



## **NORWICH CITY COUNCIL**

### **NOTICE OF DETERMINATION**

**Date of Hearing:** 11 September 2020. Hearing held remotely under SI 2020 / 392

**Application for grant of a premises licence under the Licensing Act 2003**

**Oktoberfest Norwich, Chapelfield Gardens, Norwich, NR2 1RP**

Members of the Licensing Sub-Committee: Councillor Stutely (Chair), Councillor Ackroyd and Councillor Maxwell.

Other persons attending committee: Neil Roberts, Applicant; Rachel Bennett, public protection (licensing) advisor; Norwich City Council; Sarah Moss, solicitor, nplaw.

#### **DETERMINATION**

1. The Licensing advisor presented the report
2. The objector not having presented at the remote hearing, the matter proceeded in her absence as it was noted that she had been sent notification of the meeting and Zoom joining details both by post and hand delivery and no contact had been made with the licensing team.
3. The applicant presented his application noting that events of this kind of up to 18 a year had been held by his company nationwide since 2016 with good feedback and no licensing objective issues had been experienced. Events of up to 4,000 entrants had previously been run; the event at Norwich would be for just under half that number. An Oktoberfest had been held previously in Norwich at Carrow Road car park in 2017 and in Eaton Park in 2018 with no issues. However, it was believed that Chapelfield Gardens would be a more suitable venue because of the larger size of the site and its central location. No event would be taking place in October 2020, but 1<sup>st</sup> and 2<sup>nd</sup> October had already been booked as dates for next year's event.
4. The applicant outlined in detail the format of the proposed event, audience profile (the average age of visitors being around 30 years of age), car parking (senior members of staff only) and provisions in place to address the licensing objectives. With particular reference to possible noise nuisance, the applicant affirmed the tent's noise attenuation qualities, the design of the music system used (speakers angled downwards towards the ground, system operated by DJs

used before who are familiar with what is required) and that tent openings are kept closed as much as possible and angled away from residential areas. The Noise Council Code of Practice is strictly adhered to in terms of DB levels and previous events located as close as 20-30 feet to residential areas had not resulted in any complaints, including noise complaints. Audiences are dispersed gradually and encouraged to leave quietly with the aid of signage and gate supervisors, leaving the site clear within around 45 minutes after the closing time of 11.30pm (with music finishing promptly at 11pm and the serving of food no later than 11.30pm).

5. With regard to security and underage drinking, the applicant confirmed the robust security measures in place, including 24/7 security, supervisors on every gate, perimeter fence around the entire site and 'wrist banding' of attendees and crew to ensure no unauthorised entrance. Searches are conducted at entry for prohibited items, including alcohol. The Challenge 25 policy in place at each gate and at each bar ensures that only persons with valid ID are allowed access to the site and alcoholic beverages. Glass vessels would not be used and no persons would be allowed to exit with alcohol.

### **DECISION OF THE LICENSING SUB-COMMITTEE**

6. The Committee unanimously granted the Application as sought, with the addition to the Premises Licence of the following condition proposed by Norfolk Police and confirmed as acceptable by the Applicant:

'A copy of the event management plan and risk assessments will be submitted to Norfolk Police and the Licensing Authority at least 6 weeks prior to the event date'

### **REASONS FOR THE COMMITTEE'S DECISION**

7. The Committee took account of the fact that there were no responsible authority objections to the application, indicating that the Police and the Environmental Health Department had no concerns regarding the Applicant's proposals.
8. While noting the written representation of interested party (who had not attended the hearing), the Committee was of the opinion that insufficient grounds or evidence had been put forward in the representation to suggest that the licensing objectives would be undermined if the premises licence were to be granted. In addition, it was noted that whether there was a 'need' for an event of this kind was not a relevant licensing matter for the Committee to consider when coming to a determination. It was noted that a review system is available.
9. Having heard submissions by the Applicant, the Committee noted the particular controls to be put in place to minimise noise disruption to local residents, including positioning of the tent and speakers and monitoring of DB levels. In addition, the Committee noted the wide provision of security measures aimed at keeping public nuisance (including noise) and crime and disorder to a minimum.
10. Having particular reference to the Operating Schedule, documents submitted by the Applicant in support of his application and his explanations at the hearing with regard to the provisions to be put in place at the event, the Committee concluded that the

Applicant had adequately considered all implications of holding the proposed event, including concerns under the licensing objectives. Those implications and concerns had been thoroughly addressed to the Committee's satisfaction within the Operating Schedule, supporting documentation and the Applicant's own submissions.

11. In coming to its decision, the Committee had regard to the Statutory Guidance as outlined at S182 of the Licensing Act 2003, as well as the Council's own licensing policy.

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

12. The applicant and any person who has submitted a relevant representation may appeal this decision at the Magistrates Court within 21 days of the date on which they are notified in writing of this decision.

Dated 21 September 2020

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'Z' shape followed by a horizontal line and a small flourish.

Signed: ..... (Chair, Licensing Sub-Committee)