

### **Licensing sub committee**

**Date:** Thursday, 12 February 2015

**Time:** 10:15

**Venue:** Westwick room

**City Hall, St Peters Street, Norwich, NR2 1NH**

**Pre-meeting briefing for members of the committee only  
15 minutes before the start of the meeting**

**Committee members:**

**For further information please contact:**

**Councillors:**

Button (chair)

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## **Agenda**

### **1 Apologies**

To receive apologies for absence

### **2 Declarations of interest**

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

### **3 Licensing Act 2003: Application for a grant of a premises licence Norfolk and Norwich Festival, Chapelfield Gardens, Norwich, NR2 1SF**

**3 - 66**

**Purpose** - Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the grant of a Premises Licence in respect of Norfolk & Norwich Festival Trust, Chapelfield Gardens, Chapelfield East, Norwich, NR2 1SF for the period 13 May 2015 – 24 May 2015 following the receipt of relevant representations.

Date of publication: **Friday, 06 February 2015**

<b>Report to</b>	Licensing sub committee 12 February 2015	<b>Item</b>
<b>Report of</b>	Head of citywide services	<b>3</b>
<b>Subject</b>	Licensing Act 2003: Application for the grant of a fixed term Premises Licence - Norfolk & Norwich Festival Trust Chapelfield Gardens Chapelfield East Norwich NR2 1SF	

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## Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider the application for the grant of a Premises Licence in respect of Norfolk & Norwich Festival Trust, Chapelfield Gardens, Chapelfield East, Norwich, NR2 1SF for the period 13 May 2015 – 24 May 2015 following the receipt of relevant representations.

## Recommendation

That members determine the application to grant a premises licence for the period 13 May 2015 – 24 May 2015 in respect of the Norfolk & Norwich Festival Trust Chapelfield Gardens Chapelfield East Norwich NR2 1SF in accordance with the:

- Licensing Act 2003;
- Guidance issued under Section 182 of the Licensing Act 2003; and
- Norwich City Council Statement of Licensing Policy.

## Corporate and service priorities

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

## Financial implications

None.

**Ward/s:** All wards

**Cabinet member:** Councillor Harris – customer services

## Contact officers

Ian Streeter, licensing manager

01603 212761

## Background documents

None

# Report

## The application

1. The applicant is Christopher Harding who is clerk to the Norfolk & Norwich Festival Trust, 8 Burroughs Way, Wymondham, Norfolk, NR18 0WE.
2. The application seeks to allow the licensable activities of:
  - the provision of plays (indoors and outdoors)
  - the provision of films (indoors and outdoors)
  - the provision of live music (indoors and outdoors)
  - the provision of recorded music (indoors and outdoors)
  - the provision of performances of dance (indoors and outdoors)
  - the provision of anything of a similar description to live music, recorded music or performances of dance (indoors and outdoors)
  - late night refreshment (indoors and outdoors)
  - the supply of alcohol for consumption on the premises.
3. The proposed standard days and hours for the licensable activities are:

The provision of plays (indoors and outdoors):

Monday	10.30 – 01.00
Tuesday	10.30 – 01.00
Wednesday	10.30 – 01.00
Thursday	10.30 – 01.00
Friday	10.30 – 02.00
Saturday	10.30 – 02.00
Sunday	10.30 – 00.00

The provision of films (indoors and outdoors)

Monday	10.30 – 01.00
Tuesday	10.30 – 01.00
Wednesday	10.30 – 01.00

Thursday	10.30 – 01.00
Friday	10.30 – 02.00
Saturday	10.30 – 02.00
Sunday	10.30 – 00.00

The provision of live music (indoors and outdoors):

Monday	10.30 – 01.00
Tuesday	10.30 – 01.00
Wednesday	10.30 – 01.00
Thursday	10.30 – 01.00
Friday	10.30 – 02.00
Saturday	10.30 – 02.00
Sunday	10.30 – 00.00

The provision of recorded music (indoors and outdoors):

Monday	10.30 – 01.00
Tuesday	10.30 – 01.00
Wednesday	10.30 – 01.00
Thursday	10.30 – 01.00
Friday	10.30 – 02.00
Saturday	10.30 – 02.00
Sunday	10.30 – 00.00

The provision of performances of dance (indoors and outdoors):

Monday	10.30 – 01.00
Tuesday	10.30 – 01.00
Wednesday	10.30 – 01.00

Thursday	10.30 – 01.00
Friday	10.30 – 02.00
Saturday	10.30 – 02.00
Sunday	10.30 – 00.00

The provision of anything of a similar description to live music, recorded music or performances of dance (indoors and outdoors):

Monday	10.30 – 01.00
Tuesday	10.30 – 01.00
Wednesday	10.30 – 01.00
Thursday	10.30 – 01.00
Friday	10.30 – 02.00
Saturday	10.30 – 02.00
Sunday	10.30 – 00.00

Late night refreshment – (indoors and outdoors):

Monday	23.00 – 01.00
Tuesday	23.00 – 01.00
Wednesday	23.00 – 01.00
Thursday	23.00 – 01.00
Friday	23.00 – 02.00
Saturday	23.00 – 02.00
Sunday	23.00 – 00.00

Supply of alcohol (for consumption on the premises):

Monday	11.00 – 01.00
Tuesday	11.00 – 01.00
Wednesday	11.00 – 01.00

Thursday	11.00 – 01.00
Friday	11.00 – 02.00
Saturday	11.00 – 02.00
Sunday	11.00 – 00.00

4. The opening hours of the premises are:

Monday	10.00 – 01.30
Tuesday	10.00 – 01.30
Wednesday	10.00 – 01.30
Thursday	10.00 – 01.30
Friday	10.00 – 02.30
Saturday	10.00 – 02.30
Sunday	10.00 – 00.30

5. A copy of the operating schedule, with the steps put forward by the applicant to promote the licensing objectives is attached at appendix A to the report.

6. In addition to the proposed controls the applicant has agreed with Norfolk Constabulary the following additional conditions:-

- Patrons will be prevented from taking open drinking vessels of alcohol off the site
- The risk assessment will assess if there is a requirement for replacing glass drinking vessels to plastic.
- The final written copy of the risk assessment will be submitted and agreed with police and licensing authority 14 days prior to the event.

### **Relevant representations**

7. The responses from the Responsible Authorities are as follows:

Police – no representations

Environmental Protection – representations received (see appendix B).

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – no representations.

Primary Care Trust – no representations

8. Relevant representations have been received in respect of the application with concerns which appear primarily to relate to the licensing objective of the prevention of public nuisance. Copies of the representations received are attached at appendix C to the report.
9. A site map of the area identifying the application premises in relation to the relevant representation party address will be available at the meeting.

### **Norwich City Council Statement of Licensing Policy**

10. Attached at appendix D are the elements of the City Council's local Licensing Policy which are considered to have a bearing upon the application:

### **National Guidance (issued under section 182 of the Licensing Act 2003)**

11. Attached at appendix E are the elements of the National Guidance issued by the Secretary of State that are considered to have a bearing upon the application.

### **Summary**

12. In determining the application with a view to promoting the licensing objectives the Sub-Committee must give appropriate weight to:
  - the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm);
  - the representations (including supporting information) presented by all the parties;
  - the guidance issued under Section 182 of the Licensing Act 2003 (National Guidance); and
  - the Council's own statement of licensing policy.
13. The Sub-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
14. The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.



15. The representations received appear to relate to issues that fall under the licensing objective of the prevention of public nuisance. The Sub-Committee is directed to paragraph 24 of the local licensing policy at appendix D which contain examples of factors that impact on the licensing objective that the applicant could consider when addressing these issues. These paragraphs also contains examples of control measures that may be taken into account in operating schedules having regard to the type of premises and/or the licensable activities.
16. The sub-committee is also reminded of the contents of appendices 2, 3, 4 and 5 of the local licensing policy (not re-produced in this report) which contain pools of model conditions relating to the four licensing objectives.



# **NORFOLK & NORWICH FESTIVAL 2015**



## Operating Schedule

1. General description of the style and character of the business to be conducted on the premises
2. The licensable activities conducted on the premises
3. The time the relevant licensable activities are proposed to take place
4. Any other times the premises are open to the public
5. The period the licence is required for
6. Premises supervisor details
7. Retail sale of alcohol
8. Promotion of licensing objectives
  - 8.1 The prevention of crime and disorder
  - 8.2 Public safety
  - 8.3 The prevention of public nuisance
  - 8.4 The protection of children from harm
9. Plan of the premises and stages
  - 9.1 Festival Gardens and Spiegeltent
  - 9.2 Staging configurations
10. Additional information regarding the event. Please note this is supplementary to the Operating Schedule and does not form part of it.

3. The time the relevant licensable activities are proposed to take place.
4. Any other times the premises are open to the public.

		Provision of plays	Provision of films	Provision of live music	Provision of recorded music	Provision of performances of dance	Provision of anything of a similar description to live music, recorded music or performances of dance	Late night refreshment	Supply of alcohol Inside Bar	Supply of alcohol Outside Bar	Hours premises are open to the public
Monday	Start	10:30	10:30	10:30	10:30	10:30	10:30	23:00	11:00	11:00	10:00
	End	01:00	01:00	01:00	01:00	01:00	01:00	01:00	01:00	00:00	01:30
Tuesday	Start	10:30	10:30	10:30	10:30	10:30	10:30	23:00	11:00	11:00	10:00
	End	01:00	01:00	01:00	01:00	01:00	01:00	01:00	01:00	00:00	01:30
Wednesday	Start	10:30	10:30	10:30	10:30	10:30	10:30	23:00	11:00	11:00	10:00
	End	01:00	01:00	01:00	01:00	01:00	01:00	01:00	01:00	00:00	01:30
Thursday	Start	10:30	10:30	10:30	10:30	10:30	10:30	23:00	11:00	11:00	10:00
	End	01:00	01:00	01:00	01:00	01:00	01:00	01:00	01:00	00:00	01:30
Friday	Start	10:30	10:30	10:30	10:30	10:30	10:30	23:00	11:00	11:00	10:00
	End	02:00	02:00	02:00	02:00	02:00	02:00	02:00	02:00	01:00	02:30
Saturday	Start	10:30	10:30	10:30	10:30	10:30	10:30	23:00	11:00	11:00	10:00
	End	02:00	02:00	02:00	02:00	02:00	02:00	02:00	02:00	01:00	02:30
Sunday	Start	10:30	10:30	10:30	10:30	10:30	10:30	23:00	11:00	11:00	10:00
	End	00:00	00:00	00:00	00:00	00:00	00:00	00:00	00:00	23:00	00:30

NB - Times are expressed using the 24 hour clock. When the end time is 01:00 for example this means the following day.

## 5. The period the licence is required for

- 5.1 The Spiegeltent will open to the public from Wednesday 13<sup>th</sup> May and close to the public at the end of Sunday 24<sup>th</sup> May 2015 (12 days).

