



NOTICE OF DETERMINATION

Date of Hearing:	12 February 2015
Licence Type:	Application for the grant of a fixed term premises licence
Name of Applicant:	Mr Christopher Harding, Clerk to the Norfolk & Norwich Festival Trust, 8 Burroughs Way, Wymondham, Norfolk NR18 0WE
Name of Premises/Postal Address of Premises:	Norfolk & Norwich Festival Trust, Chapelfield Gardens, Chapelfield East, Norwich NR2 1SF
Licensing Sub-Committee: ("the Committee")	Councillors Gayton (Chair), Jones and Henderson
Responsible authorities:	Mr Tony Shearman and Ms Emily Capps (Environmental Protection, Norwich City Council)
Other persons present:	Ms Lauren Cope and Ms Jemima Murphy (Eastern Daily Press); Mr Alex Darbyshire, Mr Steve Forster, Mr William Galinsky, Ms Clare Lovell and Mr Mark Denbigh (Norfolk & Norwich Festival Trust).
Also present were:	Mr Ian Streeter (Norwich City Council Licensing Manager) and Mr Luke Parker (Solicitor, nplaw)

DETERMINATION:

1. The Chair explained the committee procedure to those present and led the introductions.
2. Mr Streeter presented the licensing report. Amongst other things Mr Streeter advised the committee that the applicant sought a premises licence for the period 13 May 2015 to 24 May 2015 (12 days in total).
3. The committee heard from three of the applicant's representatives (Mr Galinsky – Artistic Director, Mr Denbigh – Head of Production and Ms Lovell – Head of Operations).
4. During the application the applicant confirmed that their operating schedule had been amended to include the following conditions agreed with Norfolk Constabulary:
 - a. Patrons will be prevented from taking open drinking vessels of alcohol off the site;

- b. The risk assessment will assess if there is a requirement for replacing glass drinking vessels to plastic;
 - c. The final written copy of the risk assessment will be submitted and agreed with police and licensing authority 14 days prior to the event.
- 5. The applicant said this year would be the seventh year the festival had ran and the applicant now has an established team which had been responsible for the last few festivals. The applicant noted the concerns from some of the local residents and Environmental Protection and was keen to have a conversation to address these issues. The applicant said they proposed to operate beyond midnight on eight of the twelve days that the festival would run. They proposed that a lower decibel noise limit could come into affect after the late performance finished at 2330.
- 6. The committee asked a number of questions concerning the application including issues such as times when glass bottles were emptied into bins, how the applicant would ensure that alcoholic drinks were not taken off the premises and whether the applicant would be replacing glass beverage containers with plastic ones.
- 7. Mr Parker advised the committee that with regards to the final risk assessment to be submitted and agreed with the police and the licensing authority 14 days prior to the event, this would not override the premises licence and was separate to it. Mr Streeter agreed that the committee was determining the application as it stood today and should not view the risk assessment as a way of deferring determination of the issues closer to the festival.
- 8. Mr Shearman addressed the committee on behalf of the council's Environmental Protection team. He said that following a complaint received from a local resident about noise disturbance at night from the festival his colleague Ms Capps had installed noise monitoring equipment into the complainant's property and in light of that noise study it was apparent that the noise limits set for last year's event were too low. The Spiegeltent provided little in terms of noise insulation and therefore the only way to minimise noise nuisance was to limit the noise levels at source. Consideration had been given to The Noise Council's (now called the Institute of Acoustics) "Code of Practice on Environmental Noise Control at Concerts" which provided that no noise should be audible during the noise sensitive period starting from 2300. However he said that the code of practice was directed at concerts and given the nature of this event the appropriate cut off point for noise in his view was 0000. When questioned Mr Shearman confirmed that his proposal of appointing a noise control consultant could be satisfied by an existing member of staff who was suitably qualified and experienced. He also confirmed that his proposed condition at paragraph 7.0 on page 31 of the agenda contained a typographic error in that the penultimate line of that condition should state "...the noise limits are not exceeded."

DECISION OF THE LICENSING SUB-COMMITTEE

- 9. The Committee approved the application for a fixed term premises licence for the licensable activities sought at the location specified in the application and for the areas, times and days requested in the application subject to the following conditions:
 - a. 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 matters relating to noise control prior to and during the event.

- b. 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 levels 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.
- c. 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.
- d. 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 to 2330 or by more than 10dB(A) over a 15 minute period between the hours of 2330 to:
 - i. 0100 (during Monday to Thursday);
 - ii. 0200 (during Friday and Saturday); and
 - iii. 0000 (on Sunday)throughout the duration of the event.
- e. 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.
- f. 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 not exceeded. The licensing authority shall have access to the results of the noise monitoring at any time.

10. A copy of The Noise Council's "Code of Practice on Environmental Noise Control at Concerts" be annexed to the licence as it contains a definitions section to assist with the interpretation of the terms used.

REASONS FOR THE COMMITTEE'S DECISION

- 11. The committee determined the application having due regard to the Licensing Act 2003, the section 182 Guidance, the Council's Licensing Policy and all the evidence both written and oral, whilst attaching appropriate weight to each.
- 12. The committee considered that the noise control conditions proposed by Mr Shearman were appropriate in the main however given the nature of the locality and the festival the committee found that it was appropriate the noise levels be reduced from 2330

until the end of the licensable activities each night. Taking into account these noise control conditions and the efforts expected to be taken by those managing this event to encourage persons to leave quietly and for event staff not to pour glass into recycle bins between 2100 to 0800 the committee were of the view that there was insufficient reason to refuse the application as sought under any of the licensing objectives. The committee were of the view that residential dwellings in the city centre located around a public park would likely receive some noise disturbance from occasional events such as the Norfolk and Norwich Festival but the noise control conditions including the limits set on decibels levels should ensure that the noise generated was not at an unreasonable level nor for an unreasonable period.

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

13. For your information, applicants and any persons who have made relevant representations who are aggrieved by the decision or the imposition of any condition, term or restriction, may within 21 days of the date on which they receive notification of the decision, appeal to the magistrates court.

Dated this 17 February 2015