

BRIGHTON & HOVE CITY COUNCIL

**LICENSING COMMITTEE 2003
(LICENSING ACT 2003 FUNCTIONS)**

4.50PM – THURSDAY 21 JUNE

COMMITTEE ROOM 3 - BRIGHTON TOWN HALL

MINUTES

Present: Councillor Simson (Chairman); Councillors Cobb, Davey, Fryer, Hamilton, Hawkes, Hyde (Deputy Chairman), Lepper (OS), Marsh, Older, Pidgeon (Deputy Chairman), Smart, Watkins and West.

[**Note:** The Chairman, Councillor Simson, had to leave the meeting to attend a pre-arranged Council engagement following consideration of Item 6 as set out below. Councillor Hyde took the Chair for the remainder of the meeting.]

PART ONE

ACTION

1. PROCEDURAL BUSINESS

1A Declarations of Substitutes

1.1 There were none.

1B Declarations of Interest

1.2 There were none.

1C Exclusion of Press and Public

1.3 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 Schedule 12A, Part 5A, Section 100A(4) or 100 1 of the Local Government Act 1972 (as amended).

1.4 **RESOLVED** - That the press and public be not excluded from the meeting.

2. MINUTES

- 2.1 **RESOLVED** – That the minutes of the meeting held on 19 April 2007 be approved and signed by the Chairman as a correct record.

3. CALL OVER

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

4. CHAIRMAN'S COMMUNICATIONS

- 4.1 There were none.

5. PUBLIC QUESTIONS

- 5.1 There were none

**6A TO CONFIRM THE ESTABLISHMENT OF LICENSING COMMITTEE 2003
(LICENSING ACT 2003 FUNCTIONS)**

- 6.1 The Solicitor to the Committee explained that it was necessary for the Committee to formally confirm the Establishment of the Licensing Committee 2003 (Licensing Act 2003 Functions) and its constituent panels.

- 6.2 **RESOLVED** – That the establishment of the Licensing Committee 2003 (Licensing Act 2003 Functions) be confirmed.

6. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 - SUSSEX COUNTY CRICKET GROUND

- 6.1 The Committee were requested to determine the application for a premises licence under the Licensing Act 2003 for the performance of an outdoor event comprising the band McFly on Saturday 28 July 2007 and the show "Rat Pack" on Sunday 29 July 2007 at the above venue. The timings for the concerts would be 28/7/07, 18.30 to 20.00 hrs with sound checks from 16.00 to 17.00 hrs; 29/7/07-"Rat Pack" (which was anticipated to be much smaller than the McFly concert) 17.45 to 20.30 hrs with sound checks from 16.00 to 17.00 hrs. Low level background music was to be played just prior to the events and for 5 minutes afterwards.

- 6.2 It was noted that the representations received from the Pollution Team of the Environmental Health Department had now been withdrawn. Following further consultation their original concerns had been satisfactorily addressed. It was also noted that although made aware of the meeting date and timings, the

objector was not present.

- 6.3 Councillor West queried the fact that having raised concerns in respect of the original application these matters had now been dealt with and addressed prior to the meeting. The Licensing Officer explained that this was not unusual in that negotiations with applicants were always on-going.
- 6.4 Mr Simmons spoke on behalf of the applicant in support of their application outlining the arrangements which had been made in respect of both events but particularly relative to health and safety management and supervision issues in connection with the McFly concert to be held on the Saturday evening to address the fact that large numbers of young people were likely to be in attendance.
- 6.5 In answer to questions of the Chairman and Councillors Hawkes, Hyde, Lepper, Marsh and Watkins, Mr Simmons outlined measures taken to ensure that younger children, in relation to the McFly concert, were accompanied by suitable ratios of responsible adults to the number of children attending as part of any group. Plastic receptacles would be used and the sale of alcohol would be subject to rigorous controls. Measures would also be taken to ensure that those attending the concert did not bring alcohol with them to the event. In answer to further questions Mr Simmons also outlined the marshalling arrangements which would be out into place and the on-going dialogue which would take place with the relevant agencies including the police and local authority up to and including the day of each event. It was acknowledged that the event planned for the Sunday would attract an older and distinctly different audience than that planned to take place on the Saturday.
- 6.6 Following discussion and debate in closed session a vote was taken and Members agreed with one abstention to grant a premises licence under the Licensing Act 2003 in the terms set out below.
- 6.7 **RESOLVED:**
- (1)The panel has decided to grant the premises licence as applied for subject to conditions consistent with the operating schedule and the further conditions proposed by Environmental Health and agreed by the applicants in addition to those in the operating schedule and which are as follows:
1. On the 28 July live amplified music shall only be played

between 17.00 and 20.00 hours (excluding any live/recorded music used during the sound checks for the touring public address system and sound checks for the McFly performance and Support Act. These sound checks shall take place between 16.00-17.00 on the day of the event). The mixer noise level for McFly will not exceed LAeq 15min 98 dB (NB *very low-level calming background music will be played prior to the event and 5-minutes after the event to encourage the audience to leave quietly*).