## 6. Premises supervisor details

Rob Howe,  
43A St Benedict's Street  
Norwich  
Norfolk  
NR2 4PG

Personal Licence Number – 08/00151/PERS

## 7. Retail sale of alcohol

- 7.1 There are two bars selling alcohol on site. The Inside Bar is located inside the Spiegeltent and operates at the times that there is entertainment being provided in the venue. This is typically around our two main show times, 19.30 and 22.00 daily and we also offer daytime programme and entertainment up until the listed licensing hours.
- 7.2 The Outside Cafe/Bar provides a space that audience can come and enjoy lunch during the daytime in a relaxed family environment, and enjoy the atmosphere of the Spiegel Gardens around the Spiegeltent programme in the evening. The Outside Cafe/Bar will cease serving 1 hour before the Inside Bar cut off time nightly.

## 8. Promotion of licensing objectives

### 8.1 - The prevention of crime and disorder

- 8.1.1 Two experienced security personnel licensed by the Security Industry Authority (SIA) on site 24 hours a day with an additional SIA security team member at all times that the Spiegeltent is open to the public (increasing to a total number of 6 SIA on duty Friday and Saturday evenings going in to Saturday and Sunday mornings).
- 8.1.2 Experienced SIA security roving around the park during the Garden Party event on the 16<sup>th</sup> and 17<sup>th</sup> May 2015.
- 8.1.3 SIA register of licensed door supervisors to be checked by NNF staff a week before the event begins to ensure premises and customers are protected by door supervisors with a valid SIA licence.
- 8.1.4 All areas licensed for the sale and consumption of alcohol will be separated and enclosed with barriers.
- 8.1.5 Patrons will be prevented by SIA security from taking any open drinking vessel off site.
- 8.1.6 Patrons will be prevented by SIA security from bringing any alcoholic beverages on site.
- 8.1.7 Bar staff will ensure that plastic vessels are used in replacement of glass at the discretion of bar staff dependent on the nature of the event.

## Norfolk & Norwich Festival 2015 – Operating Schedule

- 8.1.8 Experienced bar staff will challenge anyone who appears under the age of 25 to provide age identification (valid photo id) otherwise they will be refused the sale of alcohol.
- 8.1.9 Spiegeltent capacity (499) to be monitored and maintained at all times by the Spiegeltent General Manager.
- 8.1.10 Adequate site lighting to be provided at all times that the site is open to the public.
- 8.1.11 Security, Spiegeltent Site/General Manager and other key festival staff to be in constant communication via radio on site.
- 8.1.12 Staggered closing times between outside and inside bars minimise the potential for disorder and disturbance as customers leave the premises.
- 8.1.13 Signage used around site to encourage people to leave quietly.
- 8.1.14 The final written copy of the event risk assessment will be submitted to Police 14 days prior to the event taking place.

### 8.2 - Public safety

- 8.2.1 A comprehensive Event Fire Risk Assessment will be submitted to the Safety Advisory Group in advance of the event taking place.
- 8.2.2 All site and Spiegeltent means of escape maintained at all times.
- 8.2.3 Spiegeltent evacuation drill to be held by Spiegeltent General Manager before venue opens to the public and will cover venue evacuation procedure and individual staff responsibilities.
- 8.2.4 Spiegeltent and Site Evacuation procedure to be shared with all authorities via the Safety Advisory Group meeting before the event as part of the Event Management Plan.
- 8.2.5 NNF Safety Officer to brief all staff on site on location and use of fire extinguishers on site.
- 8.2.6 Spiegeltent hard power venue lighting system established and maintained.
- 8.2.7 Spiegeltent capacity (499) to be monitored and maintained at all times by the Spiegeltent General Manager.
- 8.2.8 All equipment inside the venue fire resistant and to British Standard.
- 8.2.9 All indoor special effects (eg dry ice machine) to be checked by NNF Safety Officer in advance of use.
- 8.2.10 Security and Front of House team to be briefed daily by Spiegeltent General Manager on safety of persons attending the premises or event.
- 8.2.11 Spiegeltent and site disabled access maintained at all times.
- 8.2.12 At least 1 fully trained first aider will be available at all times Spiegeltent is open to the public.
- 8.2.13 Spiegeltent General Manager is first aid trained to support staff at times the Spiegeltent is not open to the public.
- 8.2.14 4 additional SIA security, dedicated event first aid provision and 20 NNF volunteer support in Spiegel Gardens and Festival Gardens on family Garden Party weekend event on Saturday 16<sup>th</sup> and Sunday 17<sup>th</sup> May 2015.

### 8.3 - The prevention of public nuisance

#### 8.3.1 PA systems

There are two main PA systems in use in the Spiegeltent Gardens. One inside the Spiegeltent and one in the Outside Cafe/Bar tent. Other smaller systems used exclusively as part of the Garden Party weekend event (16<sup>th</sup> and 17<sup>th</sup> May 2015) during daytime hours.

### 8.3.2 Spiegeltent System

- 8.3.2.1 Db limit will be set by Norwich City Council Environmental Health Officers in advance of the Spiegeltent opening to the public. This limit will be monitored and managed by NNF staff (Principally by Spiegeltent Sound Engineer who has a db meter on their sound desk at all times, with additional regular checks by Spiegeltent General Manager and/or Spiegeltent Site Manager) in accordance with advice from Environmental Health officers.
- 8.3.2.2 Curfew for this PA system set at;  
Sundays – 00.00  
Monday to Thursday – 01:00  
Friday and Saturday – 02:00

### 8.3.3 Outside Cafe/Bar System

- 8.3.3.1 Db limit will be set by Norwich City Council Environmental Health Officers in advance of the Spiegeltent site opening to the public. This limit will be monitored and managed by NNF staff (Spiegeltent General Manager and/or Spiegeltent Site Manager) in accordance with advice from Environmental Health officers.
- 8.3.3.2 Curfew for this PA system set at 23.00 daily. The Cafe/Bar PA system will be used to create a low ambient background noise only, and won't be used at the same time that the Spiegeltent PA will be in use.
- 8.3.3.3 Any other small PA systems that may be used as part of NNF's outdoor free outdoor programme in the Festival Gardens will only be in use during daytime hours.

### 8.3.4 Monitoring MNL

- 8.3.4.1 NNF's Spiegeltent General Manager and Spiegeltent Site Manager will accompany Norwich City Council Environmental Health Officers before the site opens to the public to identify locations by which to set and then be able to measure the db level from.
- 8.3.4.2 At the same time the corresponding sound level is established by NCC Environmental Health Officers at the sound desk of the Spiegeltent PA system. This db level is monitored at all times that the PA is in use by the Spiegeltent Sound Engineer.
- 8.3.4.3 NNF Spiegeltent General Manager and/or Spiegeltent Site Manager take background noise level readings hourly at all times when any PA system is in use and at any other time when deemed appropriate by the Event Producers and/or Spiegeltent General Manager and/or Spiegeltent Site Manager at locations identified by Norwich City Council Environmental Health officers.
- 8.3.4.4 If at any point a noise reading is taken above the limits set, the member of NNF staff in question will relay the information directly to the engineer in control of the sound desk in question immediately so that the sound level is reduced accordingly.

### 8.3.5 Hours of Operation for entertainment and plant/machinery

- 8.3.5.1 Site Crew will begin work four days before the Spiegeltent site opens to the public (this will involve an unobtrusive start - receiving delivery of fencing for example) and the site will be completely clear of staff and infrastructure by 12:00 noon on the day that the site opens to the public (13<sup>th</sup> May 2015).
- 8.3.5.2 Work schedule starts 9am each day although a small number of deliveries may occur between 08:00 and 09:00 on some days.
- 8.3.5.3 A 22:00 curfew will be set for all outdoor work, construction etc. during site build up and break down. On all other days, outdoor work, if any, will end at dusk or earlier.
- 8.3.5.4 There will be no overnight working.
- 8.3.5.5 Soundchecks will all be conducted during daylight hours.

## Norfolk & Norwich Festival 2015 – Operating Schedule

8.3.5.6 Outdoor café/bar operating hours will end one hour before the Spiegeltent closes.

8.3.5.7 Spiegeltent opening hours will end at 00:00 on Sundays, at 01:00 on Monday – Thursday, and 02:00 Fridays and Saturdays. A drinking-up period of 30 minutes will be imposed which will help to spread the departure of audience.

### 8.3.6 Noise Mitigation Measures

8.3.6.1 Strict outdoor performance and PA curfew at 23:00

8.3.6.2 Strict outdoor work curfew at 22:00

8.3.6.3 Outdoor café/bar to close by 1 hour before Spiegeltent closes nightly ie 23.00 Sundays, 00.00 Monday to Thursdays, 01.00 Friday and Saturdays.

8.3.6.4 All local residences informed of event through leaflet drop and liaison with Residents Assoc.

8.3.6.5 Siting of all PA systems to take account of local residences

8.3.6.6 No over-night working

8.3.6.7 Glass being poured in to recycle bins outdoors will be restricted from 21:00-08:00 daily.

8.3.6.8 The emptying of portable toilets will be requested to take place after 08:00 on days when cleans are scheduled to take place.

8.3.6.9 Door and FOH staff at Spiegeltent will encourage attendees to leave quietly at closing time each evening and will repeat this message through full duration of egress.

8.3.6.10 Door staff will be tasked with ensuring any audience outside the Spiegeltent doors behave quietly.

8.3.6.11 Spiegeltent staff will regularly check sound levels set by Environmental Health in and outside the Spiegeltent as referenced in more detail above.

8.3.6.12 Festival site mobile phone number to be advertised at the front and rear entrances to the site and additionally at two locations around the Spiegeltent site to make members of the public aware of one way they can contact NNF staff directly if they may have a concern. Phone to be checked regularly by Site Manager/General Manager.

8.3.6.13 Festival management team to de-brief after each performance day and especially after Friday/Saturday events in order to review and adjust.

### 8.3.7 Public Egress

8.3.7.1 Crowd egress from site will be staggered due to varied finish times of free and ticketed entertainment.

8.3.7.2 Management to take active measures to underline message to leave Spiegeltent venue quietly (notices, reminders by door staff and other FOH staff, announcements at the end of performances).

8.3.7.3 No car parking in immediate vicinity ensures noise of vehicles departing kept to a minimum.

8.3.7.4 Drinking up period in Spiegeltent helps spread departure time

## 8.4 - The protection of children from harm

8.4.1 Experienced bar staff will challenge anyone who appears under the age of 25 to provide age identification (valid photo id), otherwise they will be refused the sale of alcohol.

