

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE 2003 (Licensing Act 2003 Functions)

4.00pm – 23 November 2006

COUNCIL CHAMBER HOVE TOWN HALL

Present: Councillors Lepper (Chair); Councillors Carden, Cobb, Hawkes, Hyde (Deputy Chair), Meegan, Older (left chamber after item 19), Pennington (Deputy Chair) (left chamber after item 19), Pidgeon, Simson, G Theobald, Watkins and Williams.

PART ONE

ACTION

15. PROCEDURAL BUSINESS

15A Declarations of Substitutes

15.1 There were none.

15B Declarations of Interest

15.2 Councillor Older declared a personal and prejudicial interest in Item 20 as she had bought tickets for the Big Beach Boutique event. Councillor Older left meeting when the item was discussed and did not return to the chamber.

15.3 Councillor Pennington declared a prejudicial interest in Item 20 as he owned a beach hut in the area in which the event was taking place. Councillor Pennington left meeting when the item was discussed and did not return to the chamber.

15C Exclusion of Press and Public

15.4 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.

15.5 **RESOLVED** - That the press and public not be excluded from the

meeting during consideration of any items.

16 MINUTES

- 16.1 **RESOLVED** – That the minutes of the meetings held on 22 June 2006 and 27 September be approved and signed by the Chair.

17. CALLOVER

- 17.1 **RESOLVED** – That all the items on the agenda be reserved for discussion.

18 CHAIR'S COMMUNICATIONS

- 18.1 There were none.

19. PUBLIC QUESTIONS

- 19.1 There were no public questions.

20. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 - MADEIRA DRIVE EAST OF THE AQUARIUM TERRACE DEVELOPMENT TO A POINT EAST OF CONCORDE 2 BRIGHTON

- 20.1 The Committee considered the report of the Assistant Director, Public Safety, regarding an application from Loud Sound Events Ltd, for a premises licence under the Licensing Act 2003 for an event taking place at Madeira Drive east of the Aquarium Terrace development to a point east of Concorde 2, Brighton (for copy see minute book).
- 20.2 Jim King, Event Manager, Loud Sound Events Ltd, Judy Jackson, MRL Limited, Gary Blackburn, Matthew Cook, and Hannah King attended to represent the applicants.
- 20.3 The Responsible Authorities in attendance were Jim Whitelegg, Environmental Health Pollution Team; Tim Moore, City Clean; Stuart Harley, Environmental Health and Licensing; Bruce Townsend, Craig Thomson and Ron Kirkwood, East Sussex Fire and Rescue Service; Chief Inspector Hobbs, Sussex Police.
- 20.4 Mr Scoble attended as a residential objector. Dr Thomas attended to represent the Kingscliffe Society, the Marine Square Residents Association and other local residents.
- 20.5 The Licensing Manager summarised the application as set out in the report. A number of representations had been made to the application. Discussions had taken place between the applicants and the local authority since the publication of the Committee agenda. A number of concerns had been resolved, however some representations remained outstanding. The

applicant had amended the operating schedule (Event Management Plan), which had been circulated to Committee Members.

- 20.6 Mr Whitelegg, Environmental Health, Noise Pollution Team, informed the Committee that the applicant had submitted an amended noise management plan. As a result, there were no grounds for the pollution team to recommend refusal to the application. If the Committee were minded to grant the application Mr Whitelegg suggested the following conditions should be attached to the licence:-

1. The licensee will provide a point of contact to the Department of Environment for the duration of the event by nominating a named person and telephone number.

2. The music noise level (Leq) shall not exceed 65 dB(A) over a 15 minute period at 1 metre from the nearest residential property or a level to be set by the Department of Environment. 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. Special consideration will be given to frequencies with good propagation characteristics; typically the bass octaves centred around 63 Hz and 125 Hz to ensure they do not exceed 70 dB.

3. The sound system shall be operated at all times to the satisfaction of the Director of Environment.

4. Designated qualified personnel shall be present at the sound control position for the duration of the event for the purpose of ensuring that condition 3 is complied with.

5. Access to the sound control position shall be afforded to the representatives of the Director of Environment at any time throughout the event and during any sound checks.

6. 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 promoters acoustic representative will visit the area of complaint and appropriate action will be taken. The Environmental Health Department staff on site will be informed of any complaints that arise.

7. A letter shall be delivered to local residents the week before Christmas, which shall include 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 of background music
- Times for the Fat Boy Slim performance and any other support acts
- Details of the hotline number

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

(Note: Condition 7 above, includes an amendment agreed by Committee Members.)

20.7 Mr Harley, Environmental Health and Licensing Team, informed the Committee that he had no grounds to offer support or to reject the application. He suggested the following conditions be attached to the licence.

