

Agenda Item 2

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE 2003

3.30PM – 20 APRIL 2006

COMMITTEE ROOMS 2/3
BRIGHTON TOWN HALL

MINUTES

Present: Councillor Lepper (Chair); Councillors Mrs Cobb, Hyde (Deputy Chair), Meegan, Older, Pennington (Deputy Chair), Pidgeon, Mrs Simson, Tonks, Turner and Watkins.

PART ONE

ACTION

14. PROCEDURAL BUSINESS

14A Declarations of Substitutes

14.1 There were no declarations of substitutes.

14B Declarations of Interest

14.2 Councillors Bennett and G Theobald declared a personal but not prejudicial interest in item 17 and left the meeting before the start of any business. They did not return to the meeting.

14C Exclusion of Press and Public

14.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A(3) or 100 1 of the Local Government Act 1972.

- 14.4 **RESOLVED** - That the press and public not be excluded from the meeting during consideration of any items.

15. MINUTES

- 15.1 **RESOLVED** - That the minutes of the meeting held on 2 March 2006 be approved and signed by the Chair.

16. PUBLIC QUESTIONS

- 16.1 There were none.

17. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – SUSSEX COUNTY CRICKET GROUND, EATON ROAD, HOVE

- 17.1 The Committee considered a report of the Assistant Director of Public Safety concerning the Application for a Premises Licence under the Licensing Act 2003 for Sussex County Cricket Ground, Eaton Road, Hove (for copy see minute book).
- 17.2 The applicants attended the meeting with their representative Mr Simmonds. Ms Sparks attended the Panel to make representations on behalf of Environmental Health.
- 17.3 The Licensing Manager summarised the application as set out in the report. Although the applicants already had a premises licence, the application was necessary as the number of persons attending the concert would be greater than 5,000 (18,000 persons). A representation had been received from the Environmental Health, Pollution Team. There were no other representations.
- 17.4 Ms Sparks informed the Panel that since the submission of the report, she had met with the applicants, who had commissioned an additional acoustic report in April 2006. This report reduced noise levels and addressed many of Ms Spark's original concerns. However the site was surrounded by residential property and high rise flats and complaints might still be received. Ms Sparks recommended the conditions set out in section 3 of the report and a noise management plan to be agreed by the Director of Environment, 14 days prior to the event.
- 17.5 Mr Simmonds requested that there be an addition to condition 4 in the report as follows. The sixth line should read "The Elton John performance and support act requiring levels not to exceed both those set out in the following table and foot notes, or set at a level determined by the Director of Environment, or

her authorised officer on site, whichever is the lower, *subject to a multi-agency decision that the safety of the audience will not be affected.*"

- 17.6 Mr Simmonds informed the Committee that all the authorities had worked hard to come to a satisfactory conclusion. No other representations had been received. Meetings had been held with neighbours, and information had been circulated to them. Any music played after Elton John's appearance could be switched off at 8.00 p.m or shortly afterwards to allow for the quiet dispersal of the crowd. The only people remaining after 8.00 p.m would be hospitality guests.
- 17.7 Mr Simmonds informed the Committee that the applicants agreed to all the conditions proposed as amended. The applicants wished to offer a further condition stating that the licence would only be issued subject to the agreement of all relevant authorities.
- 17.8 It was stressed that the concert was an enormously popular event. 78% of tickets had been sold to BN postcodes. A massive traffic management scheme was in place.
- 17.9 **RESOLVED** – That the application for a premises licence be granted with the following conditions. **Martin New**
- 1) On the day of the event recorded music shall only be played between 14.00 and 20.10 hours (excluding any recorded music used during the sound checks for the touring public address system and sound checks for the Elton John performance and Support Act. These sound checks shall take place between 13.00 and 14.00 on the day of the event) (NB *Section F of the application indicates 20.00 the additional 10 minutes will be for low level calming background music to encourage the audience to leave quietly*)
- 2) The background music before and after the Elton John performance shall be managed and monitored in accordance with the details of the revised Capita Symonds Report dated April 2006. The noise level of the background music at the nearest residential properties still needs to be agreed with the local authority. Authority to be delegated to the Director of Environment to set such levels.
- 3) The Cricket Ground Public Address System shall not be used as part of this event.
- 4) The music noise levels for the Elton John performance and Support Act shall be managed and monitored in accordance