8.4.2 All 22.00 Spiegeltent performances are advertised as suitable for ages 18 plus.

8.4.3 Where appropriate, age restrictions will be put on specific performances in the Spiegeltent

8.4.4 No under 18s permitted on site after 22.00. Security to use discretion at all other times.

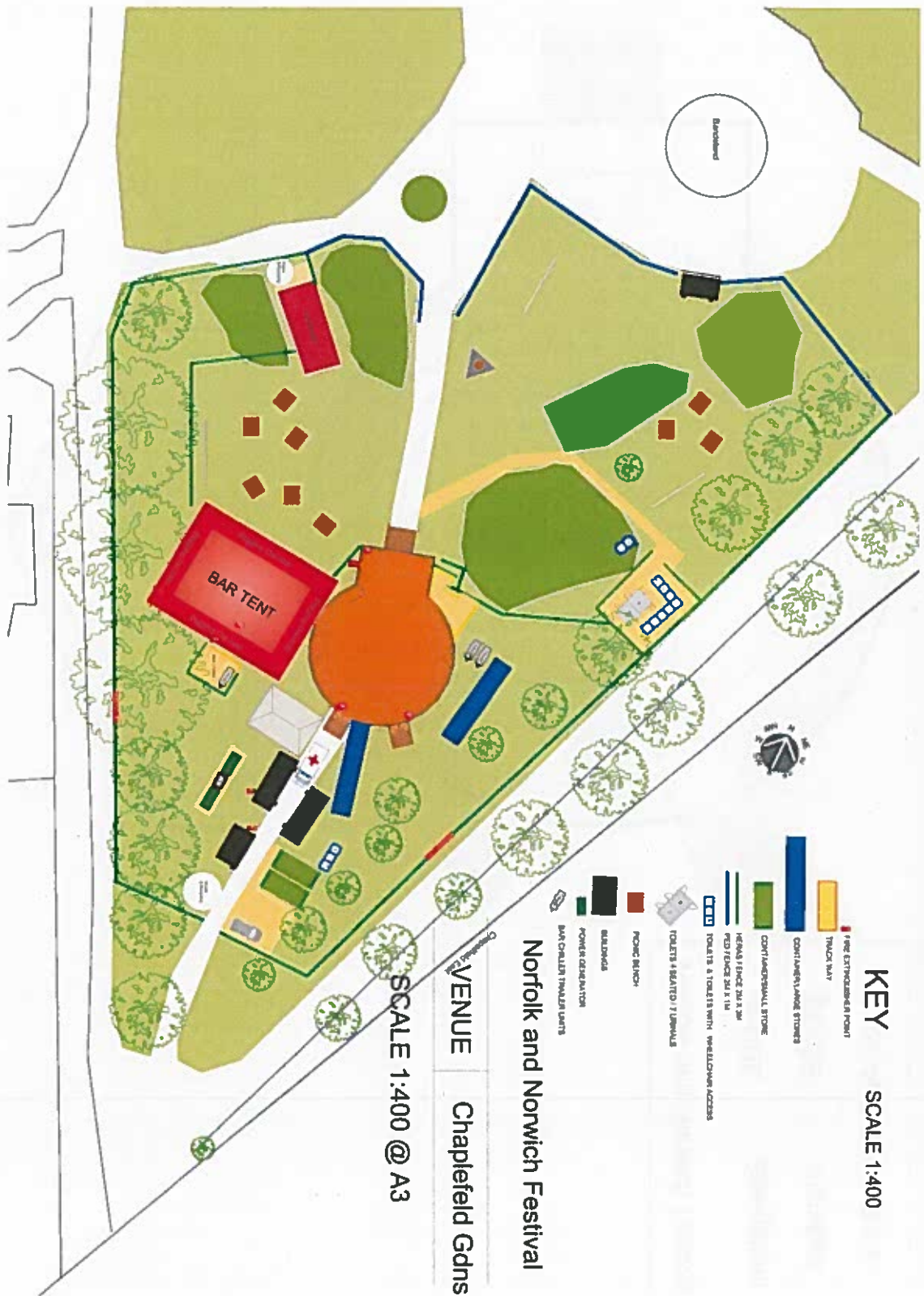


## Norfolk & Norwich Festival 2015 – Operating Schedule

- 8.4.5 All staff and volunteers will be briefed on NNF's Child and Vulnerable Adult Protection policy.
- 8.4.6 Event Management Plan contains a clear Lost Children policy for events in Chapelfield Gardens with DBS checked staff are in place.
- 8.5.7 Volunteers and photographers will understand that we need verbal permission to take a close up video or picture of a child or vulnerable adult at our events.

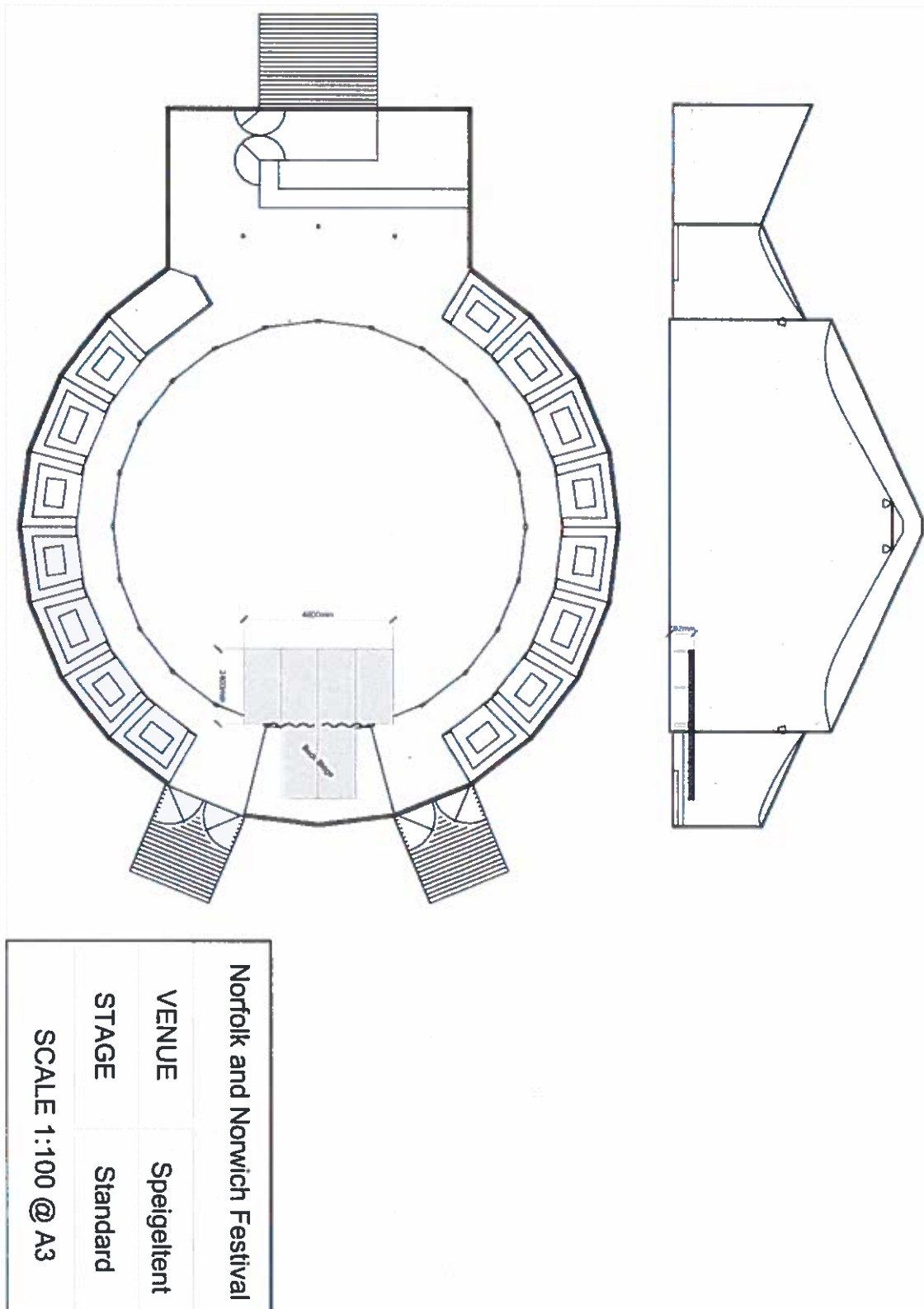
9. Plan of the premises

9.1 Festival Gardens and Spiegeltent

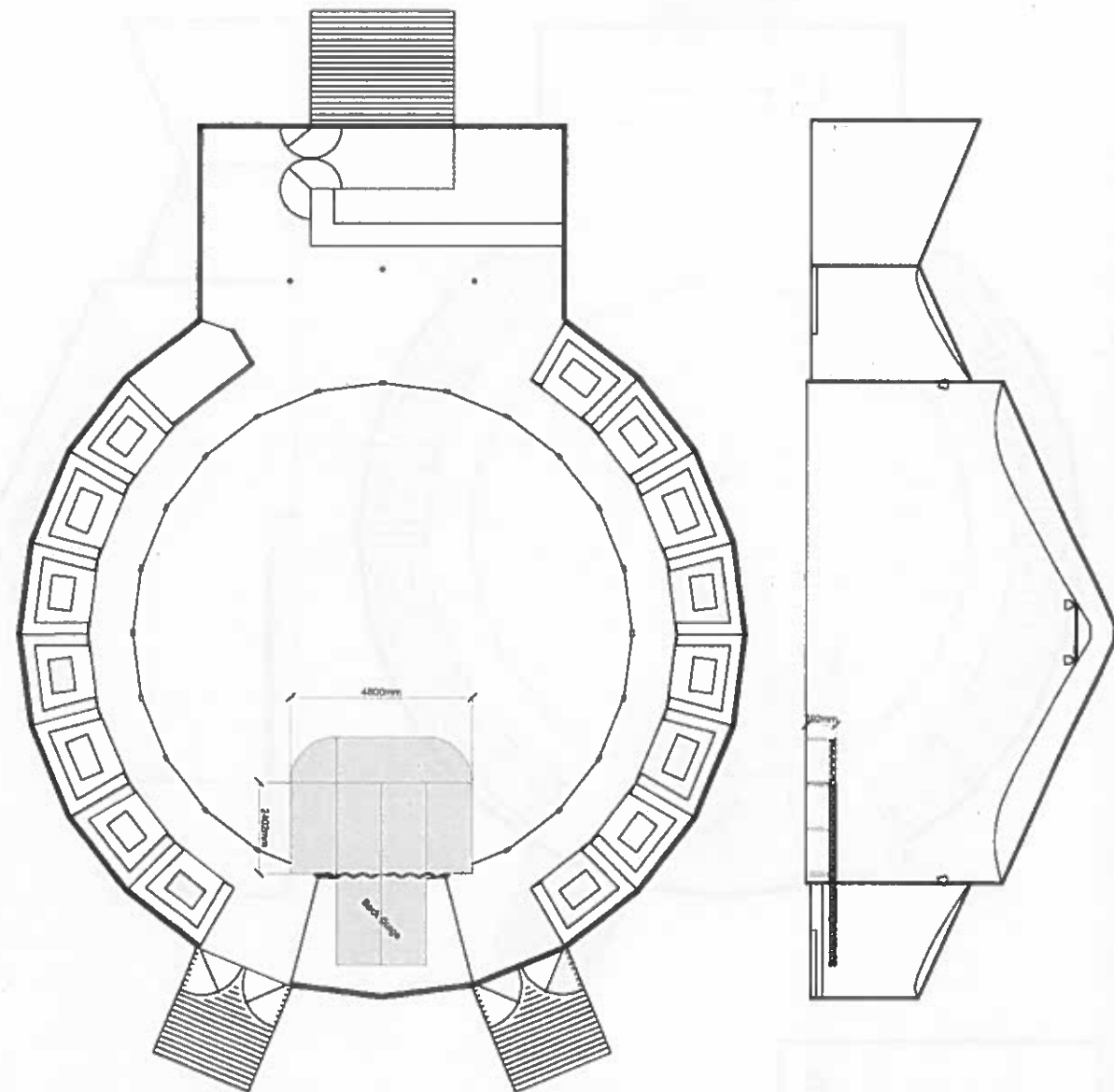


9.2 Staging – as the Spiegeltent is a flexible space and different performances have different requirements we are submitting multiple staging configurations.

