



NORWICH
City Council

Notice of Determination

Date of Hearing: 4 December 2012

Licence Type: Variation of a Premises Licence

Name of Applicant: Norwich City Council

Name of Premises: St Andrew's and Blackfriars' Halls

Name of Premises Licence holder: Norwich City Council

Postal Address of Premises (or description of premises): St Andrew's and Blackfriars' Halls, St Andrew's Plain, Norwich NR3 1AU

Licensing Sub-Committee:

Councillors Sands (chair) Barker and Neale

On behalf of the applicant:

Nikki Rotsos and Martine Holden (representatives from Norwich City Council)

Other Persons Present:

Tamsin Eddison – Legal advisor to the committee (Solicitor, nplaw)

Determination –

The committee heard the application for variation of a premises licence in respect of St Andrew's and Blackfriars' Halls, St Andrew's Plain, Norwich NR3 1AU. The application seeks to vary condition 6 of Annex 3 to the licence which reads:

Amplified music shall cease by 22:30 Monday to Saturday and by 22:00 on Sundays,

to a condition that *Amplified music shall cease by 23:30 Monday to Saturday and by 22:30 on Sundays.*

The committee heard from the representatives of the applicant. There was no attendance by interested parties and no attendance by representatives from responsible authorities.

The legal advisor drew to the committee's attention the relevance of condition 7 to condition 6, which could be construed as being interlinked and which had not been referred to in the licensing officer's report. The legal advisor also mentioned condition 11.

Questions were put to the representatives for the applicant as to what arrangements would be in place regarding the noise limiter and further what, if any, affect an increase might have on the transfer of empty bottles to an external skip. The representatives stated that the noise limiter would definitely be in use and the situation with the bottles would not change and would remain the same.

Questions were put as to which part of the building amplified music occurred. In answer to this the committee were told that no amplified music was played in Black Friars or the Crypt and that the application was only in respect of St Andrews Hall.

The committee raised concerns about the objector's reference that the advertising has not followed the regulations. The Legal advisor referred to paragraph 10 of the Licensing Officer's report, which addressed this issue and further read out an email from the Licensing Officer, which also dealt with this issue.

The representatives were asked how essential the extension was for a typical evening. The committee were told that due to the current time restrictions there was a limited demand for hire for dinner dances and weddings as the music had to finish too early. 22.30 was a preferred, later time and more acceptable time and it was believed the Hall had lost a lot of business as a consequence, thereby resulting in the need for greater subsidy.

The representatives for the applicants were asked to clarify the position with regard to condition 8. In response, a sample letter was produced which it was said had been sent to occupiers in Elm Hill, Princes Street and St Georges giving prior notification of the proposed application. The committee were also provided with a response from the occupier of 3 Princes Street, Norwich in respect of such a letter.

The Committee's decision:

The committee granted the variation of condition sought namely that amplified music shall cease by 23:30 Monday to Saturday and by 22:30 on Sundays.

The committee further varied the condition in respect of the noise limiter which is to operate to control noise generated by amplified music whenever it is played between the hours of 20:00 and 23:30 Monday to Saturday and between 20:00 and 22:30 on Sundays.

The Committee's reasons:

The committee noted the concerns in the written representation by the objector, in particular on public nuisance, but noted the number of licensed premises in the area and the lack of any evidence to confirm that any nuisance suffered arose from clientele from St Andrew's and Blackfriars' Halls.

Members considered that as the operation of the noise limiter had been extended to cover the additional periods of licensable activity no noise nuisance from amplified music would arise from this variation.

The committee noted there were no concerns raised by responsible authorities and no concerns from closer residents to that of the objector whose residence is at Friars Quay in Norwich.

Members were satisfied that the statutory obligations required by the regulations relating to advertising had been complied with.

The committee considered that the variation would not damage the licensing objectives.

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

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