

LICENSING AND GAMBLING ACTS SUB COMMITTEE

Record of Proceedings of a Sub Committee of the Licensing and Gambling Acts Committee of South Norfolk District Council

Held on: **Friday 15 February 2019**

At: **2.00 pm**

At: **South Norfolk House, Cygnet Court, Long Stratton**

APPLICATION IN RESPECT OF: Gig in the Park, Diss Town Park, Park Road, Diss

APPLICATION FOR: New Premises Licence

APPLICANT: Mr Geoffrey Dixon

Sub Committee members: Cllr D Goldson (Chairman)

Cllr P Hardy

Cllr J Wilby

Officers in Attendance: Mr D Lowens – (Legal Adviser to the Sub Committee), the Operational Economic Development Manager (D Disney), the Senior Community Protection Officer (A Pridmore), the Food, Health and Safety Licensing Team Leader (R Broadbelt), the Licensing and Enforcement Officers (R Setford and A Cox), PC Chris Brooks (Norfolk Constabulary) and the Norfolk Constabulary Licensing Officer (M Bartram)

Speaking at the meeting:

Mr G Dixon – Applicant

Mr M Dixon – Applicant's son

A. The Hearing

The Chairman welcomed all attendees and explained the procedure for the meeting. Licensing and Enforcement Officer (RS) informed the Sub Committee of the details of the application which was for a new premises licence for Gig in the Park, Diss Town Park, Park Road, Diss. The Panel was advised that, following various representations, the original schedule had been amended, as detailed at Section 3.1 of the report. With the agreement of all parties, attendees were provided with a detailed notice of amended/additional operating schedule conditions which included suggested amendments made by the Norfolk Constabulary, the Community Protection Team, and the Licensing Team of South Norfolk Council.

The Chairman recounted that when the event, Gig in the Park, had taken place during 2018, there had been several complaints regarding noise nuisance. He requested that Mr Dixon address the Panel to provide details of the planned event and also to reassure members of the steps he had put in place to ensure these issues did not reoccur.

Mr Dixon addressed the Panel and advised that he had been working with South Norfolk Council and the Norfolk Constabulary to ensure that the event was successful. He acknowledged that there had been 12 complaints regarding the previous year's event but that none of these were significant. Mr Dixon explained that extreme weather conditions had caused the sound from the event to carry much further than had been planned. Members were advised that Mr Dixon had carried out a survey and posted feedback forms through residents' doors after the event to ascertain how

far the noise had travelled in order that he could put plans in place for future events. The applicant reassured members that the sound levels and the impact of any bad weather would be minimised by the plans to erect a marquee to contain the staged area and to employ the expertise of an acoustic noise consultant.

In response to a question regarding press reports that had stated that the event for 2019 had been cancelled, Mr Dixon clarified that Diss Town Council had given him permission to hold the event annually, subject to there being no issues in the preceding year. He advised that the Town Council would not confirm whether permission would be granted for a 2019 event until March/April, so it was currently unclear whether the event would take place. Mr Dixon confirmed that he had applied for an annual license, but it might be the case that he would wait until 2020 before the next event, confirming that he would not allow anyone else to use the license, if granted, for 2019. He added that the license, which had been in place for 2018, had now expired and that, regretfully, he had mistakenly only applied for one year rather than for an annual license.

The Senior Community Protection Officer suggested that Mr Dixon had not complied with the Code of Practice on Environmental Noise Control at Concerts by failing to properly manage noise control at the 2018 event, stating that no specialist acoustic advice had been sought and that no equipment had been put in place to measure sound levels. However, he stated that, if all the conditions proposed for the license were adhered to, he was confident that the issues from 2018 would not reoccur.

The Statutory consultees, the Norfolk Constabulary, and representatives from South Norfolk Council's Community Protection and Licensing Teams all advised that, should the applicant comply with all the conditions, then they had no further objections.

In response to a question regarding the staffing of events, Mr Dixon assured the Panel that his staff were highly experienced and familiar with legal regulations such as DBS checks and verifying ID for customers, where necessary.

Members discussed car parking for the event and the applicant advised that, at the 2018 event, there had been some confusion around the parking arrangements but that he would approach South Norfolk Council again to see if part of the Mere Street car park could be used for the next event.

As no other parties were present, the Sub Committee then adjourned while members discussed the issues in private session.

After a brief discussion, all parties were readmitted to clarify the parking situation and were satisfied that there were sufficient van and car parking facilities to ensure the safety of staff and residents before, during and after the event.

The Sub Committee then adjourned to determine the application in private session.

B. Findings of fact

The application is for a full premises licence for Gig in the Park, Diss Town Park, Park Road, Diss, for a single occasion per calendar year of up to three days duration to be held between the 1st June and 31st August.

In considering the application, the Sub Committee had regard to the guidance issued by the Secretary of State and to South Norfolk Council's Statement of Licensing Policy

in assisting them in their role of promoting the four licensing objectives, as set out in the Licensing Act 2003.

The Panel has heard evidence from the Community Protection Team who are satisfied with the application, subject to all proposed conditions being satisfied.

The Panel has heard from the Norfolk Constabulary who also do not oppose the application if all conditions are met. The Council puts great weight on the view of the Police when considering the crime and disorder licensing objective.

The Panel has heard from the applicant that the conditions have been amended to take into account the suggestions from the statutory consultees.

The Panel has needed to consider whether this application is appropriate under the licensing objectives. The rule is to grant unless there are evidential reasons to refuse. whether it is appropriate for the promotion of the licensing objectives for any condition of the licence to be modified or for the variation to be rejected in whole or in part.

