

LICENSING COMMITTEE (Licensing Act 2003 Functions)

Agenda Item 20

Brighton & Hove City Council

Subject: Big Beach Boutique 4 Review
Date of Meeting: 27 November 2008
Report of: Director of Environment
Contact Officer: Name: Tim Nichols **Tel:** 292163
Jean Cranford
Annie Sparks
Martin New
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Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Committee issued a licence appended for Big Beach Boutique 4 for Saturday 27th September 2008 on Madeira Drive.
- 1.2 This report gives licensing members the opportunity to review issue of that licence.

2. RECOMMENDATIONS:

- 2.1 That this report is noted.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The department received one complaint that the noise levels were too low in Madeira Drive which led to people crowding the east end of the site nearest the stage just before the main act.
- 3.2 It is understood that the Safe Space project was fairly busy operating in West Street that night.
- 3.3 Preliminary reports were that there were around 50 casualties that were alcohol and substance misuse related but none relating to crushing.
- 3.4 Officers from the Environmental Protection team were on site throughout the entire event to ensure that the Premises Licence conditions relating to noise were complied with and statutory noise nuisance was prevented. A number of the premise licence conditions required information relating to management of

noise prior to the event. All this information was provided in accordance with the various conditions. During the event, only one noise complaint was received by the council and the sound engineers. This related to a property in Marine Parade behind the stage. Officers from the Environmental Protection Team and the consultant sound engineer immediately visited the complainant at 17.00hrs and both took noise readings. The noise readings complied with the noise criteria set out in the licence conditions and the noise was not deemed to be a statutory nuisance under the provisions of the Environmental Protection Act 1990. The results were discussed with the resident along with the monitoring protocol and it was confirmed that noise levels were acceptable. The resident was satisfied with the action taken. Throughout the event, noise readings were taken by the environmental protection officers and the consultant sound engineer to ensure that the noise from the event met with the noise criteria agreed and the relevant premises licence conditions relating to noise. The environmental protection officers were in routine contact with consultant sound engineers monitoring in the street and sound engineers located on the stage. All 15 minute period noise readings taken by the Council met with the sound criteria agreed as part of the licence conditions. The consultant sound engineer set up a continuous sound level meter which logged noise readings every 15 minutes from 11.00hrs to 22.00hrs. This showed very occasional and slight exceedances of the agreed level at 63Hz. 63Hz is one of the two recognised bass frequencies that can cause disturbance. Each time one of these slight exceedances was identified, immediate action was taken to reduce the 63Hz level. No noise complaints were received after the event

- 3.5 Sussex Police reported that 300-400 people left early in various stages of distress and some crying of which the organisers are aware. They also report that there were issues with the site build which they feel will need to be restructured before any future event is held there. Again, the organisers are aware.

Sussex Police feel that any future event will be subject to full Safety Advisory Group (SAG) scrutiny with the organisers in attendance, senior partners sit on the SAG for the City.

- 3.6 East Sussex Fire & Rescue Service were concerned about the management and control of Concorde 2 during the event as VIP guests were found in restricted areas

- 3.7 There was substantial local press coverage. The local paper reported a balanced mix of views. Some customers were frightened and hurt by the experience it was alleged, and the organisers were quoted as being disappointed that people had safety concerns. Newspaper coverage led to a number of letters appearing in the paper's letters page with residents and customers both supportive and concerned about the event.

- 3.8 The Health and Safety team report that a complaint was received from a member of the public that the sound levels being too low in Madeira Drive which led to people crowding the east end of the site nearest the stage just before Fat Boy

himself came on. The final Event meeting reported that there were some 50 casualties relating to drink and drugs but none relating to crushing. The Licensing team report that there were no breaches of the licence.

4. CONSULTATION

- 4.1 The following responsible authorities were consulted: Sussex Police, Environmental Health, Health & Safety inspector, event manager, Fire and Rescue Service.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Licence fee rates are set by central government at a level considered to allow licensing authorities to recover the costs of providing a licensing service.

Finance Officer Consulted: Karen Brookshaw Date: 21/10/2008

Legal Implications:

- 5.2 The purpose of licensing the event is to prevent crime and disorder, public safety, prevent public nuisance and protect children from harm.

Lawyer Consulted: Rebecca Sidell Date: 21/10/2008

Equalities Implications:

- 5.3 The council aims to lead a city that is inclusive where everyone feels valued and is able to enjoy a good quality of life.