**Staging configuration 1 - standard**

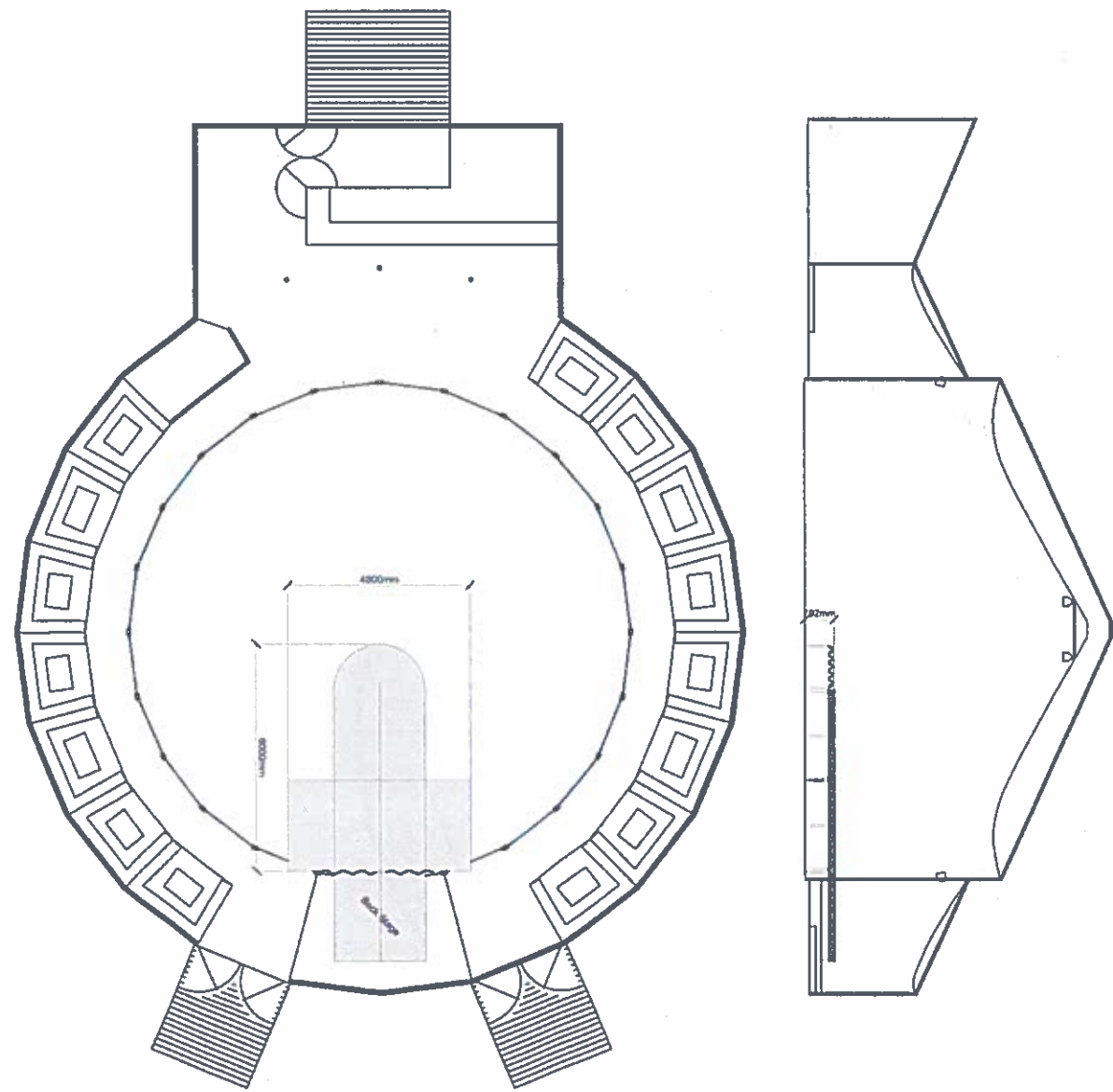


Staging configuration 2 – front curve



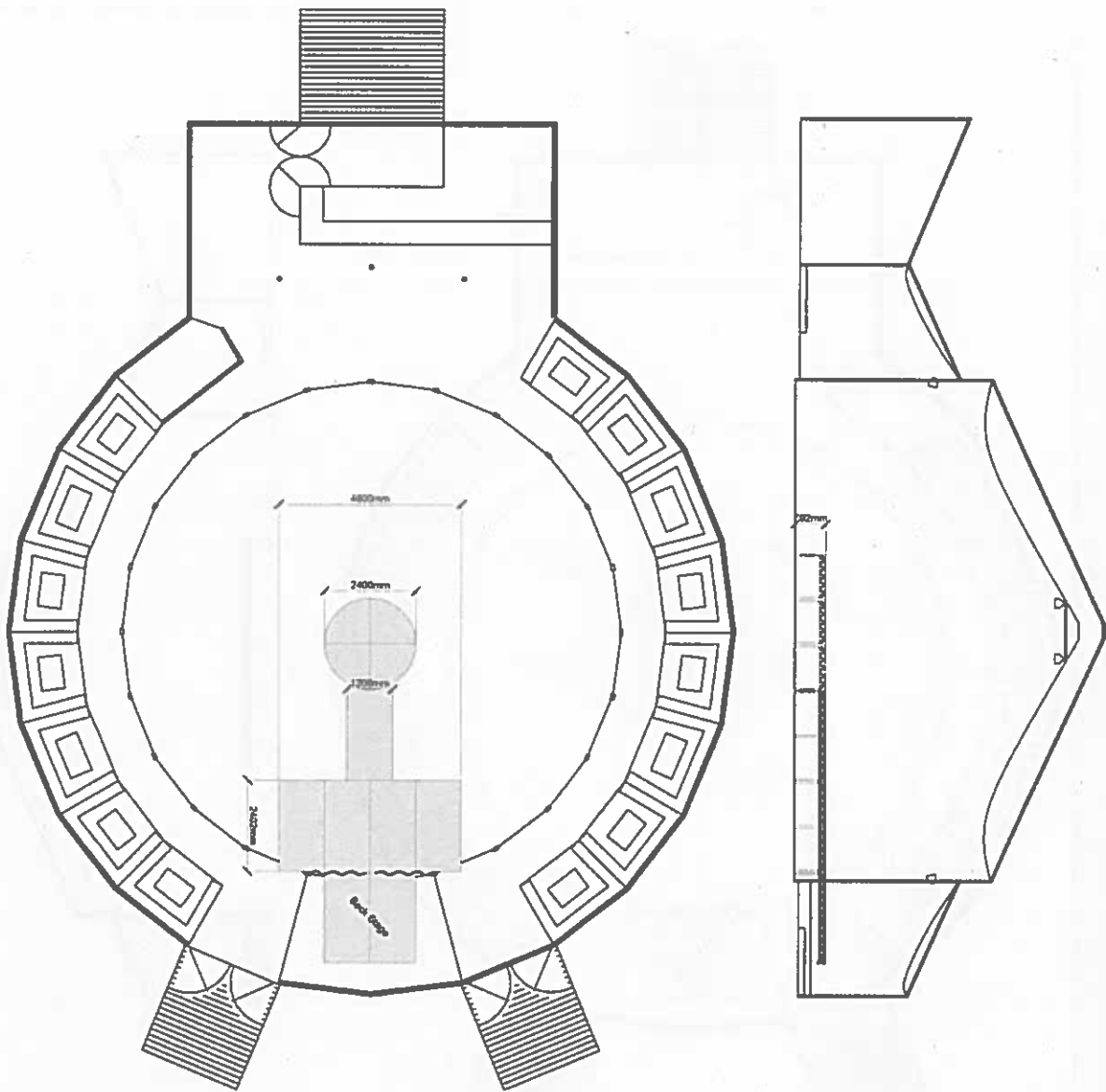
Norfolk and Norwich Festival	
VENUE	Speigelent
STAGE	Front Curve
SCALE 1:100 @ A3	

Staging configuration 3 - thrust



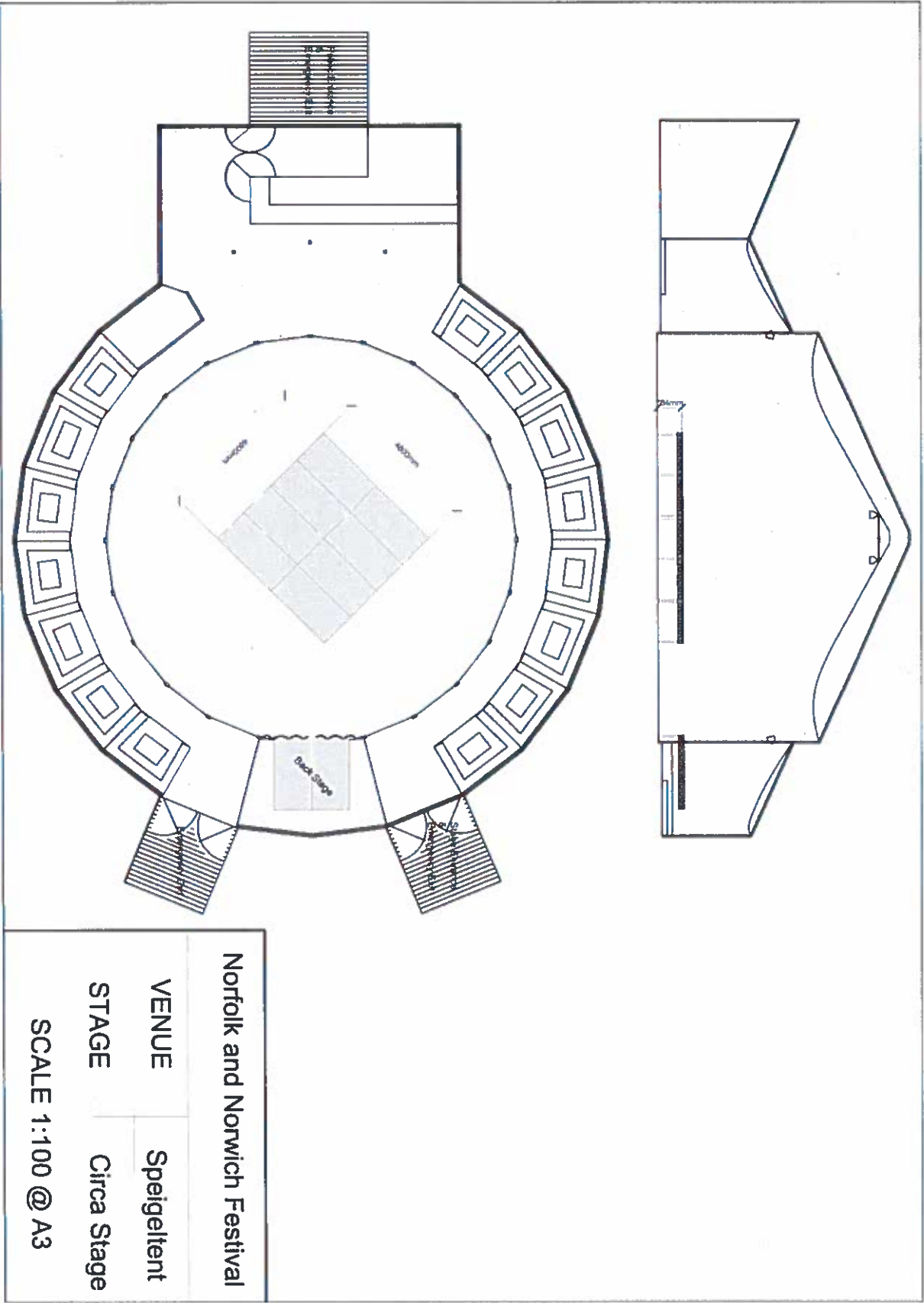
Norfolk and Norwich Festival			
VENUE		Speigeltent	
STAGE		Thrust	
SCALE 1:100 @ A3			

Staging configuration 4 – Trust with circle



Norfolk and Norwich Festival		
VENUE	Speigeltent	
STAGE	Thrust w/Circle	
SCALE 1:100 @ A3		

Staging configuration 5 – Circa





## Norfolk & Norwich Festival 2015 – Operating Schedule

10. Additional information regarding the event. Please note this is supplementary to the Operating Schedule and does not form part of it.

