

LICENSING COMMITTEE (Licensing Act 2003 Functions)

Agenda Item 28
Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.30PM 27 NOVEMBER 2008

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors C Theobald (Chairman), Lepper (Deputy Chairman), Mrs Cobb, Fryer, Hamilton, Harmer-Strange, Hyde, Kitcat, Marsh, Older, Pidgeon, Simson, Watkins, West and Young

PART ONE

15. PROCEDURAL BUSINESS

15a Declaration of Substitutes

15.1 There were none.

15b Declarations of Interest

15.2 There were none.

15c Exclusion of the Press and Public

15.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100(1) of the Act).

15.4 **RESOLVED** – to not exclude members of the press and public from the meeting.

16. MINUTES OF THE PREVIOUS MEETINGS

16.1 The minutes of the meeting held on 19 June and 18 July 2008 were agreed.

17. CHAIRMAN'S COMMUNICATIONS

17.1 There were none.

18. PUBLIC QUESTIONS

18.1 There were none.

19. CALLOVER

19.1 **RESOLVED** – that all items on the agenda be reserved for discussion.

20. BIG BEACH BOUTIQUE 4 REVIEW

20.1 Mr Martin New, Senior Environmental Health Officer for Brighton and Hove City Council; Chief Inspector Mills of Sussex Police; Annie Sparks, Environmental Health Manager for Brighton and Hove City Council and Jackie Chambers, Senior Environmental Health Officer attended the meeting to present a report on the review of Big Beach Boutique 4.

20.2 Chief Inspector Mills introduced the item and informed the committee that he had been involved with project managing large events in Brighton and Hove since 1999, including the 2003 Fat Boy Slim event.

20.3 The city has a Joint Silver Control formed of Sussex Police, East Sussex Fire and Rescue Service, Sussex Ambulance Service and Officers from the City Council as well as an on-site Events Joint Control where all agencies can liaise together before and during events.

20.4 It was noted that there had been significant difficulties when the event was free, but it was now ticketed at 22,000 which alleviated most of the evacuation issues experienced with previous events.

20.5 This year's event had experienced significant crowd density issues however, due in part to the sound relay, which was poor at the east end of the site, and the design of the site that had created a "bottle-neck" area near the stage. It was estimated that around 300 to 400 people left early due to fears of crushing, however there were no casualties treated for crushing injuries during the entire event.

20.6 Chief Inspector Mills noted that the marshalling had been excellent this year, that the bars were well run and that the promoter had operated a robust drugs policy. He stated that the promoter would alter the design of any subsequent application for an event to avoid a recurrence of crowd density problems, and would consider reducing the number of tickets and spreading the event over a two day period. Any future plans would be scrutinized by the Safety Advisory Group to ensure that density problems would not reoccur.

20.7 The Environmental Health Manager then updated the Committee on the noise control issues. Monitoring had been effective throughout the event and the Council had received only one noise complaint. Officers had immediately visited the property where

the complaint had originated and took readings, but it was noted that the condition which limited sound to 85 decibels was breached only once at 20:00 when Norman Cook came on stage and that reading was 85.1 decibels. Overall noise control had worked extremely well and the promoter had met all of the conditions placed on the licence. Suggestions for improvement for any subsequent event included lower speakers spread out across the site to create a more evenly spread noise pattern and improve sound quality, and a large screen at the back of the site to prevent crowding around the front stage.

