

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: **Thursday 28 March 2019**

At: **2.30 pm**

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

APPLICATION IN RESPECT OF: Norfolk Showground, Dereham Road, Costessey

APPLICATION FOR: Full Variation Application

APPLICANT: Royal Norfolk Agricultural Association

Sub Committee members: Cllr D Goldson (Chairman)

Cllr C Gould

Cllr P Hardy

Officers in Attendance: The Legal Adviser to the Sub Committee (D Lowens), the Community Protection Team Leader (A Nicholas), the Food, Health and Safety Licensing Team Leader (R Broadbelt) and the Licensing and Enforcement Officer (A Cox)

Speaking at the meeting:

Mr G Smith and Ms C Belton – For the Applicant

Mr J Childs, Howes Percival – Solicitor for the Applicant

Cllr G Blundell – Costessey Town Council

Cllr P Milliken – Easton Parish Council

Prior to the meeting, copies of emailed correspondence between Howes Percival and Costessey Town Council were distributed to all parties. These papers were considered as an addition to the original agenda papers.

A. The Hearing

The Chairman welcomed all attendees and explained the procedure for the meeting. The Licensing and Enforcement Officer informed the Sub Committee of the details of the application which was for a full variation to a premises licence for the Norfolk Showground, Dereham Road, Costessey.

The Panel noted that the proposed changes to the existing licence were substantial and questioned the applicant's decision to apply for a variation rather than for a new premises licence. In response officers clarified that the changes would reduce the number of temporary event notices which could be applied for in respect of the Royal Norfolk Showground and the proposed expansion of the area covered by the premises licence necessitated amended conditions such as the holding of outdoor licensable activities. Whilst the changes sought were significant, officers were of the view that the proposed full variation process was a reasonable route to follow.

The Licensing and Enforcement Officer provided the Panel with details of the events that had led to the application and members noted that there had been an objection raised by Costessey Town Council. Members noted that there had been no objections made by the police or the planning authority, and that Easton Parish Council had not

raised any objections, although they had noted an expectation that the Norfolk Showground would continue to show a duty of care to local residents over car parking arrangements at their events. The Panel was disappointed to note that there had been no representation made by Environmental Services.

Mr Childs sought to reassure members of the professionalism, good track record and reputation of the Royal Norfolk Agricultural Association (RNAA), as detailed in Appendix 8 of the agenda papers. He addressed the concerns submitted by Costessey Town Council, advising that third party users of the Showground were made to adhere to strict conditions regarding safety as each was required to undertake their own risk assessment. Mr Childs also confirmed that, for larger events, the RNAA sought the advice of the Safety Advisory Group (SAG). It was accepted that there had been a recent incident where people had spilled out onto the road, but Mr Childs confirmed that the issue had quickly been resolved and the organiser was consequently required to attend a meeting of the SAG. He reiterated that the RNAA had a sensible and responsible attitude and would continue to deal with any parking issues as appropriate.

Turning to the Town Council's concerns regarding noise from events, Mr Childs advised that, as current events were already being held under temporary event notices, there was no change to noise levels expected as a result of the variation being granted. Members were advised that all users were required to comply with conditions and submit a noise management plan as part of their hire agreement. It was noted that Costessey Town Council had requested that a sound engineer be present at each event, but the applicants felt that a noise management plan for those events including amplified music would be a more holistic method for the management of noise. It was further clarified that adequate numbers of fully-trained stewards would be available at events and that an emergency freephone telephone number would be provided on the RNAA website and also on the promoter's website for the duration of the event, to deal with any complaints or concerns from residents. In response to a member's question regarding the enforcement of any conditions, Mr Childs reassured the Panel that it was in the interests of the RNAA to ensure that users adhered to their hire conditions to uphold its own reputation and that the Association took an active role in working with promoters to ensure events took place in a manner that was acceptable for all.

