



NOTICE OF DETERMINATION

Date of Hearing:	10 February 2016
Licence Type:	Application for a fixed term premises licence 18.05.16 to 29.05.16
Name of Applicant:	Alex Darbyshire, clerk to the Norfolk and Norwich Festival Trust
Name of Premises/Postal Address of Premises:	Chapelfield Gardens, Chapelfield East, Norwich
Licensing Sub-Committee: ("the Committee")	Councillors Button (Chair), Jones and Ryan
Responsible authorities:	There were no representations made by or attendance by responsible authorities.
Other persons present:	Claire Lovell and Mark Denbigh on behalf of the applicant, Mr T Shearman, Licensing Manager and Mr D Lowens, solicitor, nplaw.

DETERMINATION:

There were no declarations of interest and no additional papers were placed before committee by the applicant. Mr Shearman read out an additional representation dated 05.02.16 from Mr Foy who was unable to be present due to work commitments.

Mr Shearman explained the application and mentioned that there was no representation made by any responsible authority but two local residents had written with concerns of public nuisance.

Mr Shearman noted that there were no representations from the Environmental Health Department because no complaints had been received by that department about noise nuisance for the 2015 event. In answer to a councillor's question as to whether technical knowledge had been used last year when setting noise levels, he confirmed that this was correct as he had been involved. Mr Shearman confirmed that music noise levels had been set in accordance with the code of practice regarding noise control at concerts, noise up to 23.30 had used this guidance with adjustments made after 23.30.

The applicant presented their application, noting the importance of this cultural festival and the importance within the festival of the Spiegeltent. The applicant said they attracted a mature and sensible audience and worked carefully with the Environmental Health Department as well as trying to work with local residents. The 2016 application was based on the 2015 plan. They had worked with Adrian James Acoustics regarding the decibel

level which was controlled at the mixing desk in the Spiegeltent. At 23.30 the noise level would be reduced.

For the 2015 event no formal or informal complaints were received by the organisers. The organisers understood that none were received either by the Environmental Health Department. In summary the organisers intended to use the same equipment at the same locations, times etc and therefore felt that no likely noise nuisance would arise. Sound levels would be noted in the Spiegeltent and sent to the Environmental Health Department. Other efforts to control noise were mentioned for example that glass bottles were not emptied overnight. The Spiegeltent was visited by approximately 30,000 persons over the 12 days of the event.

The applicant noted that some noise received from Chapelfield Gardens whilst their event was continuing was not caused by them and this was supported by the licensing manager who mentioned that on his inspection last year a disturbance was found to be from persons in the park who were nothing to do with the festival. The applicant confirmed that they gave a contact number of a person to contact on the site and as part of their licensing process, they gave an opportunity for persons to visit and discuss the procedures.

No objectors were present at committee.

DECISION OF THE LICENSING SUB-COMMITTEE

The decision of the Licensing Sub-Committee was to grant the application as sought. It was not thought necessary to add any additional conditions nor was it thought necessary to amend any conditions on the operating schedule.

REASONS FOR THE LICENSING SUB-COMMITTEE'S DECISION

The committee noted that this event took place over a limited period. Great weight was given to the fact that there were no representations from the Norfolk Constabulary or from the Environmental Health Department. It was also noted that there were no objections received from local residents or from others during the period of the event last year and committee noted the intention of the applicant to so far as possible use the same timings, equipment, locations and so on. Committee noted that via the licensing manager they had heard that no representation has been made by the Environmental Health Department on the basis that no complaints had been received by them on the 2015 event. This was a limited use of a public space for a very important cultural event.

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

Rights of appeal are as set out in Schedule 5 of the Licensing Act 2003. Any person who has made a relevant representation who wishes to contend that the licence should not have been granted or that any additional or amended condition should have been imposed may appeal this decision. This appeal is to be made to a magistrate's court within 21 days of the date of receipt of written notification of the decision appealed against.

Dated this 17 February 2016