C. Decision and reasons

The decision of the Committee is to approve this application which is limited to one event per calendar year of up to three days duration to be held between 1st June and 31st August on a Friday, Saturday and Sunday, with the operating schedule amended to incorporate the conditions shown below with the changed timings as shown below. The conditions are those on the document 'amended/additional operating schedule conditions for Gig in the Park' together with the conditions shown on the application itself save where amended, except that committee imposes a change to the supply of alcohol hours on Friday to 18:00 to 23:30 and a change to the supply of alcohol hours on Saturday to 12:00 to 23:30. Committee feels that a period of drinking up time is necessary to avoid problems, opening hours will cease at midnight and alcoholic drinks cannot be taken off the premises (consumption being on the premises only) so to serve alcohol to 24:00 is likely to lead to disturbances.

We note that the Police and Environmental Health team are now happy with the operating schedule and the applicant has taken the necessary action to rectify the problems found last year.

We do not find reasons to refuse and we give significant weight to the concerns of the responsible authorities being satisfied.

The Committee notes that the licence grants the following::

Plays (indoors & outdoors)

Fri 18:00 – 00:00

Sat 12:00 – 00:00

Sun 12:00 – 22:00

Films (indoors & outdoors)

Fri 18:00 – 00:00

Sat 12:00 – 00:00

Sun 12:00 – 22:00

Live Music (indoors & outdoors)

Fri 18:00 – 23:00

Sat 12:00 – 23:00

Sun 12:00 – 22:00

Recorded Music (indoors & outdoors)

Fri 18:00 – 00:00

Sat 12:00 – 00:00

Sun 12:00 – 22:00

Performances of Dance (indoors & outdoors)

Fri 18:00 – 00:00

Sat 12:00 – 00:00

Sun 12:00 – 22:00

Late Night Refreshment (indoors & outdoors)

Fri 23:00 – 00:00

Sat 23:00 – 00:00

Supply of alcohol (on the premises)

Fri 18:00 – 23:30

Sat 12:00 – 23:30

Sun 12:00 – 22:00

Opening hours

Fri 18:00 – 00:00

Sat 12:00 – 00:00

Sun 12:00 – 22:00

1. The premises licence holder will consult in writing with the South Norfolk Safety Advisory Group at least three months in advance of the event and comply with the recommendations agreed between the Safety Advisory Group members and the premises licence holder.
2. The premises licence holder will submit an event management plan, detailed site plan and risk assessment to the South Norfolk Safety Advisory Group at least three months in advance of the event.
3. The licensing authority and Norfolk Constabulary will be advised of the date of the event each calendar year at least six weeks in advance.
4. There will be a child protection policy within the event management plan.
5. The premises licence holder shall submit for approval a noise management plan (NMP) no later than six weeks prior to the event to South Norfolk Council as the relevant licensing authority. The NMP will include the following: The appointment of an acoustic consultant, how music noise levels will be managed, communicating to those living in the vicinity who might be affected, how complaints will be taken, investigated and resolved, recording noise complaints made to the organiser etc.
6. The premises licence holder shall appoint a competent acoustic consultant who is a member of the Institute of Acoustics (IOA) no later than six weeks prior to the event. The acoustic consultant shall liaise with all parties including the premises

licence holder, promoter, sound system supplier, the sound engineer and Licensing Authority etc on all matters relating to noise control, both prior to and during an event.

7. The acoustic consultant shall carry out a survey to determine the representative background noise levels as defined by the *Code of Practice on Environmental Noise Control at Concerts* at appropriate locations close to noise sensitive premises likely to experience the largest increase / highest noise levels as a result of the event. The information obtained from this survey shall be made available to South Norfolk Council as the relevant Licensing Authority no later than two weeks prior to the event.
8. A noise propagation test shall be undertaken at least six hours prior to the start of the event in order to set the 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.
9. The control limits set at the mixer position shall be adequate to ensure that the music noise level shall not at any noise sensitive premises exceed 65dB(A) over a 15-minute period throughout the duration of the event.
10. The control limits set at the mixer position shall be adequate to ensure that the music noise level shall not at any noise sensitive premises exceed 65dB(A) over a 15-minute period throughout any rehearsal or sound check for the event.
11. The premises licence holder shall ensure that the promoter, sound system supplier and/or any individual sound engineers are informed of these sound control limits and that any instructions from the acoustic consultant regarding noise levels including low frequency noise shall be implemented.
12. The appointed acoustic consultant shall continually monitor noise level 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.
13. Rehearsals and sound checks are permitted only between the following hours
09:00 hours to 18:00 hours
14. Music from the event is permitted only between the following hours 12:00 (noon) hours to 23:00 hours.
15. The premises licence holder will ensure that a contact telephone number for resident complaints is provided on their website for the duration of an event.
16. All residents in Park Road, Denmark Street, Mere Street, Parkside Court, Market Hill, Doubleday Close, Denmark Rise and Beehive Yard will be notified of an event at least two weeks in advance and advised of the contact telephone number for complaints.
17. No glass or glass bottles will be allowed onto the premises or to be taken off the premises.
18. All structures once erected on site will have the relevant risk and test certificates conducted. All structures will have suitable insurance in place for the duration of the event.

D. Right of Party to appeal against the determination of the authority

Applicants and any person who has submitted a relevant representation who is aggrieved by the decision or the imposition of any term or 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. Full rights of appeal are set out in Schedule 5 of the Licensing Act 2003.

Dated: 18 February 2019

Signed:

A handwritten signature in black ink, appearing to read 'D Goldson', written over a horizontal line.

Councillor D Goldson – Chairman