- 20.8 The Members of the Committee then asked questions about the report and it was noted that the applicant had not attended the Licensing Committee for this year's application. This had resulted in a lot of unanswered questions and concerns around the safety of the event, although it appeared that disruption to residents had been kept to a minimum. It was noted with concern that the licence holders were not present at the review either, despite being invited.
- 20.9 It was noted by many Members that they had received complaints from residents who had attended during and after the event, but who had left early because of safety fears. The Members were dissatisfied that so many people had left in distress, and did not believe they could count the event as successful because of this.
- 20.10 Concern was raised over plans to include more relay towers next year as this might increase noise disruption, but Officers assured Members that they would be lowered to avoid this and would provide a better distribution of sound.
- 20.11 It was noted that the information mail-out to residents was extremely late this year and that Councillors had experienced problems in contacting the promoters for further information about the event whilst it was running. The Head of Environmental Health and Licensing agreed that there were problems with this, and suggested that if the Committee were minded to grant any future licenses for this event, it would be worthwhile considering a condition that defined what information the mail-out contained and where it should be distributed.
- 20.12 The Members felt that the lateness of the application did not give Officers or Councillors enough time to consider it properly, or the promoter time to effectively inform residents of event management details. Concerns had been raised by Councillors about the site design before the event. There was general agreement that Madeira Drive was not an ideal site to hold such an event and that Preston Park would be much more suitable.
- 20.13 Proper scrutiny of any future licence applications was welcomed, especially from a multi-agency perspective such as the Safety Advisory Group could provide.
- 20.14 Questions were asked over the cost of policing and monitoring the event, and Chief Inspector Mills confirmed that the promoters had paid for the entire operation. It was added that Police Officers had been offered overtime to police the event, so that staffing levels across the rest of the city were not affected. The Head of Environmental Health and Licensing confirmed to Councillors that any costs incurred by the Environmental Health department had been met within the licence fee.

20.15 **RESOLVED** – to note the contents of the report and to request that the Head of Environmental Health and Licensing write a letter to the promoters of Big Beach Boutique to express the strong concerns of the Committee as follows:

- a) That the lateness of the licence application did not give all parties involved enough time to scrutinise the event properly.
- b) That the information available to residents before and during the event was insufficient and needed to be improved.
- c) That problems with the design and site safety had been highlighted by Councillors before the event, and could have been avoided had the promoters liaised more effectively with Officers and the Committee.
- d) That the Committee would strongly urge the promoter to find an appropriate alternative site for any future events.

21. FILM CLASSIFICATION

21.1 The Licensing Manager, Ms J Cranford, presented a report on Film Classification to the Committee and noted that at present there was no formal process to classify films without a British Board of Film Classification certificate being shown within the city. This report was to recommend a procedure for the issuing of classifications by Brighton and Hove City Council as the Licensing Authority.

21.2 Concern was raised by a Member of the Committee that the procedure recommended that only the Chairman or Deputy Chairman of the Licensing Committee would be consulted on sensitive cases, and asked that the process be amended to include the full Committee in these instances as this would be more democratically representative.

21.3 The Chairman noted however the logistical problems of arranging a full Committee to view a film as the department only ever received one copy and that copy would typically have to be returned within a couple of days. It was also noted that the department wanted to avoid accusations of censorship, and needed a process that was as streamlined as possible.

21.4 **RESOLVED** – to agree the procedure for issuing a classification for a film to be exhibited in Brighton and Hove.

22. LICENSING ACT 2003 ENFORCEMENT

22.1 **RESOLVED** – to note the contents of the report.

23. HEALTH IMPACT ASSESSMENT OF LICENSING

23.1 The Head of Environmental Health and Licensing presented the report on Health Impact Assessment of Licensing to the Committee.

23.2 Members asked whether the Health Overview and Scrutiny Committee and the Primary Care Trust could object to or advise on new licence applications as their input would be welcome, but the Head of Environmental Health and Licensing reminded the Committee that public health considerations were not currently a licensing objective and that this

report represented the most effective way that these organisations could be involved in the licensing regime.

23.3 It was noted that alcohol abuse was a very major concern for health services within the city and the Councillors felt that a multi-agency approach was needed to deal with this. It was felt that this issue should be referred to the Overview and Scrutiny Organisation Committee for further consideration.

23.4 **RESOLVED** – to note the contents of the report.

24. SCHEDULE OF LICENSING REVIEWS

24.1 **RESOLVED** – to note the schedule of licensing reviews.

25. SCHEDULE OF LICENSING APPEALS

25.1 **RESOLVED** – to note the schedule of licensing appeals.

26. GAMBLING ACT SCHEDULE

26.1 **RESOLVED** – to note the Gambling Act Schedule.

The meeting concluded at 5.40pm

Signed

Chair

Dated this

day of