1. The total number of people on the site shall not exceed 19,999 in accordance with the application submitted.
2. The licence holder will liaise closely with the relevant departments of Brighton & Hove City Council and the Emergency Services, and will provide all necessary information to the Council and Multi-Agency representatives of the Safety Advisory Group.
3. Persons employed in the role of stewarding must be clearly distinguished from those acting in the role of security.
4. The licence holder must ensure that the event takes place in accordance with the document known as the "Event Management Plan" as submitted by Loud Sound. Any variations to the Event Management Plan must be discussed with, and agreed by, members of the Safety Advisory Group.
5. Items of street furniture and other fixtures, which are situated in the audience area, are to be removed or fenced off, so as not to pose a hazard to audience members, to the satisfaction of relevant Council or Emergency Services representatives.
6. The licence holder must take appropriate steps to ensure that the area to the west of the entrance to the licensed area on Madeira Drive is kept clear of non-ticket holders, so as not to

compromise the evacuation of the site.

7. Final details with regard to evacuation areas and access for emergency vehicles to be agreed to the satisfaction of the East Sussex Fire and Rescue Service and the Council's Health and Safety Team.

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

(Note: Condition 7 above was suggested and agreed as an additional condition by Members of the Committee).

20.8 Mr Townsend informed the Committee that East Sussex Fire and Rescue Service still had serious concerns regarding access to the site. Access to the central area of the site was poor. The fire and rescue service hoped to resolve this issue at the Safety Advisory Group. As matters stood, emergency vehicles could only successfully access the event from the east of the site and evacuation could only successfully take place from the west end. Two means of escape were necessary. Emergency vehicles would hamper evacuation from the east end of the site.

20.9 Mr Townsend stressed that there would be no access to the south or north of the site except for two steep 25 metre central staircases to the north.

20.10 Mr Townsend stressed that if the application was granted, East Sussex Fire and Rescue Services required the provision of 1. documented operating schedules and site specific risk assessment for all the concessionary and refreshment areas. 2. The provision of sterile areas at the east and west of the event to provide safe evacuation in the event of an emergency. 3. Provision of acceptable safe access for fire appliances in the event of fire.

20.11 Chief Inspector Hobbs informed the Committee that Sussex Police withdrew their objections to the application subject to the following conditions.

1. That the role and responsibility of the Designated Premises Supervisor be articulated within the Event Management Plan.

2. That the promoter ensures that a search of persons entering the event is set at a ratio of 1-5.

3. That the promoter shall enforce a zero tolerance of drugs and alcohol offences within the plan.

4. That the promoter ensures procedures are in place to prevent the sale of alcohol to persons under 18.
5. That the promoter agrees with Sussex Police the stewarding plan, and that the stewarding plan does not compromise door staff stewarding within the city the previous evening.
6. That the promoter ensures that in the marketing of the event that it is made clear that the event is not suitable for children and in order to prevent people without tickets travelling to the City that it is made clear that if people don't have tickets they will neither get in, or see the event from the outside.

20.12 Mr Moore from City Clean informed the Committee that he had agreed in principle, the following conditions with the promoter some of which were contractual issues.

1. That the area that includes the A259: West Street to the Aquarium roundabout; Marine Parade from the Aquarium roundabout to Lewes Crescent; Old Steine, are kept to the cleansing standards set out by the EPA 1990 Code of Practice, which are the council's statutory responsibilities. This should operate between 12.00 and midnight.
2. That regular inspections are made of the areas outside of the event area and inside.
3. That any vomit, urine, faeces that may be found within the area identified outside the event area or within the event area are cleansed and sterilised within 1 hour of being fouled.
4. That the event site is returned to a grade A standard before the area is returned to public use.
5. That the Council can call on the applicant up to 48 hours after the event to remedy issues that may not have been dealt with.
6. To make provision for dealing with any litter or damage from excessive numbers of non-ticket holders across the city centre.
7. Make provision for maximising the recycling of all materials in relation to catering and construction as far as practicable.
8. That all waste collection on behalf of the promoter is their responsibility to dispose of legally and safely.
9. That provision is made for glass containers and their safe storage and transference for recycling.

10. To make provision for excessive numbers of non-ticket holders to remedy damage to street furniture or provide additional cleansing if required.

11. Additional monies - £3K for City Clean to cover abnormal levels of cleansing.

20.13 Dr Thomas informed the Committee that her main concerns were the impact of noise levels, the impact of crowds, the impact of parking in the area and the depravation of facilities.

20.14 Dr Thomas noted that the site boundary was larger than the premises area for the licence. The site boundary area had very significant implications for residents in the area. Residents sought clarification about how long the site would be shut off to residents and visitors to Brighton. Meanwhile, facilities such as the children's playground and 23 beach huts were within the site boundary area.

20.15 Dr Thomas had concerns about egress from the site. The BN postcode covered a wide area in Sussex and there could be a vast crowd in the residential area.