The Norfolk & Norwich Festival is an annual multi arts festival that takes place in May each year and is well known within the county and the city.

We have delivered activity in Chapelfield Gardens with the Spiegeltent at the forefront of this every May since 2009. The Spiegeltent and Spiegel Gardens have operated over a different number of days over its history ranging from 16 days in 2010 and 2012, 9 days in 2009, 2011 and 2013 and 12 days in 2014.

### Spiegeltent

Returning for the seventh consecutive year to Chapelfield Gardens the Salon Perdu Spiegeltent (a wooden “tent”, mirrored and beautiful - capacity 499) is a superb Art Nouveau style traditional travelling dancehall.

Two main shows a night are programmed commencing at 19.30 and 22.00 featuring an eclectic programme of circus, film, music, dance, theatre and cabaret/variety/burlesque, mixing future-retro, classic-contemporary, the accessible and the innovative.

This is accompanied by a daytime programme of social activities, workshops and events at weekends and on specific week days, including dance, cabaret, film, circus, music, literature, which will engage a range of ages and communities.

We also use the tent to host a private Fundraising Gala for NNF sponsors and VIPs.

### Spiegel Gardens

A designated licensed area around the Festival Spiegeltent is transformed into a beautiful social and entertainment area, inspired by classic European Festival sites, and combining food and drink offers, music, installations and walkabout performance. This will be a place for the audience to meet and gather before and between performances around the city.

### Festival Gardens / Garden Party

One of the popular highlights of Norfolk & Norwich Festival is our free outdoor family weekend event enlivening the whole of Chapelfield Gardens, otherwise known as Festival Gardens for this period. This daytime event will feature international and national outdoor arts, children’s performances, street performances, installations, dance, circus, variety, film, theatre and music.

### Bars

There are two bars selling alcohol on site managed by the team who run the Bicycle Shop in St Benedict’s Street in Norwich, who have successfully run the bars at the Spiegeltent every year since the first year of the Spiegeltent at Norfolk & Norwich Festival (2009).

The Inside Bar is located inside the Spiegeltent and operates at the times that there is entertainment being provided in the venue. This is typically around our two main show times, 19.30 and 22.00 daily and we also offer daytime programme and entertainment up until the listed licensing hours.

The Outside Cafe/Bar provides a space that audience can come and enjoy lunch during the daytime in a relaxed family environment, and enjoy the atmosphere of the Spiegel Gardens around the Spiegeltent programme in the evening. The Outside Cafe/Bar will cease serving 1 hour before the Inside Bar cut off time nightly.



## Norfolk & Norwich Festival 2015 – Operating Schedule

### Staff

Norfolk & Norwich Festival employs a specialist dedicated team responsible for running the Spiegeltent and Festival Gardens site. This team will be returning for a 3<sup>rd</sup> consecutive year in 2015 and will be lead by a Spiegel General Manager supported by Spiegeltent Site Manager / Health and Safety Officer and technical team, with extensive knowledge and experience of running this site reporting to the Festival's Head of Production (year round, permanent).

In order to realise the Spiegeltent as a well run venue we have 2 Front of House (FOH) managers who oversee a team of voluntary Spiegeltent Hosts to manage the audience, deal with their needs and resolve any issues that may arise.

Continued from previous page...

N/A

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

N/A

## Section 18 of 19

### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Norfolk & Norwich Festival event organisers undertake a consultation and planning development process with the local authority, statutory bodies, a professional security company, Spiegel tent General Manager (NNF freelance appointment) experienced stewards and other interested parties through a series of round table meetings, conversations and discussions. An operating schedule and risk assessment are developed alongside these meetings and distributed to all agencies and personnel. These documents outline the agreed policies and procedures of all aspects of the event, including the 4 licensing objectives and form the basis of briefings and documentation given to event personnel prior to the event. A professional security company and experienced stewarding staff will be in attendance throughout to ensure the smooth running and management of the events in the Festival Gardens. Security and stewarding staff will report directly to the Site Manager/Health & Safety Advisor who will have responsibility for the management of the site delegated to them by NNF Management Team overseen by the Spiegel tent General Manager. All systems and procedures will be defined by the NNF Management Team in consultation with an experienced Health & Safety Advisor. An emergency contact number will be visibly displayed around Chapelfield Gardens and checked regularly so that anyone who has concerns can call.

b) The prevention of crime and disorder

Event organisers and the professional security company will work with Police to identify and plan for any potential threats to crime and disorder. The Police will be consulted before and during the event to minimise the impact of crime and disorder. Stewards and security will be located prominently and be visible throughout the event to manage crowds and report any issues to the Site Manager/Spiegel tent General Manager. SIA security will be employed as detailed in the security section of the Operating Schedule.

All Festival staff, Spiegel tent General Manager, stewards, Site Manager, along with Security Chief Steward will carry radios at all times when on duty.

Any incident-reporting and authorising of remedial action will be done via Site Manager or Spiegel tent General Manager.

c) Public safety

A detailed risk assessment has been undertaken for the event as a whole and individual artists and performers are also supplying their own performance-related risk assessments. Appropriate measures will be taken to ensure the safety of all performers, staff and general public. Event equipment and structures will be stewarded or cordoned off to prevent public access where deemed appropriate. Stewards and security personnel will be located throughout the performance areas and amongst the audience. Qualified first aiders will be in attendance throughout the event and in radio contact with the Site Manager/Spiegel tent General Manager. First aid will be provided in accordance with the risk assessment as defined in The Event Safety Guide. The detailed operating schedule and communication of all the contents to staff is a key part in ensuring

*Continued from previous page...*

the public safety of all.

All catering equipment and outlets will be checked in accordance with local authority and outside catering guidelines.

**d) The prevention of public nuisance**

The event is oriented towards a family audience and public nuisance is not anticipated. Event organisers and the security company will work with the Police to identify and plan for any potential nuisance through round table meetings. Stewards will be briefed as to how to manage potential nuisance.

Noise nuisance will be minimised through controlled use of PA systems, each PA system clearly sited and scheduled, and levels kept within limits set by Norwich City Council Environmental Health. The layout of the site will be the same as in May 2013 and 2014 to maximise the use of hard standing surfaces and facilitate ease of level access to the Spiegeltent and to direct and shield any noise disturbance from local residents. The continued use of the technically refined specification of the PA system will ensure that public nuisance is minimised. Programmed events in the late evenings will be for an 18+ audience where appropriate.

The Festival Gardens opening times have been designed to maximise the impact of the event and minimise the potential of noise nuisance.

The outside bar will close one hour before the bar within the Spiegeltent each evening to facilitate a staggered audience egress and thereby reducing the likelihood of public nuisance.

Consultation is being undertaken with surrounding residents and residents groups and a dedicated mobile number will be established for site related queries which will be checked regularly throughout the Festival.

Litter and recycling are key parts of the ethos of the Festival's Environmental Sustainability Policy and therefore will be a key part of the management.

**e) The protection of children from harm**

All staff and volunteers will be briefed on NNF's Child and Vulnerable Adult Protection policy, reviewed annually in conjunction with Norfolk's Safeguarding Children Board. A clear Lost Children policy for events in Chapelfield Gardens with DBS checked staff is in place. Any leaders who are working with children will have relevant qualifications and DBS checks. During the Family Weekend on Saturday 16 and Sunday 17 May 2015 a Lost Children's point will be managed by experienced DBS checked staff in radio contact with the Site Manager/Spiegeltent General Manager. The Lost Child point will be located at the Chapelfield Nursery and we will be working with Nursery staff to ensure child safety. At all other times when regulated entertainment is provided professional security and stewarding staff will be on the premises and they will be fully briefed on an appropriate lost children policy and procedure.

In line with our Child and Vulnerable Adult Policy, all staff, volunteers and photographers will understand that we need verbal permission to take a close up video or picture of a child or vulnerable adult at our events. A child or vulnerable adult will not be photographed/filmed if they do not wish to be or if their parent/carer does not wish them to be. We ensure that we use signage at all performances with a photographer or videographer present to make sure that all children, vulnerable adults and their responsible adult/carer are aware that their picture/image might be taken and used in the future by the Norfolk & Norwich Festival.

Where appropriate, age restrictions will be put on specific performances in the Spiegeltent.

The sale of alcohol will be strictly controlled.

**Section 19 of 19**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00





**NORWICH**  
City Council

**memorandum**

To:	Ian Streeter, Licensing	Your ref:
From:	Tony Shearman, Environmental Protection	Our ref: EH14/42285
Date:	15 <sup>th</sup> January 2015	cc:

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**Subject: Norfolk and Norwich Festival, Premises Licence Application for Chapelfield Gardens 13-24<sup>th</sup> May 2015.**

Dear Ian,

I have reviewed this application and have concerns regarding the likely impact on the licensing objective of prevention of public nuisance.

This event has run for several years now in a similar format, and has attracted a number of complaints over this time, with regard to the disturbance caused by late night/early morning music and more general disturbance caused by several hundred persons leaving the area, to the residential properties surrounding the park. Last years event generated 5 separate complaints to this department.

The event organisers have previously worked with this department to try to work within appropriate noise levels, however fundamentally, the nature of the event with significant levels of music in a poorly insulated structure, going into the early hours of the morning in a park very close to residential properties, has proved difficult to find a reasonable balance between the rights of the residents to peaceful and quiet enjoyment of their homes and allowing a popular festival activity to go ahead.

Noise impact on the nearby residents has previously been caused by a number of issues combined:-

1. The Spielgeltent being constructed of wood and canvas offers little attenuation of music noise, particularly at low frequencies.
2. The noise monitoring equipment previously used by the staff has been of limited capability with regard to proper assessment and control of noise levels.
3. The music system previously used has not included any inbuilt control to prevent music levels going beyond any agreed level and therefore potentially open to abuse.
4. The music extends until 0200 Fri/Sat, 0100 weekdays and midnight on Sun. over a significant period (this year 12 days), offering little respite to the residents over an extended period of time.

In order to introduce appropriate controls to minimise the disturbance caused by the music, I have consulted the Code of Practice on Environmental Noise Control at Concerts, issued by The Noise Council in 1995. Although this application is not for a pop concert as such, I feel that the event noise is similar enough in nature that the noise levels and restrictions set out in the document are valid.

