



NOTICE OF DETERMINATION

Date of Hearing:	1 May 2015
Licence Type:	Application for the variation of a premises licence
Name of Applicant:	Extreme Video Limited
Name of Premises	EPIC (East of England Production Innovation Centre)
Postal address of Premises:	112/114 Magdalen Street, Norwich
Licensing Sub-Committee: ("the committee")	Councillors Button (Chair), Ackroyd and Jones
Responsible authorities:	No relevant representations were outstanding from any responsible authority but Mr Shearman of the environmental protection dept. attended to give technical noise advice to committee.
Other persons present:	Mr W G Myall (Quayside Residents Association Chair) Mr K McCarthy for the applicant Ms Harriet Wells, Solicitor for the applicant Mr Ian Streeter (Norwich City Council Licensing Manager) Mr D Lowens (Solicitor for nplaw)

DETERMINATION:

1. Following an introduction by the chair the procedure for committee was explained and a discussion took place regarding the proposals of the applicant in relation to extending the retail sale of alcohol until 03.00 hrs every day and amending the licensable area shown on the plan attached to the premises licence.
2. During the discussion the applicant was happy to offer a number of amendments to some of the proposed conditions set out in the agenda which conditions had been discussed with the Norfolk Constabulary and with the environmental protection department. Those conditions as reworded were as follows:
 - (a) All alcohol sales will cease at midnight with the exception of fully seated audience events and in addition there will be a limit of 15 separate occasions per calendar year for unseated events when alcohol sales can continue.

- (b) Police licensing will be notified in writing at least 10 days prior to when the 15 extensions of alcohol sales after midnight take place. This notification will include details on the number of security employed during the event.
- (c) There will be no entry or re-entry to the premises after 23.00 hrs (save re-entry of those using the curtilage of the premises to smoke).
- (d) A minimum of one SIA door security will be employed from 19.00 hrs until close for all audience or spectator events where alcohol is offered which start on or after 19.00 hrs.
- (e) During events when mixed age group of under and over 18's are present, the licenced area for the sale and consumption of alcohol will be separated by barrier and kept away from the under 18's and managed by SIA staff.
- (f) The operator of the premises shall engage an acoustic consultant to ascertain the maximum octave band noise levels allowable inside the premises to achieve the following criteria:

“the level of noise from amplified and unamplified music emanating from the premises shall not exceed 45dB at 63Hz C.B.F., 40dB at 125Hz C.B.F. and NR 30 over the frequency range from 250Hz to 8KHz as measured at a position 1 metre outside any noise sensitive premises which do not share a party wall with the licensed premises and also shall not exceed 37dB at 63Hz C.B.F., 30dB at 125Hz C.B.F. and NR 20 over the frequency arranged from 250Hz to 8KHz as measured inside any adjoining noise sensitive premises”.
- (g) No live or recorded music entertainment events shall be undertaken at the premises between 23.00 to 09.00 hrs on any day until details required by conditions (2) and (3) have been submitted and agreed by the Environmental Protection Department at Norwich City Council and have been fully implemented. If there are proposed revisions to the details provided, these must also be submitted and agreed before commencement.

The proposed conditions agreed with the Norfolk Constabulary and with the Environmental Protection Department of Norwich City Council as set out on pages 4-6 of the agenda were otherwise unchanged.

Regarding the amendments to the plan of the premises the applicant noted that the intention was to re-instate the previously licensed area and noted that the currently licensed area was used for the University of East Anglia lectures. The applicant spoke regarding the intentions of the amendment time for the sale of alcohol to bring this into line with the times of other activities and to enable infrequent events. It was not the applicant's intention to produce a nightclub use. The applicant mentioned that therefore they had been happy to agree a number of matters with the Norfolk Constabulary and the Environmental Protection Department and would strictly control events in the case of mixed under and over 18 year old attendees. The history of the premises and the current use was explained and it was mentioned that soundproofing works had already been discussed with the Environmental Protection Department.

There were no questions to the applicant from Mr Myall who then addressed committee mentioning the concerns of the Quayside Residents Association and their fear that noise experienced in Quayside would be increased from persons using these premises. Mr Myall

mentioned that residents in Quayside could not hear any noise emanating from these premises.

He remained concerned that the proposed application if granted would lead to an increase in disturbance in the Magdalen Street area and he was concerned with the combined problem of multiple late night drinking establishments and street noise.

There were no questions to the objector from the applicant.

DECISION OF THE LICENSING SUB-COMMITTEE

3. The application as amended was approved.

REASONS FOR THE LICENSING SUB-COMMITTEE'S DECISION

4. The licensing sub-committee took account of the written evidence before it including the section 182 Guidance, the Licensing Policy, and all the evidence presented to committee. Significant weight was given to the fact that no objections were raised by the Norfolk Constabulary or the Environmental Protection Section of the Norwich City Council as would have been expected if either organisation was concerned regarding noise or public disturbance. It was the opinion of committee that the applicant had sensibly considered the problems that may arise in respect of noise and had produced conditions which would deal with any problems so far as the evidence available to committee indicated. The council felt that there was no justification to refuse the application and nor was there justification to impose any conditions in excess of those that the applicant had already agreed to as part of their operating schedule as amended.

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

Rights of appeal are set out in Schedule 5 of The Licensing Act 2003. In summary, a person who has made relevant representations who desires to contend that any variation ought not to have been made or that when varying the licence the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, may appeal the decision. This appeal is to be made to a magistrate's court within 21 days of receiving written notification of the decision.

Dated this 29 May 2015