20.16 Mr Scoble expressed health and safety concerns. He stressed that the site was contained by the sea at the south and a high wall to the north. There were two restricted exits. Mr Scoble was concerned at the lack of consultation with residents and the noise and nuisance the event was likely to cause, especially if rubbish was collected in the early hours. Mr Scoble was worried about crime and disorder and children entering the site with alcohol. Mr Scoble stressed his rights under the Human Rights Act.

20.17 Mr King, Event Manager, informed the Committee that he considered that the application satisfied all four licensing objectives. Tickets for the event had been sold to people with a Brighton postcode, and people were being told not to come to Brighton unless they had bought a ticket. Demand for tickets outside the area was not great and a relatively small number of tickets (268) had been put on sale on Ebay. 60% of tickets had been sold to people living in BN1, BN2 and BN3.

20.18 The beach and sea area would be fenced off and the coast guards had not made a representation. Mr King was satisfied with the facilities and the large deployment of stewards.

20.19 Mr King explained that the music would finish at 8.00pm and this would give time for people to egress on foot or by rail. Brighton Railway station was satisfied with security provisions.

- 20.20 Mr King explained that people who bought tickets had been asked to complete a questionnaire, stating how they would travel to the event. 1504 people said that would come by car and 2380 people had said they would travel by train. Sufficient car parking space was available and Southern trains had room for between 7000 and 8000 people.
- 20.21 The event had been planned with great consideration for public safety and the consultation had been extensive. A number of changes had been made to the Event Management Plan and Mr King was happy to endorse the suggested conditions set out by the responsible authorities.
- 20.22 Mr King explained that 130 security stewards would be positioned at the event and the surrounding area. There would be effective drug prevention and searches. Contraband glass would be confiscated.
- 20.23 With regard to public safety, the Safety Officer was one of the most experienced in the UK. The Event Management Plan had been updated. Medical cover had been addressed at higher levels than those required. The applicants were working with the emergency officer at the Local Authority. There would be emergency buses to the north, east and west of the city. There would be warm up areas throughout the site. Meanwhile people were being advised to wrap up warmly.
- 20.24 With regard to prevention of public nuisance, the applicants had worked on an effective traffic management plan. No music would be played after 8.00 pm. Alcohol sales and concessions would stop at 9.00 pm. A comprehensive clean up programme had been agreed for the site and the surrounding roads.
- 20.25 With regard to the protection of children from harm, under 16's would have to be accompanied by an adult. The Challenge 21 policy would be in operation in the bars.
- 20.26 Mr King stressed that there would be no fireworks or visible entertainment for non ticket holders to see. Non ticket holders would be challenged and there would be large buffer zones for the audience to be evacuated either end of the site.
- 20.27 Mr King acknowledged that more work needed to be done to alleviate the concerns of the East Sussex Fire and Rescue Service. However, he stressed that the amount of meterage either end of the site was sufficient for the number of people at the event.
- 20.28 Mr King stressed that the access to Madeira Drive would not be closed off for the entire period. Madeira Drive would be completely closed for part of 31 December and all day on 1

January. The children's playground would only be inaccessible on 1 January. The applicants were in discussion with the beach hut owners and fishermen regarding access.

- 20.29 **RESOLVED** – That the application be granted with conditions attached as outlined by the Environmental Health, Noise Pollution Team, in paragraph 20.6; the Environmental Health and Licensing Team, paragraph 20.7; Sussex Police, paragraph 20.11; and City Clean, paragraph 20.12, conditions 2 to 10 inclusive. The Event Management Plan will become the Operating Schedule and will add the above conditions if they are not already contained in the plan.

Martin New

Reasons for granting licence: The Panel are satisfied that measures are in place to meet the licensing objectives. The Panel note that further negotiations are taking place between the applicants and East Sussex Fire and Rescue Service relating to the concerns raised in paragraph 20.10. The East Sussex Fire and Rescue Service have powers under their own legislation to prevent the event being held if the concerns are not resolved.

The applicants were requested to liaise with the local residents about any concerns they might have about the event.

The Panel solicitor reminded the parties of their appeal rights to the Magistrates Court under the Licensing Act and that appeals must be made within 21 days of written notification of the decision given at the hearing.

21. SCHEDULE OF LICENSING APPEALS

- 21.1 The Committee considered the Schedule of Licensing Appeals (for copy see minute book).

RESOLVED – That the schedule be noted.

22. SCHEDULE OF LICENSING REVIEWS

- 22.1 The Committee considered the Schedule of Licensing Reviews (for copy see minutes book).

- 22.2 **RESOLVED** – That the schedule be noted.

23. ITEMS TO GO FORWARD TO COUNCIL

- 23.1 There were none.

The meeting concluded at 7.34pm

Signed

Chair

Dated this day of 2006