In simple terms the document sets out the following matters:-

- Music noise up to 2300 hours must be restricted to a certain level. This level is decided by the amount of events/days per year.
- All music after 2300 hours must not be audible within any noise sensitive premises with windows open
- The licensee must appoint an acoustic consultant to assess, monitor and control the music noise levels in accordance with the levels set in the Code of Practice.

The Code of Practice sets out a number of sample conditions that may be applied to a licence, and the necessary ones have been replicated below. These would be entirely suitable to ensure that the potential public nuisance as a result of this application being granted is minimised, with one small amendment. Given that the proposed event is not an out-and-out commercial activity that the code is aimed at, and has more of a community element to it, it may be appropriate to allow the entertainment music to extend until midnight on each night, but with a reduced noise level between 2300-midnight.

If the licence application is granted consideration should be given to imposing the following restrictions/conditions.

- 1.0 Any live or recorded music within the licensed area, whether regulated entertainment or not, will cease at midnight on each day.
- 2.0 The Licensee shall appoint a suitably qualified and experienced noise control consultant, to the approval of the Licensing Authority, no later than 4 weeks prior to the event. The noise control consultant shall liaise between all parties including the Licensee, Promoter, sound system supplier, sound engineer and the licensing authority etc. on all matters relating to noise control prior to and during the event.
- 3.0 If not already carried out, the noise consultant shall carry out a survey to determine the background noise levels (as defined by the Code of Practice on Environmental Noise Control at Concerts) at 2 locations around the venue representative of the noise sensitive premises likely to experience the highest noise level as a result of the concert, these being on Chapelfield East and Chapelfield North. The information obtained from this survey shall be made available to the licensing authority 2 weeks prior to the event.
- 4.0 A noise propagation test shall be undertaken at least 24 hours prior to the start of the event in order to set appropriate control limits at the sound mixer position.

The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music likely to be produced during the event.

5.0 The control limits set at the mixer position shall be adequate to ensure that the Music Noise Level (MNL) shall not at any noise sensitive premises exceed the background noise level by more than 15dB(A) over a 15 minute period between the hours of 0900-2300 or by more than 10dB(A) over a 15 minute period between the hours of 2300-midnight throughout the duration of the event.

6.0 The licensee shall ensure that the promoter, sound system supplier and all individual sound engineers are informed of the sound control limits and that any instructions from the noise consultant regarding noise levels shall be implemented.

7.0 The appointed noise consultant shall continually monitor noise levels at the sound mixer position and advise the sound engineer accordingly to ensure that the noise limits are exceeded. The Licensing Authority shall have access to the results of the noise monitoring at any time.

Please find attached a copy of the Code of Practice which should accompany any subsequently issued licence if the above conditions are imposed, as it contains a definitions section to assist with the interpretation of the terms used.

Regards,

Tony Shearman  
Environmental Protection Officer

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# **Code of Practice on Environmental Noise Control at Concerts**

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## **THE NOISE COUNCIL**



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## 1.0 INTRODUCTION

- 1.1 Large music events involving high powered amplification are held in sporting stadia, arenas, open air sites and within lightweight buildings. These events give pleasure to hundreds and in some cases thousands of people. However, the music from these events can cause disturbance to those living in the vicinity. The purpose of this code is to give guidance on how such disturbance or annoyance can be minimised.
- 1.2 This Code of Practice has been prepared by the Noise Council through a Working Party comprising specialists who are experienced in the particular problems that can arise with environmental noise control at concerts and similar music events. A list of members of the working party is shown in Appendix II and a list of technical papers providing some background data and more detailed information is given in Appendix I.
- 1.3 Various guidelines and criteria are described in this document covering a range of events from the single occasional concert to a full season. It is believed that compliance with the guidelines and the other advice given here will enable successful concerts to be held whilst keeping to a minimum the disturbance caused by noise. It is recognised, though, that full compliance with this code may not eliminate all complaints, and local factors may affect the likelihood of complaints.
- 1.4 This Code is not designed to address the question of environmental noise arising from discotheques, clubs and public houses, nor environmental noise affecting noise sensitive premises which are structurally attached to the venue.

- 1.5 This Code is designed to assist those planning a music event, those responsible for licensing such events and those responsible for enforcing the nuisance provisions of the Environmental Protection Act 1990 (England and Wales) and the Control of Pollution Act 1974 (Scotland). It addresses the environmental problem of noise from the performance and sound checks only. Other environmental impacts of concerts and the question of meeting the requirements of the Noise at Work Regulations 1989 and the guidance given in the Health and Safety Executive's Guide to Health, Safety and Welfare at Pop Concerts and similar events are beyond the scope of this document.
- 1.6 Compliance with this Code of Practice does not of itself confer immunity from legal obligations.
- 1.7 The Noise Council is keen to receive accounts of the practical application of the Code in order to improve and enhance its content.

## 2.0 DEFINITIONS

Background Noise Level:	The prevailing sound level at a location, measured in terms of the $L_{A90,T}$ , on an equivalent day and at an equivalent time when no concert or sound checks are taking place.
dB(A):	The A-weighted sound pressure level whereby various frequency components of sound are weighted (equalised) to reflect the way the human ear responds to different frequencies.
Delay Tower:	An additional set of loudspeakers employed to provide a better spread of sound to the audience.
$L_{Aeq}$ :	The equivalent continuous noise level which at a given location and over a given period of time contains the same A-weighted sound energy as the actual fluctuating noise at the same location over the same period.
$L_{A90,T}$ :	The A-weighted sound pressure level exceeded for 90% of the measuring period (T).
Mixer:	The location where the main sound system is controlled. As well as ensuring the correct sound balance between the various performers, the overall level of sound for the audience is controlled at this location.

**Music Event:** A concert or similar event where live or recorded music is performed by a solo or group of artists before an audience.

**Music Noise:** The noise from the music and vocals during a concert or sound checks and not affected by other local noise sources.

**Music Noise Level (MNL):** The  $L_{Aeq}$  of the music noise measured at a particular location.

**Noise Consultant:** A person given responsibility by the organiser of the event for monitoring noise levels in accordance with the prevailing conditions, and who has the ability and authority to make decisions and implement changes in noise level during the event.

**Noise Monitoring Position:** The location of the microphone within the venue from which the level of sound is monitored and controlled. For outdoor venues, this location tends to be at the mixer.

**Noise-sensitive Premises:** Includes premises used for residential purposes hospitals or similar institutions, education establishments (when in use), or places of worship (during recognised times and days of worship) or any premises used for any other purposes likely to be affected by the Music Noise.

**Other Urban Venue:** An urban park or similar area which is not normally used for major organised events.

**Rural Venue:** A park, open space or grounds of a country house in a rural area not normally used for major organised events.

**Sound Engineer:** Person employed to control the sound quality of the music for the audience.

**Urban Stadia or Arenas:** A regular venue for major sporting or similar events in an urban area.

### 3.0 GUIDELINES

- 3.1 The Music Noise Levels (MNL) when assessed at the prediction stage or measured during sound checks or concerts should not exceed the guidelines shown in Table 1 at 1 metre from the façade of any noise sensitive premises for events held between the hours of 0900 and 2300.

TABLE 1

Concert days per calendar year, per venue	Venue Category	Guideline
1 to 3	Urban Stadia or Arenas	The MNL should not exceed 75dB(A) over a 15 minute period
1 to 3	Other Urban and Rural Venues	The MNL should not exceed 65dB(A) over a 15 minute period
4 to 12	All Venues	The MNL should not exceed the background noise level <sup>1</sup> by more than 15dB(A) over a 15 minute period

Notes to Table 1

1. The value used should be the arithmetic average of the hourly  $L_{AW}$  measured over the last four hours of the proposed music event or over the entire period of the proposed music event if scheduled to last for less than four hours.
2. There are many other issues which affect the acceptability of proposed concerts. This code is designed to address the environmental noise issue alone.
3. In locations where individuals may be affected by more than one venue, the impact of all the events should be considered.
4. For those venues where more than three events per calendar year are expected, the frequency and scheduling of the events will affect the level of disturbance. In particular, additional disturbance can arise if events occur on more than three consecutive days without a reduction in the permitted MNL.
5. For indoor venues used for up to about 30 events per calendar year an MNL not exceeding the background noise by more than 5dB(A) over a fifteen minute period is recommended for events finishing no later than 2300 hours.

6. Account should be taken of the noise impact of other events at a venue. It may be appropriate to reduce the permitted noise from a concert if the other events are noisy.
7. For venues where just one event has been held on one day in any one year, it has been found possible to adopt a higher limit value without causing an unacceptable level of disturbance.

3.2 For events continuing or held between the hours 2300 and 0900 the music noise should not be audible within noise-sensitive premises with windows open in a typical manner for ventilation.

Notes to Guideline 3.2

1. The use of inaudibility as a guideline is not universally accepted as an appropriate method of control. References 6 & 7 (Appendix 1) set out the various issues. This guideline is proposed as there is insufficient evidence available to give more precise guidance.
2. Control can be exercised in this situation by limiting the music noise so that it is just audible outside the noise sensitive premises. When that is achieved it can be assumed that the music noise is not audible inside the noise sensitive premises.

3.3 The nature of music events means that these guidelines are best used in the setting of limits prior to the event (see 4.0).

3.4 Assessment of noise in terms of dB(A) is very convenient but it can underestimate the intrusiveness of low frequency noise. Furthermore, low frequency noise can be very noticeable indoors. Thus, even if the dB(A) guideline is being met, unreasonable disturbance may be occurring because of the low frequency noise. With certain types of events, therefore, it may be necessary to set an additional criterion in terms of low frequency noise, or apply additional control conditions.

Notes to Guideline 3.4

1. It has been found that it is the frequency imbalance which causes disturbance. Consequently there is less of a problem from the low frequency content of the music noise near to an open air venue than further away.



2. Although no precise guidance is available the following may be found helpful (Ref 8):  
A level up to 70dB in either of the 63Hz or 125Hz octave frequency band is satisfactory; a level of 80dB or more in either of those octave frequency bands causes significant disturbance.

- 3.5 Complaints may occur simply because people some distance from the event can hear it and that, consequently, they feel the music must be loud even though the guidelines are being met. In fact topographical and climatic conditions can be such that the MNL is lower at locations nearer to the venue.
- 3.6 Although care has been taken to make these guidelines compatible with what occurs at existing venues, this may not be the case at every location. Where arrangements are satisfactory with either higher or lower noise levels than those contained in the guidelines, these limits should continue.
- 3.7 It has been found that if there has been good public relations at the planning stage between the event organisers and those living nearby, annoyance can be kept to a minimum.
- 3.8 The music noise level should be measured using an integrating-averaging sound level meter complying with type 2 or better of BS6698. The background noise level should be measured using a sound level meter complying with type 2 or better of BS5969. Time weighting F (fast response) should be used.
- 3.9 When measuring  $L_{Aeq}$  in order to determine the music noise level, care must be taken to avoid local noise sources influencing the result. When the local noise is intermittent, a series of short term  $L_{Aeq}$  measurements should be made of the music noise while the local source is absent or has subsided to typically low or mean minimum values. An average of these short term

readings will give an estimate of the music noise level. A further option would be to measure the A-weighted sound pressure level on a sound level meter complying with type 2 or better of BS5969 with the time weighting set to S (slow response) when the music is loudest and not influenced by local noise. If the local source is continuous, make a measurement of the  $L_{Aeq}$  of the local source when the music is not occurring, and make a correction to the measured  $L_{Aeq}$  when the music is occurring to obtain an estimate of the music noise level.