Sustainability Implications:

- 5.4 Prevention of public nuisance is a licensing objective.

Crime & Disorder Implications:

- 5.5 Careful event management should reduce public place violence and other violent offences.

Risk and Opportunity Management Implications:

- 5.6 Big Beach Boutique was run in accordance with a detailed event management plan covering management, fire safety, emergency planning, communications,

crowd and traffic management, temporary structures and barriers, electrical safety, welfare facilities, waste management, sound management, medical and first aid provisions.

Corporate / Citywide Implications:

- 5.7 Events and attractions are a core experience for the city's visitor economy strategy.

SUPPORTING DOCUMENTATION

Appendices:

1. Premises licence for BBB4

Documents In Members' Rooms

1. NIL

Background Documents

1. NIL

Schedule 12**Part A****Regulation 33, 34**

**Premises Licence
Brighton and Hove City Council**

Premises Licence Number

1445/3/2008/00966/LAPREN

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Big Beach Boutique Ltd
Madeira Drive
Brighton

Telephone number**Where the licence is time limited the dates**

26.09.2008 – 27.09.2008

Licensable activities authorised by the licence

Performance of Dance	Dancing
Performance of Live Music	Performance of Recorded Music
Sale by Retail of Alcohol	

Times the licence authorises the carrying out of licensable activities**Performance of Dance**

Friday & Saturday 15:00 – 21:45

Issued: 2 September 2008

Dancing

Friday & Saturday 15:00 – 21:45

Performance of Live Music

Friday & Saturday 15:00 – 21:45

Performance of Recorded Music

Friday & Saturday 15:00 – 21:45

Sale by Retail of Alcohol

Friday & Saturday 15:00 – 21:45

The opening hours of the premises

Friday & Saturday 15:00 – 22:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption on the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Big Beach Boutique Ltd
Fulham Palace
Bishops Avenue
London
SW6 6EA

E-Mail (+ use for holder of premises LI) jim@loudsound.net

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 04444543

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Christina Von Bonin
The Flat
94 High Street
Burford
Oxfordshire
OX18 4QF

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Party Reference: 15773

Licensing Authority: London Borough Of

Issued: 2 September 2008

Richmond-upon-Thames

Issued: 2 September 2008

Annex 1 - Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

- no supply of alcohol may be made under the premises licence
 - (a) at a time when there is no designated premises supervisor in respect of the premises, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

S 21; mandatory condition: door supervision

- where a premises licence includes a condition relating to security activity, the licence must include a condition that each individual must be licensed by the Security Industry Authority (there are exemptions re theatre and films and clubs)

Annex 2 - Conditions consistent with the Operating Schedule:

For the prevention of crime and disorder:

1. The licence holder will ensure that all aspects of the operation of the event and provisions made for the event are in compliance with the Event Management Plan as they relate to the prevention of crime and disorder.
2. Specifically the crowd management plan stewarding and SIA security operational plan shall be adhered to. All physical crowd control measures shall be installed including crowd control barriers heras fencing and pit (mojo) barriers. The queuing lanes shall be provided as indicated on the plan or otherwise agreed by event control. Searching procedures and anti drug measures to be in place as agreed with Sussex Police.

For public safety:

1. The licence holder will ensure that all aspects of the operation of the event and provisions made for the event are in compliance with the Event Management Plan as they relate to the Public Safety.

2. Specifically the total audience numbers shall not exceed 22,000 persons on the site at any time.
3. No glass is to be sold at any bar or concession.
4. Wind speeds will be monitored and action taken in the event in the event that the safe wind speed for a structure is exceeded.
5. All stages and electrical equipment will be supplied and installed by competent contractors and relevant structural stability and electrical safety certificates will be supplied to the Licensing Authority representative on demand. Any temporary electrical supply to be installed with residual current device protection.
6. Traffic management measures will be in place as agreed with the safety advisory group
7. Medical provision will be deployed as agreed and first aid post sited in accordance with the medical plan.

For the prevention of public nuisance:

1. The licence holder will ensure that all aspects of the operation of the event and provisions made for the event are in compliance with the Event Management Plan as they relate to the prevention of Public Nuisance.
2. Specifically all waste management and litter picking will be carried out in accordance with waste management appendix to the Event Management Plan
3. The sanitary accommodation shall be installed and maintained in good operating condition for the duration of the event with no less than 110 female toilets 22 male toilets and 77 urinals appropriate signage will be in place.