Cllr Blundell addressed the Panel and spoke of Costessey Town Council's concerns regarding the noise from events held at the Showground. He stated that he did not have any issues with the RNAA and commended the organisation for its fund-raising and advised that the Town Council would like to work with them to alleviate any problems. Mr Childs confirmed that there were no changes proposed to the events held in temporary structures so there would be no variances to those currently taking place. Cllr Blundell also spoke of concerns regarding car parking and noise management plans, advising that people would park where they chose and that he had tried to call the advertised complaints telephone number on a previous occasion but that it had made no difference.

Mr Smith responded to Cllr Blundell, advising that the RNAA worked with traffic management companies and promoters for larger events to ensure that parking and waiting areas were organised and controlled as effectively as possible. Regarding noise issues, Mr Smith accepted that loud music could be unpredictable and travel in peculiar ways so was sometimes difficult to control. He confirmed that, at large events, duty staff employed by the RNAA would work with promoters to ensure that any disturbance to residents was managed.

Cllr Milliken briefly addressed the Panel and reiterated Easton Parish Council's expectation that the RNAA would continue to show a duty of care to local residents over car parking arrangements at their events, adding that he was pleased with the duty of care demonstrated thus far.

The Licensing and Enforcement Officer advised members that the SAG carried no enforcement powers but offered guidance and suggestions to organisers of events. Following discussion, it was suggested and agreed that, should the variation be granted, the wording, as proposed on page 26 point 3 of the agenda, replacing condition 10 under Annex 2 of the Operating Schedule, be replaced with the following:

The premises licence holder will consult with the South Norfolk Safety Advisory Group on all events involving more than 500 people or where the organiser feels the proposed event may have a detrimental impact on local residents and/or businesses. The premises licence holder will comply with any additional conditions proposed by the Safety Advisory Group.

It was also suggested and agreed that, should the variation be granted, the wording, as proposed on page 27 point 8 of the agenda, replacing condition 28 under Annex 2 of the Operating Schedule, be replaced with the following:

Noise levels from all licensable activities comprising of regulated entertainment will be monitored and controlled by the Premises Licence Holder through a condition of hire so as not to give rise to a nuisance to any residential premises and the Premises Licence Holder will ensure that a representative of the Premises Licence Holder will be present at any licensable event (including the playing of amplified music which occurs after 23:00) to ensure that the licensing objectives are adhered to.

As a point of clarity, it was agreed that the wording, as proposed on page 27, points 10 and 11 of the agenda, replacing conditions 32 and 34 under Annex 2 of the Operating Schedule, be changed to the following:

10. Pyrotechnics and fireworks will be permitted on no more than 4 days per calendar year with 6 weeks advance written notice given to the licensing authority.

11. That no amplified music is played in any of the temporary structures after 23:00 hours on any occasion except for up to 4 days in any calendar year when amplified music shall be permitted until 01:00 hours, Notification of these events is to be provided in writing to the licensing authority (Licensing Team) at least 7 working days prior to the event.

Members turned to the Premises Licence and it was suggested that the wording around the noise management plan at point 29 be amended to:

A condition of hire will include the need for certain event organisers to produce a Noise Management Plan. The need for such a plan will be determined by the Safety Advisory Group in accordance with the protocol currently in force.

After all parties had given a brief summary, the Sub Committee then adjourned to determine the application in private session.

B. Findings of fact

The application is for a full variation to a premises licence for the Norfolk Showground, Dereham Road, Costessey.

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 that the police, the planning authority and environmental services have raised no concerns.

The Panel has needed to consider whether this application is appropriate under the licensing objectives. The rule is to grant unless there are cogent and evidence-based reasons to refuse. The Panel needs to consider 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.

The Panel is satisfied that this is a well-run premises, and there are no concerns regarding the standards of management.

The Sub-Committee has heard agreement to produce a noise management plan, if required, by the Safety Advisory Group in accordance with the protocol currently in force.

The Panel notes that there is agreement to ensure that a representative of the premises licence holder will in summary take action to ensure the licensable objectives are adhered to, which include the prevention of public nuisance.

On the basis of the evidence before the Sub-Committee, there is no reason to refuse the application or any part of it and no need to ensure the imposition of any further condition for the promotion of the licensing objectives.

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: 2 April 2019



Signed:
Councillor D Goldson – Chairman