

To: Environmental Services – Kim Tuckey  
From: Environmental Services - Richard Gardiner  
Date: 10 June 2005  
Your ref:  
Our ref: WK200336827



**The Kings Oak, Nursery Road, High Beach  
Major Event Licence 28 August 2005**

I refer to your memo dated 20 May 2005. I understand that the application for an event on the 26 June 2005 has not been accepted, therefore these comments only relate to the event proposed for the 28 August 2005. The licensee has recently received a noise abatement notice served under section 80 of the Environmental Protection Act 1990 requiring that any music or amplified sound from the premises does not cause a statutory nuisance. Environmental Services are also currently pursuing a breach of this notice due to music played in the back-garden of the public house from some fixed speakers.

**Noise from music**

The site is relatively close to one noise sensitive property. If this event goes ahead it will inevitably cause a noise nuisance at this property and possibly other premises. However, this does not inevitably mean that the event should not be permitted. It is unlikely that any large open-air events would get permission if "no noise nuisance", was criteria for noise control. Some noise nuisance must be accepted if any large open air events are to be given permission to go ahead.

If the application is treated as a one-off licensed event and considered separately from other incidents at the public house that are now controlled by the noise abatement notice, I believe it would not be reasonable to object to the event on the grounds of noise disturbance from music. In other words, it is reasonable to accept music noise from a licensed open-air event for a limited period. However, it would be prudent to impose an overall noise limit to restrict the level of disturbance.

The maximum noise level recommended by the Code of Practice on Environmental Noise Control at Concerts (CoP) for 1 to 3 concert days per calendar year for Urban and Rural Venues is 65dBA (Leq 15 minutes), measured at 1m from the façade of any noise sensitive premises. For events continuing after or held between 2300 and 0900 hours, the code recommends that music noise should not be audible within noise sensitive premises with windows open in at typical manner for ventilation.

I object to the application on the grounds of noise disturbance from music, unless the following conditions are imposed:

- 1. The music level of the event should not exceed 65dBA Leq (15 minutes) measured at 1m from the façade of noise sensitive premises between the hours of 12.00 to 22.00 hours.*
- 2. The music and other amplified sound should not be audible at the boundary of noise sensitive premises before 12.00 hours and after 22.00 hours.*

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3. *The licensed event should cease promptly at 22.00 hours. Organisers of the event should encourage the attendants to leave the premises in a quiet orderly fashion.*

*Reason: To control the potential level of noise disturbance from amplified music*

Condition 1 only **restricts** the level of disturbance. Music may still be very clearly audible at noise sensitive premises and this condition complied with (i.e. potentially 20 to 30dBA above the background noise level). The applicant will need to ensure that this condition can be complied with at the façade of noise sensitive premises. It is unlikely that the applicant will be able to play very loud music at this event and comply with this condition at the nearest noise sensitive property. It would be unrealistic to try and impose a tighter noise restriction for an open-air event.

The applicant may be able to come to a formal agreement with the occupiers of premises particularly close to the site, in effect to allow the noise level to be increased.

In addition, I recommend the following condition, in the event of any complaints:

*At least 14 days prior to the event, the licence holder shall provide the local authority with a telephone contact number and name of a person responsible for the event. The person responsible shall be available throughout the duration of the licensed event to respond to any complaints.*

*Reason: To ensure that the Local Authority has a means to respond immediately to any complaints and communicate with the licence holder or licence holders representative.*

If the event is permitted, this does raise a potential conflict between the requirements of the noise abatement notice and the above licence conditions. For example, it may be the case that the event produces a music level of 60dBA at the facade of the nearest noise sensitive premises, thus complying with the requirements of the licence. However, a music level of 60dbA may be 15-20 dBA above the background noise level and will be very clearly audible and intrusive. A music noise level of this volume would normally be deemed to be a statutory nuisance in breach of the noise abatement notice.

If one accepts that this open-air event should be allowed under control of a license (as a one-off), this in effect provides permission to produce noise disturbance for a limited period, making what would normally be an unreasonable level of noise acceptable, in effect condoning a noise nuisance for a limited period. There is no legal basis for temporarily suspending a noise abatement notice but the Local Authority can decide whether or not to proceed with any prosecution for breach of a notice. If a licence is granted it must be accepted that the licence conditions control the event and the noise abatement notice would effectively be held in abeyance until the licensed event finishes.

I understand that the Conservators of Epping Forest may raise concerns about the potential for wildlife being disturbed by noise in the forest around the public house and that this part of the forest is a Site of Special Scientific Interest (SSSI). I believe that commenting on the effect on wildlife is outside my remit, however I can confirm that even if the noise condition I have proposed is complied with, the music from the event is very likely to be audible in the forest immediately adjacent to the site.

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**Traffic and customer noise**

The application is for an event with up to 5000 persons. If the event is permitted it is likely that the residents in the vicinity of the premises will be subject to substantially more traffic and noise from customers leaving the event on foot. This cannot be adequately controlled by conditions and is likely to be an inevitable consequence of permitting an event of this size. It appears that the site has inadequate parking facilities to deal with the likely increase in traffic. I have been provided with no information to suggest how traffic for the event will be managed effectively. On the basis of the potential disturbance due to traffic noise and customers leaving the event, I object to the application.

Please contact me if you would like to discuss.

Richard Gardiner  
**Technical Team Co-ordinator**

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