For the protection of children from harm:

1. The licence holder will ensure that all aspects of the operation of the event and provisions made for the event are in compliance with the Event Management Plan as they relate to the Protection of Children from Harm.
2. Specifically The premises will adopt a policy whereby any person attempting to buy alcohol who appears to be under 21 will be asked for photographic ID to prove their age. The only ID that will be accepted is a passport, driving licence with a photograph (which will be checked to ensure that the holder is not in possession of a provisional driving licence and still under 18), or a Portman Group proof of age card bearing the "PASS" mark hologram.

3. Facilities will be in place to deal with lost and found children as agreed with Sussex Police.

Annex 3 - Conditions Attached after a hearing of a Licensing Panel 18th July 2008

Environmental Health, Noise Pollution team conditions:

1. Sound checks shall be carried out on Friday September 26th 2008, and Saturday September 27th 2008 between the hours of 11:00 and 14:00 (Subject to Production Schedule). Sound
2. Checks will last for no longer than 20 minutes in duration with a maximum of one soundcheck per hour. This shall be done to the satisfaction of the Licensing Authority.
3. Noise Pollution will be recognised as a potential problem and noise levels will be monitored and adjusted if necessary. Noise pollution shall be assessed, monitored, and managed in accordance with the Noise Management Plan agreed with the Licensing Authority.
4. A further background noise survey shall be conducted at least three weeks prior to the event. The methodology and format of the survey shall be agreed with the Licensing Authority. The background noise survey shall be representative of the time periods that the events are being held.
5. Noise assessments shall be carried out by the applicant at representative sensitive locations. These locations shall be agreed with the Licensing Authority. The noise monitoring programme conducted by the applicant during the events shall be agreed with the licensing authority. This shall cover the duration, frequency, and location of the noise monitoring. It shall also include noise monitoring period times, noise frequencies, and noise parameters. All monitoring results shall be recorded, and retained on site. These results shall be made available for inspection by the Licensing Authority. The noise monitoring programme conducted by the applicant during the events shall be agreed with the licensing authority at least two weeks prior to the event.
6. The music noise levels (MNL) when assessed at the production stage, during sound checks or during the event when measured 1 metre from the façade of any noise sensitive premises:
 - Between 15:00 – 21:45 will not exceed the background level by 15dB (A) over any 15 minute period.

- Noise from music will be inaudible within noise sensitive premises (with windows open in a typical manner for ventilation), except between 15.00 and 21:45 Friday 26th September and 15.00 and 21.45 Saturday 27th September and the agreed soundcheck periods.
 - Special attention will be given to the two bass octaves centred around 63Hz & 125Hz. Maximum noise levels with regard to these frequencies shall be agreed with the Licensing Authority at least two weeks prior to the event.
7. All microphones and amplified entertainment shall be controlled via a noise limiting device. This shall be set at a level to be agreed by the Licensing Authority.
8. Local residents shall be sent a letter from the applicant at least seven days before the event opening. The letter 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 a hotline complaint number

The final content and proposed distribution of the letter shall be agreed with the Licensing Authority prior to sending out.

9. A timetable detailing the build and strike for the event shall be agreed with the Licensing Authority eight weeks prior to the event. The timetable shall include the times that the various stages of the build and strike will be taking place and shall detail noise mitigation measures to prevent noise nuisance to neighbouring residents.
10. Signs shall be displayed at the entrances and exits advising the public that they are in a residential area and to keep noise to a minimum.
11. Deliveries, waste water and toilet cubicle service, and refuse movement and bottle emptying shall be prevented between 23.00 and 08.00 (subject to Production Schedule).
12. The PA system will be under the control of a competent engineer at all times. All visiting engineers will be under the supervision of a house engineer.

13. The licensee will provide a point of contact to the Director of Environment for the duration of the event by nominating a named person and telephone number.
14. The sound system shall be operated at all times to the satisfaction of the Director of Environment.
15. Designated qualified personnel shall be present at the sound control position for the duration of the event for the purpose of ensuring that the above condition is complied with.
16. 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 & Licensing Officers on site will be informed of any complaints as soon as they are received.

Environmental Health
Health & Safety Conditions

17. 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.
18. 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.

19. The issue of a licence is subject to final agreement of all the responsible authorities to confirm that the measures as specified in the Event Management Plan and those agreed by the Multi-Agency Safety are in place.

Annex 4 – Plans – removed as file too big