- 3.10 The nature of many concerts requires the sound volume level to be increased during the event to enhance the performance. The prevailing noise control restrictions should be borne in mind so that the sound volume at the start of the event is not too high, hence allowing scope for an increase during the event.
- 3.11 Some concerts are accompanied by associated activities (e.g. fairgrounds) which can be noisy. These should be taken into account when setting the limit for the music noise level.
- 3.12 When monitoring the music noise level, the sound of the audience applause can be a significant contributor. It is not possible to address this issue precisely; instead it is recommended that any such effect be noted.

#### 4.0 **RECOMMENDED NOISE CONTROL PROCEDURE**

- 4.1 This procedure has been developed over several years and found to provide an effective means of addressing the problem of environmental noise control at events. The main features of the procedure are set out below and references are made to various technical papers which give more details.

##### **Planning**

- 4.2 Determine the sound propagation characteristics between the proposed venue and those living nearby who might be affected by noise, and carry out an appropriate background noise survey. This should be undertaken by a competent person who is experienced in noise propagation and control, particularly from music events.
- 4.3 Check the viability of the event against the relevant guideline levels. This is achieved by determining from 4.2 above the sound level experienced by the audience which would allow the guidelines to be met. Research shows that the music noise level in the audience by the mixer position at pop concerts is typically 100dB(A), and that levels below 95dB(A) will be unlikely to provide satisfactory entertainment for the audience.
- 4.4 Prospective licensees should give the local authority as much notice as possible of the proposed event especially if more than one event is planned during a calendar year.

- 4.5 The local authority should make use of licensing conditions and statutory powers to implement the procedures described in this Code of Practice. Examples of possible conditions are given in Appendix III.

- 4.6 The Noise Consultant should be appointed.

#### Before the Event

- 4.7 Install the loudspeaker system early enough to enable alignment and orientation to be optimised to minimise noise disturbance.

- 4.8 Carry out a sound test prior to each event to ascertain the maximum level that can prevail at the monitoring position to enable the guidelines to be met. This effectively calibrates the system, taking into account as far as possible prevailing weather conditions, and, for indoor events, the sound insulation of the venue.

#### Notes to Guideline 4.8

1. It should be remembered that the introduction of an audience to a venue increases the acoustic absorption present. This has the effect of reducing the sound level in the venue for a given amplifier setting compared with the sound test. This should be borne in mind when setting the limit levels.

#### During the Event

- 4.9 Advertise and operate an attended complaint telephone number through which noise complaints can be channelled. This will enable an immediate response to the complaints to be given and the Noise Consultant to judge whether or not any adjustment to the music noise level is needed.

- 4.10 Establish a communication network between all those involved in noise

control. This should include the local police authority.

**Note to Guideline 4.10**

1. It is difficult to communicate effectively in noisy environments, especially in the vicinity of the mixer. It has been found helpful for those involved in the communication network to use head-sets with their two way radio systems.

- 4.11 Carry out noise monitoring within the venue at the noise monitoring position and at sample locations outside the venue throughout the event. If the event is employing one or more delay towers, additional noise monitoring may be needed inside the venue to control the sound output from them.
- 4.12 Although the limit value set at 4.8 above would be in terms of 15 minute  $L_{Aeq}$ , useful control can be exercised by monitoring the  $L_{Aeq}$  over one minute periods. This enables an early warning to be obtained of possible breaches in the 15 minute limit. It is sometimes appropriate to set an additional control limit in terms of the one minute  $L_{Aeq}$  (typically some 2-3dB(A) above the 15 minute value) and to use a level recorder display to assist the sound engineer in checking compliance with the limit. The Noise Consultant should advise the sound engineer of any breaches in the prescribed noise limit, to enable a reduction in level as appropriate. The sound engineer should also be advised of occasions when the limit has only just been met.

## APPENDIX I

### References

1. Noise Control Techniques and Guidelines for Open Air Concerts, J.E.T. Griffiths (ProcIOA, Vol. 7, Part 3, 1985).
2. A Noise Control Procedure for Open Air Pop Concerts, J.E.T. Griffiths, S.W. Turner and A.D. Wallis (ProcIOA, Vol 8, Part 4, 1986).
3. Noise Control in the Built Environment, edited by John Roberts and Diane Fairhall, Gower Technical, 1988 (Chapters 1, 2 and 3).
4. Environmental Noise Guidelines proposed for the new Health & Safety Executive Guide for Pop Concerts, J.E.T. Griffiths and A. Dove (ProcIOA, Vol 14, Part 5, 1992).
5. A Survey of Sound Levels at Pop Concerts, J.E.T. Griffiths (HSE Contract Research Report No 35/1991).
6. Inaudibility - an Established Criterion, A.W.M. Somerville (ProcIOA, Vol 13, Part 8, 1991).
7. Noise Control at All-night Acid House Raves, K. Dibble (ProcIOA, Vol 13, Part 8, 1991).
8. A study of Low Frequency Sound from Pop Concerts, J.E.T. Griffiths, J. Staunton and S. Kamath (ProcIOA, Vol 15, Part 7, 1993)

## APPENDIX II

### Noise Council Working Party Membership

S.W. Turner*	Technical Director, TBV Science
A. Somerville*	Department of Environmental Health, City of Edinburgh District Council
A.D. Wallis*	Cirrus Research Limited
J. Bickerdike	Leeds Polytechnic
K. Dibble	Ken Dibble Acoustics
I.E.T. Griffiths	Director, Travers Morgan Environment
S.S. Kamath	Director, Pollution & Scientific, London Borough of Brent.
J. Sargent	Building Research Establishment
J. Staunton	Associate, Travers Morgan Environment

\* Full members of the Noise Council

## APPENDIX III

### Sample Conditions Concerning Environmental Noise Control at Concerts

- 1.0 The licensee shall appoint a suitably qualified and experienced noise control consultant<sup>+</sup>, to the approval of the Licensing Authority, no later than..... weeks prior to the event. The noise control consultant<sup>+</sup> shall liaise between all parties including the Licensee, Promoter, sound system supplier, sound engineer and the licensing authority etc. on all matters relating to noise control prior to and during the event.
- 2.0 If not already carried out, the noise control consultant<sup>+</sup> shall carry out a survey to determine the background noise levels (as defined by the Code of Practice on Environmental Noise Control at Concerts) at..... locations around the venue representative of the noise sensitive premises likely to experience the largest increase in noise/highest noise level\* as a result of the concert. The information obtained from this survey shall be made available to the licensing authority..... weeks prior to the event.
- 3.0 A noise propagation test shall be undertaken at least..... hours prior to the start of the event in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music likely to be produced during the event.



- 4.0 The control limits set at the mixer position shall be adequate to ensure that Music Noise Level (MNL) shall not at any noise sensitive premises exceed.....dB(A) over a 15 minute period/the background noise level by more than .....dB(A) over a 15 minute period\* throughout the duration of the concert.
- 5.0 The control limits set at the mixer position shall be adequate to ensure that the MNL shall not at any noise sensitive premises exceed.....dB(A) over a 15 minute period/the background noise level by more than .....dB(A) over a 15 minute period\* throughout any rehearsal or sound check for the event.
- 6.0 The Licensee shall ensure that the promoter, sound system supplier and all individual sound engineers are informed of the sound control limits and that any instructions from the noise control consultant\* regarding noise levels shall be implemented.
- 7.0 The appointed noise control consultant\* shall continually monitor noise levels at the sound mixer position and advise the sound engineer accordingly to ensure that the noise limits are not exceeded. The Licensing Authority shall have access to the results of the noise monitoring at any time.
- 8.0 Rehearsals and sound checks are permitted only between the following hours:  
.....hrs to.....hrs.

9.0 Music from the event is permitted only between the following hours:  
.....hrs to.....hrs.

Note: Suitable noise conditions should also be considered with respect to minimising noise exposure to the audience and people working at the event as advised in the HSE document "Guide to Health, Safety and Welfare at Pop Concerts and Similar Events".

\*delete as appropriate.

\*i.e. the Noise Consultant

## **THE NOISE COUNCIL**

The Noise Council was established by a group of professional bodies concerned with problems relating to noise and vibration in the community and industrial environments. Its aims and objectives are to promote and respond to issues relating to noise and vibration, and to make independent technical and scientific expertise available to international and national agencies, central and local government, commerce and industry.

The Founding Bodies are:

- The Chartered Institute of Environmental Health
- The Institute of Acoustics
- The Royal Environmental Health Institute of Scotland
- The Institute of Occupational Safety & Health

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Norwich City Council Licensing Authority  
Licensing Act 2003

CORPORATE RESOURCES

05 JAN 2015

POST ROOM

Statement of support or objection to  
an application for a premises licence

Your name/organisation name/name of body you represent (see note 1)	MR. JOHN CHARLES FOY
Postal address	73 CHAPELFIELD EAST NORWICH NR2 1SF
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	NORFOLK AND NORWICH FESTIVAL (13 MAY TO 24 MAY INCLUSIVE)
Address of the premises you wish to support or object to.	CHAPELFIELD GARDENS CHAPELFIELD ROAD, NORWICH NR2 1SF

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or <u>objections</u> below. Please use separate sheets if necessary
To prevent crime and disorder	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>RECEIVED</p> <p>- 5 JAN 2015</p> <p>LICENSING OFFICE</p> </div>
Public safety	
To prevent public nuisance ✓	
To protect children from harm	

OBJECTION TO LATE NIGHT LICENCES BEYOND 12 O'CLOCK MIDNIGHT.  
PROVISION OF LIVE AND RECORDED MUSIC, LATE NIGHT REFRESHMENTS.  
PLAYING VERY LOUD MUSIC AND SERVING ALCOHOL UNTIL 1:00 AM  
WEEKDAYS AND 2:00 AM FRIDAY AND SATURDAY IS UNACCEPTABLE  
IN A RESIDENTIAL AREA. LAST YEAR THE NOISE LEVELS WERE  
INTOLERABLE AND IT PROVED IMPOSSIBLE TO SLEEP UNTIL THE  
NOISE CEASED. (PLEASE SEE ENCLOSED LETTER OF OBJECTION AND  
COMPLAINT.)

Please suggest any conditions which would alleviate your concerns.	TO CEASE THE PLAYING OF LOUD LIVE AND RECORDED MUSIC, AND THE SERVING OF ALCOHOL AFTER 12 O'CLOCK MIDNIGHT.
--	--

Signed:

Date:

Please see notes on reverse

Norwich City Council  
Licensing Section  
City Hall  
St Peter Street  
Norwich NR2 1NH



73, Chapelfield East  
Norwich  
NR2 1SF

2<sup>nd</sup> January 2015

**Norfolk and Norwich Festival:**  
**Chapelfield Gardens noise nuisance beyond 12 o'clock midnight.**

Dear Sir or Madam,

Last year at the Norfolk and Norwich Festival the noise levels from the playing of very loud music and serving of alcohol in Chapelfield Gardens until 1.00 am weekdays and 2.00 am Friday and Saturday were unacceptable, as it proved impossible to sleep until the festival noise had ceased.