with the protocol detailed in the Capita Symonds Acoustic Report dated April 2006. This includes sound levels being monitored continuously throughout the entire event, by representatives for the promoter. On site local authority representatives shall be working with them. The Elton John performance and Support Act requiring levels not to exceed both those set out in the following table and foot notes, or set at a level determined by the Director of Environment, or her authorised officer on site, whichever is the lower, subject to a multi agency decision that the safety of the audience will not be affected. Even at these levels it appears that Noise Council Guidance will be exceeded indicating that noise complaints could still be received. The procedure for managing these complaints shall be in accordance with the protocol set out in the revised Capita Symonds Acoustic Report dated April 2006.

Table detailing predicted noise levels at nearest sensitive dwellings

Location of Dwelling	Distance from Loudspeakers (m)	Façade Attenuation (dB)	Reflective Noise (dB)	Beam steering correction factor for line array system (dB)	Residential		
					Level Leq (15mins)		
					A-weighted	63Hz octave	125Hz octave
Palmeira Avenue	75	0	0	3	88 <i>Note 1</i>	93	89
Wilbury Road	75	0	0	3	88 <i>Note 1</i>	93	89
Cromwell Road	170	0	0	3	86 <i>Note 1</i>	91	87
Eaton Road	50	0	0	0	75	80	76

Note 1 The predicted levels take account of the beam steering capabilities of the sound system. As stated above, reduction in level using beam-steering technology can achieve up to 10dB(A) reduction of offsite levels. We are unable to obtain data from the

hire company as the exact reduction their system will achieve and much of the level reduction is dependent on the setting up process just prior to the show. The sound engineer for Elton John last year conducted the set-up alignment successfully and it is therefore recommended that the design criteria for the beam steering alignment should achieve a minimum of 4dB, overall level at the façade of the nearest noise sensitive properties, which would reduce the levels at the properties to the figures shown in parenthesis.

Note 2 It has been agreed with the promoters, that the support act sound levels will be reduced in order to give lower levels at the residents' dwellings during their 45-minute set.

5) A telephone complaints hotline will be made available for the duration of the sound checks and concert. Should complaints of noise arise, at any time during the event, the promoter's acoustic representative and/or Environmental Health Department staff will visit the area of complaint and appropriate action will be taken.

6) The weekend before the event local residents shall be sent a letter including the following information:

- The dates and times of the set up and breakdown activities
- Dates and times of sound checks and tests of the public address system
- Times for background music
- Times for the Elton John performance and support act
- Details of the hotline number

The content and proposed area of distribution of the letter shall be agreed with the local authority.

7) There will be a noise management plan for the setting up and breaking down, to be agreed by the Director of Environment, 14 days prior to the event.

8) The issue of a licence is subject to final agreement of all the responsible authorities.

18. DRAFT LICENSING AUTHORITY STATEMENT OF GAMBLING POLICY

18.1 The Committee considered a report of the Director of Environment, which informed Members, that the Gambling Act 2005 required licensing authorities to prepare, every three years, a statement (also known as a policy) of the principles which they proposed to apply when exercising their functions (for copy see minute book). A draft statement was attached to the report.

18.2 **RESOLVED** – That officers develop a statement of gambling policy with our partners, consult and in due course report back to the Licensing Committee (Licensing Act 2003 Functions) to go forward to Council. **Tim Nichols**

19. SCHEDULE OF LICENSING APPEALS

19.1 The Committee considered a schedule of licensing appeals (for copy see minute book). Members were informed that the Iron Duke hearing was ongoing and was due to go back to court. The Head of Environmental Health and Licensing would report back further at the next meeting. The appeal for the Shakespeare's Head was settled by consent. It had been agreed in court that the Border Store should be allowed to sell lager with a 6% alcohol content. Sidewinder was settled by consent with a noise condition agreed with the resident.

19.2 **RESOLVED** – That the schedule be noted.

20. SCHEDULE OF LICENSING REVIEWS

20.1 The Committee considered a list of licensing reviews (for copy see minute book).

20.2 **RESOLVED** – That the schedule be noted.

The meeting concluded at 5.55 p.m.

Signed

Chair

Dated this

day of

2006