

Brighton & Hove City Council

For general release

Meeting: **Licensing Committee**

Date: 20th April 2006

Report of: **Assistant Director – Public Safety**

Subject: **Application for a Premises Licence under the Licensing Act 2003 –**

Applicant: Sussex County Cricket Club

Premises: Sussex County Cricket Ground Eaton Road Hove BN3 3AN

Ward(s) affected: Central Hove

1. **Purpose of the report**

1.1 To determine an application for a premises licence.

2. **Summary of application**

2.1 The application is for:

A grant of a premises licence under the Licensing Act 2003.

Case Officer: Martin New

2.2

	Proposed
A Plays	None
B Films	None
C Indoor sporting Events	None
D Boxing or Wrestling	None
E Live music	Sunday 25/06/2006 16.00 – 20.00
F Recorded Music	Sunday 25/06/2006 13.00 – 20.00
G Performance of Dance	Sunday 25/06/2006 16.00 – 20.00

H Anything of a similar description within e, f ,or g	None
I Provision of facilities for making music	Sunday 25/06/2006 13.00 – 20.00
J Provision of facilities for dancing	Sunday 25/06/2006 16.00 – 20.00
K Provision of facilities for entertainment of a similar description to that falling with in i or J	None
L Late Night Refreshment	None
M Supply of Alcohol	Sunday 25/06/2006 13.00 – 21.00
O Hours premises are open to public	Sunday 25/06/2006 13.00 – 21.45

3. Representations received

3.1 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

- a) One representation has been received to date from the Pollution team relating to Public Nuisance
- b) In view of further information submitted by applicants, if Licensing Committee are minded to grant subject to conditions, members may wish to consider the following:-
 - i) On the day of the event recorded music shall only be played between 14.00 and 20.10 (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)*
 - ii) 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. Members may wish to consider delegating authority to the Director of Environment to set such levels.

iii) The Cricket Ground Public Address System shall not be used as part of this event.

iv) 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. Members may wish to consider imposing a condition on 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. 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.

- v) 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 and/or Environmental Health Department staff will visit the area of complaint and appropriate action will be taken.

- vi) 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.

Outstanding information required

In Appendix C of the revised Capita Symonds Acoustic Report dated April 2006 it is noted that the dates and times proposed for setting up and breaking down the event are as follows:-

Tuesday 20th June (NB error in the report where it states May) – Saturday 24th June
08.00 - 19.00

Sunday 25th June 08.00 – 12.00 and 20.00 – 24.00

Monday 26th June – Tuesday 27th June 08.00 – 19.00

The breakdown on Sunday is to last until 24.00. Noise mitigation measures to minimise noise impact need to be provided. Members may wish to condition the dates and times of all the set up and break down activities, and the noise mitigation measures proposed. The hours 0800 – 19.00 are considered reasonable, and generally within the hours recommended for construction activity.

4. Commentary on licensing policy

- 4.1 The following extracts from Brighton & Hove Licensing Policy are considered relevant to this application and numbered as they appear in the policy:

General

- 1.2 The licensing objectives are:-
- (a) prevention of crime and disorder;
 - (b) public safety;
 - (c) prevention of public nuisance;
 - (d) protection of children from harm.

1.4 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or

seek a review of a licence or certificate where provision has been made for them to do so in the Act

1.14 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

In respect of the prevention of public nuisance

4.2 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises.

4.3 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence.

4.4 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

4.5 Staggered closing times will not be used to combat binge drinking disorder and antisocial behaviour. Zoning will be avoided. A general principle of later opening so that customers can leave for natural reasons, slowly over longer periods will be promoted, to prevent unnatural concentrations of people. The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

4.6 Generally permitted temporary activities in the open air including tents and marquees should have a maximum closure hour of 11.00pm. Earlier hours may be imposed in sensitive open spaces or near residential areas.

4.7 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

4.8 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

In respect of Live music, Dancing and Theatre

7.1 This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The impact of licensing on regulated entertainment, particularly live music and dancing, will be monitored. Where indications are that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how such situations might be reversed.

7.2 The Licensing Committee represents the general interests of a community. In determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives. The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre - such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented. Only necessary, proportionate and reasonable licensing conditions should impose any restrictions on such events.