 of the premises licence (extension of hours on limited occasions subject to police veto) to apply to any of the exterior areas of the premises that were the subject of this variation.

#### **DECISION OF THE COMMITTEE:**

The decision of the committee was that the application as clarified was approved. A plan delineating the extent of the car parking area will be provided to the Licensing Department of the council.

The committee noted the following conditions were offered by the applicant:

- 1) Norwich City Council Noise Pollution Team and Police Licensing would receive written notification (including the event management plan, security deployment plan and noise management plan) at least six weeks prior to an event date.
- 2) During events, patrons will be prevented from taking open vessels of alcohol off the premises.

The committee imposed the following conditions:

- 1) *The outside areas of the premises which are marked in yellow on the plan marked "Full plan of Variation" and which are licensed for the sale by retail of alcohol may only be used for the purpose of the sale by retail of alcohol for a maximum of three days per calendar year and only on those days when a music concert is taking place in the Norwich City Football Club stadium, save that the car parking area alone may also be used for an additional six days per calendar year for the purpose of the sale*

*by retail of alcohol during other event days when those events are held on the car parking area.*

- 2) Condition 2 of annex 2 of the premises licence is amended to read *"The licence holder will give seven days written prior notice to the police of their intention to provide licensable activities on up to twelve occasions in any one year for hours not otherwise authorised by this licence, subject to veto by the police, in respect of matters taking place in the Norwich City Football Club stadium. The licence holder will not extend the hours of any licensable activity taking place in any part of the outside areas marked in yellow on the plan marked "Full plan of Variation" under this condition."*

#### **THE REASONS FOR THE COMMITTEE'S DECISION:**

The committee noted there were no outstanding representations from any responsible authority and gave weight to the fact there were no concerns outstanding from the Norfolk Constabulary (especially important regarding crime and disorder) or the Environmental Health Department (especially important regarding noise nuisance risks). The Norwich City Football Club was a professional and sensible body which had considered the concerns expressed by residents and committee appreciated the limited hours, limited occasions of use and the confirmation that the club had agreed that condition 2 annex 2 did not apply in respect of these external areas. The committee noted that the use of any part of the public highway was subject to other legislation and the applicant would need to comply with other legislation before any obstruction of a more than minimal nature could be placed on the public highway.

Looking at the concerns set out in the representations from residents it was clear there had been some confusion relating to the hours sought under this variation. Committee noted the view of the Environmental Health Department that the limited occasions of use and limited hours meant that it was unlikely that a statutory nuisance would be generated in this area. Committee agreed with this view.

The concerns of residents relating to the possible rise of crime and disorder with the misuse of alcohol and disruptive behaviour was noted but it was felt that insufficient evidence had been shown relating to the likelihood of this occurring from the variation at a level sufficient to justify refusal on this basis.

#### **RIGHTS OF APPEAL:**

Full rights of appeal are set out in Schedule 5 to the Licensing Act 2003. The applicant and any person who has made a relevant representation who wishes to appeal this decision or any part of it should apply for that purpose to the Magistrates Court within 21 days of being notified of the decision appealed against.

Dated this 9 day of November 2018

Signed by chair.....

Date.....15/11/2018.....

