



Notice of Determination

Date of Hearing: Wednesday 30 October 2019

Licence Type: Application for Variation of a Premises Licence

Name of Applicant: Chapter of Norwich Cathedral

Name of Premises: The Cathedral of The Holy and Undivided Trinity

Postal Address of Premises: The Chapter Office, 65 The Close, Norwich, NR1 4DH

Licensing Sub-Committee:

Councillors Stutely (Chair), Carlo and Giles

Other Persons Present:

Anthony Shearman – Public protection manager
Sarah Moss - Solicitor/Committee Clerk
Anne Page – Interested Party

On behalf of the applicant:

Julie Gowland – Legal representative (Birketts)

Determination:

The public protection manager outlined the application to vary the premises and drew the committee's attention to the following:

1. A new map was introduced showing the existing licensed area (red striped area) and the area proposed to be added to the licensed area (blue hatched area).
2. The applicant's legal representative had confirmed prior to the meeting that the applicant was not seeking to add outdoor dancing to the proposed licence area and that the box referring to this on the application form had been filled out incorrectly.
3. The environmental protection officer's representation at page 44 of the report related to another application altogether and had no connection to this application. Consequently there were no relevant representations from the authority responsible for environmental protection in relation to this application.

The Committee heard from the applicant's legal representative and from interested party Anne Page of Princes Street, Norwich, NR3 1AE.

Ms Gowland addressed the committee on behalf of the applicant, apologising for the applicant's absence and the poor presentation of the paper application. She noted that this was an application to vary a premises licence, which sought to extend the area covered by the existing licence (red striped area on the plan) to the area hatched blue (Upper Close). The applicant wished to apply the same licensable activities authorised by the existing licence to the Upper Close area and sought no changes to those licensable activities.

The applicant had held events on the Upper Close previously, licensed under Temporary Events Notices (TENs). However, an extension of the existing licence to the Upper Close would give the applicant more flexibility. The applicant wished to hold more events, particularly during July-September each year, to take advantage of Norwich Business Improvement District (BID) free entertainment events (the 'Head Out, Not Home' Thursday evenings campaign), designed to promote local businesses within the area. Other events proposed to be held included a Christian meditation evening, a book launch, wellbeing events, Christmas fairs and jazz events.

Ms Gowland asked the committee to give weight to the fact that no environmental protection representations had been submitted in relation to the application, indicating that environmental protection had no concerns in relation to the proposed variation and that the applicant was already adequately adhering to the conditions in the existing licence. The application had been properly advertised in the vicinity; no objections had been received from residents in the immediate area of the cathedral, the conclusion being that they must be neutral as to the proposed variation. The applicant had a good track record with events previously held and no complaints had been received in relation to any of those events. The applicant wished to cause no upset to residents and was indeed mindful of the fact that complaints in relation to their events could result in their licence being withdrawn. If necessary, the applicant would also be open to agreeing conditions to the variation of the licence with the committee. Ms Gowland requested that the variation be granted on the terms sought.

Councillor Stutely asked questions of the applicant as to why no proposals had been put forward for the promotion of the licensing objectives (particularly regarding crowd management and noise nuisance) in relation to the proposed variation application, given that the Upper Close was an open area and the application suggested there might be as many as 5,000 attendees at events. Ms Gowland confirmed that in making the variation application, the applicant had intended to simply extend the existing licence (and its licensable activities and conditions) to the Upper Close area. Consequently, it had not been thought necessary to propose additional conditions for the proposed variation area. Similarly, the existing licence allowed for 5,000 attendees and this figure had been carried through onto the variation application, although there was no suggestion that as many as 5,000 people would attend an event.

In response to questions raised by Ms Page, Ms Gowland confirmed the applicant's intention to sell alcohol on the Upper Close, that the existing licence allowed consumption of alcohol both on and off the premises and that alcohol had previously been sold at events licensed by means of a TEN.

Ms Page summarised her concerns stating that in comparison to an application for a new licence submitted by the Royal Norfolk Agricultural Association (RNAA) at the same time and covering the same area, the variation application did not appear to be adequately thought through and did not address crowd and noise control. She believed her property on Princes Street would be impacted by amplified music emanating from the events, as well as noise from people leaving the events. Premises in the surrounding area had controls attached to their licences to control noise levels for local residents.

Ms Gowland noted in response that the committee should not take note of representations made outside those contained in Ms Page's original emailed representation and that neither the RNAA application nor the impact of any other premises in the area were relevant to the committee's decision. The willingness of the applicant not to upset local residents was emphasised again and consequently two conditions in relation to crowd and noise management for smaller scale events were offered by Ms Gowland on behalf of the applicant, the wording of which was also agreed by Ms Gowland in the meeting, as set out below (Ms Page being advised by the council's clerk that at this stage the conditions were simply proposals, which the members would discuss as part of coming to their decision).

Finally, Mr Shearman proposed that the committee consider whether the new plan now submitted as part of the variation application could also be attached to the existing licence. The new plan showed the existing licensed area and surroundings much more clearly than the plan attached to the current licence and any amendments to the new plan could be submitted within 7 days of the committee's decision if any errors/discrepancies were subsequently identified. Ms Gowland supported Mr Shearman's proposal.

The committee's decision:

The committee reviewed the evidence heard in private.

The committee unanimously granted the variation sought, noting the following two conditions to the area to be covered by the licence variation:

Condition 1: For music events taking part on the Upper Close involving an audience of more than 500 people, an appropriate number of stewards in relation to the number of expected attendees are to be engaged by the applicant, such number of stewards to be agreed by means of a risk assessment to be carried out by the applicant prior to the event taking place.

Condition 2: For music events taking part on the Upper Close involving an audience of more than 500 people, the decibel level of the music to be played is to be set at a level to be agreed prior to the event between the applicant and the authority responsible for environmental protection.

The committee also agreed to Mr Shearman's proposal to attach the plan submitted in support of the variation application to the existing licence (any errors or discrepancies in the plan subsequently identified by Mr Shearman or Ms Gowland to be notified to the other party within 7 days of publication of the committee's decision).

The committee's reasons:

The committee gave weight to the fact that no representations had been submitted by the authority responsible for environmental protection, concluding that they could not have had any concerns in relation to the application and potential noise issues. The fact that no complaints had been received in relation to the applicant's previous events and no objections to the application had been received from local residents in the immediate vicinity of the premises also contributed to the committee's decision.

The committee thanked Ms Page for her comments, which had been noted, and agreed that the variation application had lacked detail, especially in relation to the promotion of the Licensing Objectives. However, the committee was satisfied that all issues raised during the meeting had been evaluated and were sufficiently addressed by means of the conditions offered by the premises licence holder.

In coming to their decision, the committee had had due regard to the statutory guidance under Section 182 of the Licensing Act 2003 and the council's own statement of licensing policy.

In summary and noting the availability of a review procedure in the event that the licence was breached, the committee were of the opinion that granting the variation sought (in conjunction with the conditions offered by the applicant) was in accordance with the promotion of the Licensing Objectives.

Right of a Party to appeal against the determination of the Authority

For your information, applicants and any person who has submitted a relevant representation, or submitted an objection notice, who is aggrieved by the decision, or the imposition of any term, condition or restriction, have a right of appeal to the Magistrates' Court within 21 days of the date on which they are notified of the decision.

Dated this 11th day of ^{Nov}~~December~~ 2019



CHAIR.