Also you should be aware that the staff employed in clearing up after the shows demonstrated little respect for the local residents by continuously shouting whilst throwing numerous glass bottles into skips. This additional disturbance typically would continue for some 45 minutes after the venue closing time. Therefore it proved impossible to sleep until nearly 2.00 am during weekdays, and nearly 3.00 am on Fridays and Saturdays.

Last year this late night noise disturbance resulted in my having to move out of my apartment in Chapelfield East for the duration of the late night license periods.

I do not object to any of the activities proposed for licenses in Chapelfield Gardens during the festival. However, I urge you to consider the wellbeing of local residents by limiting the operational time of the licenses to cease by 12 o'clock mid-night.

After last year's experience, a repetition of such loud noise until the early morning hours in a residential area, causing people to vacate their homes, is highly inconsiderate to the residents of Chapelfield.

Yours faithfully,

John C. Foy

Norwich City Council Licensing Authority  
Licensing Act 2003

Statement of support or objection to  
an application for a premises licence



Your name/organisation name/name of body you represent (see note 1)	P.F.N. BARON
Postal address	10 DENLORA APARTMENT CHAPELFIELD EAST NORWICH NR2 1SF
Email address	
Contact telephone number	

Name of the premises you wish to support or object to	DENLORA APARTMENT.
Address of the premises you wish to support or object to.	" "

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>RECEIVED</p> <p>- 5 JAN 2015</p> <p>LICENSING OFFICE</p> </div>
Public safety	
To prevent public nuisance	<p>LATE NIGHT MUSIC.</p> <p>LOUD SPEAKER FAR TOO HIGH.</p> <p>DROWNS TV. IN ENCLOSED ROOMS</p> <p>PLEASE TURN DOWN. AS REQUESTED</p>
To protect children from harm	<p>LASSY YEAR</p>

Please suggest any conditions which would alleviate your concerns.	TURN DOWN SPEAKERS
--	--------------------

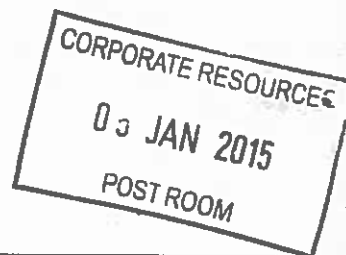
Signed:

Date: 29.12.11

Please see notes on reverse

Norwich City Council Licensing Authority  
Licensing Act 2003

Statement of support or objection to  
an application for a premises licence



Your name/organisation name/name of body you represent (see note 1)	RONALD AND LYDMILA ASHTON
Postal address	8 CHAPELFIELD NORTH NORWICH NR2 1NY
Email address	(Small case)
Contact telephone number	

Name of the premises you wish to support or object to	CHAPELFIELD GARDENS NORFOLK, NORWICH FESTIVAL 13 <sup>th</sup> MAY TO 24 <sup>th</sup> MAY 2015
Address of the premises you wish to support or object to.	CHAPELFIELD ROAD, NORWICH NR2 1SF

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	<div style="text-align: center;"> </div>
Public safety	
To prevent public nuisance SOUND LEVELS	THE NOISE FROM THE MUSIC EACH YEAR IS TRULY DREADEFUL. SOUND LEVELS KEEP US AWAKE UNTIL THE EARLY HOURS. FOR THIS TO CONTINUE UNTIL 2 AM IS CLEARLY UNREASONABLE TO
To protect children from harm	THE NEIGHBOURS. THIS IS A RESIDENTIAL AREA. BY ALL MEANS ENJOY THE FESTIVAL BUT NOT TO THE DETRIMENT OF PEOPLE LIVING LOCALLY.

Please suggest any conditions which would alleviate your concerns.	PLEASE RESTRICT THE MUSIC TO END AT 12 00 AM AT THE LATEST. ALSO SURELY 12 AM IS LATE ENOUGH FOR ALCOHOL
--	---

Signed:

Date:

29/12/14

TO BE SIGNED TO

Please see notes on reverse



## Local Policy considerations

### 1.0 Introduction

1.4 The 2003 Act requires the Council to carry out its various licensing functions so as to promote the four licensing objectives. These are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

1.5 The 2003 Act also requires that the Council publishes a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

### 2.0 Consultation and Links to other Policies and Strategies

2.7 So far as possible, the Council will avoid duplication with other regulatory regimes, and will not to use its powers under the Licensing Act 2003 to achieve outcomes that can be achieved by other legislation and other enforcement agencies. As an example, the council will not seek to impose fire safety conditions that may duplicate any requirements or prohibitions that could be imposed under the Regulatory Reform (Fire Safety) Order 2005.

### 3.0 Applications for Licences

**3.2 Applicants must address the four licensing objectives in their operational plan. The operating plan must have regard to the nature of the area where the premises are situated, the type of premises, the licensable activities to be provided, operational procedures and the needs of the local community. The operating schedule must demonstrate how the premises will be "good neighbours" both to residents and to other venues and businesses.**

**3.3 Applicants must provide evidence that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style, location and characteristics of their premises and activities. They must also indicate if additional measures will be taken on an occasional or specific basis, such as when a special event or promotion is planned, which is, for example, likely to attract larger audiences.**

### 4.0 Representations

4.1 "Responsible Authorities" (see Appendix 7) will be asked to consider all applications and to make representations to the Council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be evidentially based and the organisation should attend any hearing when the

application is being considered. Representations can be made in opposition to, or in support of, an application.

- 4.2 The Council will consider all representations from any “Interested Party” (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.
- 4.3 A representation, will only be accepted by the Council if it is ‘relevant’, ie it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, that are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the Council.
- 5.0 Conditions attaching to Licences
- 5.1 Where relevant representations are made, the Council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal activity in the area concerned, and will cover matters that are within the control of individual licensees.
- 5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are appropriate for the promotion of the licensing objectives.
- 8.0 The Impact of Licensed Premises
- 8.1 When considering whether any licensed activity should be permitted, and a relevant representation has been received, the likelihood of it causing unacceptable adverse impact will be assessed by taking into account relevant matters including:
- the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
  - the proposed hours of operation;
  - the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
  - the means of access to the premises including the location of customer entrances and exits;
  - the provision of toilet facilities;
  - the frequency of the licensable activity.

With any adverse impact it may be possible to take steps to mitigate or prevent the impact and if such measures are reliable an activity may be licensed.

### 13.0 Management of Licensed Premises

- 13.1 Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a premises supervisor must be designated (designated premises supervisor) and such person must be in possession of a current personal licence. The licensing authority will normally expect the designated premises supervisor [DPS] to have been given the day to day responsibility for running the premises by the premises licence holder and, as such, would normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the licensing authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.
- 13.2 The act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times and have a duty to comply with the terms of the licensing act and any conditions, including the matters set out in the premises' operating schedule, in order to promote the licensing objectives. To that end, the licensing authority will be mindful of the guidance issued by the secretary of state, which recommends that a personal licence holder/DPS gives specific written authorisations to those individuals they are authorising to retail alcohol. Although written authorisation is not a requirement of the act and the designated premises supervisor/personal licence holder remain ultimately responsible for ensuring compliance with the act and licensing conditions, this action could assist in demonstrating due diligence should any issues arise with regard to enforcement.

**The licensing authority will therefore expect that where the personal licence holder/DPS does not have the premises under their immediate day to day control, written authorisations will be issued to staff acting on their behalf, such authorisations being made available for inspection by a responsible Officer of the licensing authority or the police upon request.**

## **LICENSING OBJECTIVES**

### 24.0 Objective - prevention of public nuisance

24.1 Licensed premises can potentially have a significantly adverse impact on communities through public nuisances that arise from their operation. The amenity of residents and occupiers of other businesses should be maintained and protected from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.

24.2 Public nuisance will be interpreted in its widest sense, and will take it to include such issues as noise, light, odour, litter and antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

24.3 Applicants should be aware that stricter conditions, including controls on licensing hours for all or some licensable activities will be applied, where licensed premises are in residential areas or where their activities may impact on residents or other business

premises, and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures to prevent public nuisance, may be suitable for longer opening hours.

24.4 The council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons such as disturbance or disorder attributable to the location and/or the premises, and relevant representations have been made.

24.5 The council believe that the impact a licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place. Consequently, the council has adopted a policy on hours of trading, (section E) and in so doing, has given full consideration to the secretary of state's guidance on hours of trading.

**24.6 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events. For example, the increasing business requirement for licence holders to provide live or recorded music in premises where this has not previously been the case is especially pertinent, and should be fully assessed on the application.**

24.7 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
- the hours of opening, particularly between 11pm and 7am
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
- the design and layout of premises and in particular the presence of noise limiting features
- the occupancy capacity of the premises
- the availability of public transport
- wind down period between the end of the licensable activities and closure of the premises
- last admission time
- preventing litter and refuse becoming an eyesore
- consideration of local residents that they are not upset by loud or persistent noise or by excessive light
- preventing cars attending an event or premises from causing a noise nuisance and congestion, and from taking up local people's parking spaces
- avoid early morning or late night refuse collections
- avoiding emptying bins into skips, especially if they contain glass, either late at night or early in the morning
- customers eating, drinking or smoking in open air areas (for example beer gardens/forecourts and other open areas adjacent to the premises).

24.8 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, eg to ensure customers leave quietly.
- Fit prominent signs requesting that customers respect local residents and leave quietly.
- Control of operating hours for all or parts (eg garden areas) of premises, including such matters as deliveries ie not too early in the morning.
- Adoption of best practice guidance (eg Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA).
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- Liaison with public transport providers.
- Siting of external lighting, including security lighting.
- Management arrangements for collection and disposal of waste, empty bottles etc.
- Effective ventilation systems to prevent the emission of unwanted odours.
- Take away packaging to include the name and address of the premises on it.
- Capacity levels for fast food outlets.
- Introduce a chill out area with coffee and mellow music where customers can settle before leaving.
- Introduce a closed door policy, with attendance prohibited for new customers 2 to 3 hours before licensable activities finish.

To address issues arising from customers smoking, eating and drinking in outdoor areas and on the highway outside the premises could include signage asking customers to keep noise to a minimum when using outdoor areas; restrictions on the numbers of customers permitted in certain outside areas and/or at certain times; and use of door-staff and employees to monitor possible public nuisance issues.

## **SECTION E - Hours of Trading**

30.7 Consideration will always be given to an applicant's individual case and if the matter of trading hours has been raised in a representation, the council will take into account any proposals the applicant has to minimise the risk of nuisance or disorder being caused or exacerbated by customers departing from the premises. It is however, unlikely that statements such as the premises being well-managed, or that the applicant is of good character or that the style of the premises is intended and likely to attract a discerning clientele, will alone be sufficient to demonstrate that restrictions on hours of trading should not be applied.



# **APPENDIX E**

## **National Guidance**

**(issued under section 182 of the Licensing Act 2003)**

### **PUBLIC NUISANCE**

2.18 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.

2.19 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 is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also 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.

2.20 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 more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.21 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.

2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.23 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.

2.24 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social 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.

### **Proposed conditions**

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

### **Consistency with steps described in operating schedule**

10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.

10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.



## **Imposed conditions**

10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

## **Proportionality**

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