2. On the 29 July live amplified music shall only be played between 17.45 and 20.30 hours (excluding any live/recorded music used during the sound checks for the touring public address system and sound checks for the Ratpack performance and Support Act. These sound checks shall take place between 16.00-17.00 on the day of the event). The mixer noise level for Ratpack will not exceed LAeq 15min 90 dB (NB *very low-level calming background music will be played prior to the event and 5-minutes after the event to encourage the audience to leave quietly*).
3. The background music before and after the two events shall be managed and monitored in accordance with the details of the revised Capita Symonds Report dated June 2007. The noise level of the background music at the nearest residential properties to be agreed with the licensing authority.
4. The Cricket Ground Public Address System shall not be used as part of this event.
5. The music noise levels for the McFly and Ratpack performances, including support acts, shall be managed and monitored in accordance with the protocol detailed in the Capita Symonds Acoustic Report dated June 2007. 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.
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 promoter's acoustic representative and/or Environmental Health Department staff will visit the area of complaint and appropriate action will be taken.

7. Fourteen days before the event local residents would 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 performances and support acts
- Details of the hotline number

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

8. In Appendix B of the Capita Symonds Acoustic Report dated June 2007 it is noted that the dates and times proposed for setting up and breaking down the event are as follows:-

- Tuesday 24th July – Friday 27th July 07.30 - 19.00
- Saturday 28th July – 07.30 – 22.00
- Sunday 29th July – 07.30 – 22.00
- Monday 30th July – Tuesday 31st July 07.30 – 19.00

(2)The panel considered that the measures the applicants proposed to take in relation to young people, the control of the event, and the measures to be taken with regard to noise limitation would deal with the concerns raised and promote the licensing objectives. It was stressed that there would be continuing liaison between the applicants and the environmental health department and that ultimately the issue of the licence was subject to the final agreement of all the responsible authorities.

7. STATEMENT OF LICENSING POLICY: FURTHER CONSIDERATIONS

7.1 A report of the Director of Environment setting out and updating details of the endorsed draft Licensing Policy for use as a consultation draft was placed before the Committee. It was noted that once the consultation process was complete, target date 31 August 2007, a further report would be made to Licensing Committee on 4 October 2007 (for copy see minute

book).

- 7.2 Members welcomed the initiative by officers who had responded on behalf of the Licensing Authority to the DCMS consultation requesting discretion over adult regulated entertainment like strip clubs to allow Licensing Councillors the ability to protect the character of localities and proliferation of pole dancing, etc, clubs. This dove-tailed with the initiatives supported by the Non-Licensing Act 2003 Functions and the request for a report to be put forward to the Policy and Resources Committee.

7.3 **RESOLVED:**

- (1) That the Committee endorse the amendment to the draft statement of Licensing Policy to define the term "mobile support unit" for the purposes of premises licence conditions as set out in Paragraph 3.5 and Appendix 3 to the report; and
- (2) That the Committee endorse an amendment to Paragraph 2.9 of the draft policy to describe the Licensing Authority's approach to nudity, striptease and other entertainment of an adult or sexual nature as set out in Appendix 2 to the report.

[**Note:** In the Chairman's absence Councillor Hyde took the Chair during consideration of the above item and for the remainder of the meeting.]

8. VIOLENT CRIME: LOCAL GOOD PRACTICE

- 8.1 The Committee considered a report of the Director of Environment informing members of draft guidance made and regulations made under violent Crime Reduction Act 2006 concerning Alcohol Disorder Zones (APZs) and current local practice (for copy see minute book).
- 8.2 As the consultation period had been short and had now finished, a short response had been made by council officers. Officers had been unable to identify any improvements but had considered the arrangements might be too resource intensive to be effective. Members noted that it was felt that action to justify, consult, action and review would be resource intensive.

8.3 **RESOLVED:**

- (1) That the contents of the report be noted; and

- (2) That officers continue to seek to establish taxi marshalling at city centre taxi ranks during peak night time use.

9. GAMBLING ACT 2005 – PREMISES LICENCE FEES

9.1 The Committee considered a report of the Director of Environment concerning the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (the 2007 Regulations) made under the Gambling Act 2005 require Licensing Authorities to set premises licence and other fees. The 2007 Regulations also set parameters within which fee regimes must sit. The 2007 Regulations were laid before Parliament on 21 February 2007 and came into force on 21 May 2007 - the first date on which applicants could apply for relevant licences. The fees currently set in Brighton & Hove were adopted after consultation with the Committee's Chairman and Deputy-Chairmen under the council's urgency powers. It was not practical to obtain prior Committee approval as the draft fees regulations, on which the original calculations were based, changed considerably when finally laid before Parliament. Use of the urgency procedure requires action to be reported to the appropriate committee.

9.2 RESOLVED:

- (1) That the Committee endorses the fee structure for 2007/2008;
- (2) That the Committee uses its licensing and registration powers to delegate the setting of future fees to Assistant Director – Public Safety;
- (3) That future fees will be set after reviewing them within the confines of the 2007 Regulations, to ensure that premises licensing regime does not generate general income. Fee changes required only to account for inflation need not undergo a full review; and
- (4) That the changes in gambling premises, etc, fees would be reported back to the Committee.

10. SCHEDULE OF LICENSING APPEALS

10.1 **RESOLVED** – That the contents of the Schedule of Licensing Appeals (for copy see minute book) be noted.

11. REVIEWS RECEIVED

11.1 That details of the reviews received (for copy see minute book) be noted.

12. ITEMS TO GO FORWARD TO COUNCIL

12.1 There were none.

The meeting concluded at 6.10pm

Signed

Chairman

Dated this day of 2007