

MIDKENT ENVIRONMENTAL HEALTH SHARED SERVICE  
MEMORANDUM

<b>From:</b> Julie Oates <b>Environment and Street Scene</b>	<b>To:</b> Licensing
<b>Date:</b> 1 <sup>st</sup> May 2018	<b>Our Ref:</b> 18/504031/GENLIC
<b>License Application :</b>	
<b>Address: <u>Monkshill Farm Monkshill Road Hernhill Faversham</u></b>	

I have assessed the above application and **object** to the application as currently applied for on the grounds of the Prevention of Public Nuisance.

I have concerns that granting a 'umbrella' licence to cover all events held at the proposed showground, including the larger music events, could result in noise and disturbance unless carefully controlled. Anticipated problems include noise and disturbance from amplified music and sound, 'people noise', mechanical noise from generators, plant etc and also traffic noise and congestion in the surrounding area. The applicant has advised that 8 fields can be let separately or together as event spaces. This in itself could give rise to further problems as operators may try to compete with each other in terms of volume of music etc. In addition further problems could arise in the locality from visitors to the different events arriving at similar times.

All of these areas require specific controls to avoid unnecessary disturbance. Although not located in a particularly built up area, there are pockets of residential properties surrounding the site. The area is predominantly quite flat and open which will potentially result in noise (particularly bass tones) travelling for some distance.

The information provided by the applicant to deal with these issues is not very robust, which is disappointing bearing in mind the advice given at the earlier meetings. There is very little reference to controlling noise levels within the Venue Safety Management Plan. Section 5(f) makes some reference "As part of the premises license, noise management restrictions will be put in place. The venue will undertake an acoustic consultation with a specialist to determine the best structure to comply with the licensing objectives laid down by the local council."

There does not appear to be any definition contained within the application as to what constitutes a 'larger event' – ie: those events to be held in June, July or August (and various other special days throughout the year)? In addition there is no reference in the application or documents as to the anticipated number of event planned to be held at the venue. There needs to be a clear distinction as to what constitutes a smaller/private event and a larger event and also some indication as to how many events are planned each year.

The Code of Practice on Environmental Noise Control at Concerts provides some useful controls in terms of suitable Music Noise Levels (MNLs) and maximum levels of

bass/low frequency tones at surrounding residential premises and these should be reflected in any conditions attached to any Licence granted.

It may be more sensible from a control perspective for the 'larger events' (potentially concerts, festivals etc) over a certain capacity (to be agreed) to be subject to a bespoke Licence following an individual application. These larger events are the ones likely to have substantial entertainment and large attendance, and consequently may give rise to greater problems. By having specific conditions relating to specific events, there is inherently greater control by the Licensing Authority and other organisations over the event organiser. In addition, it could be quite time consuming for officers to deal with these individual larger events. If they fall under an 'umbrella' licence, there will be no financial remuneration for the time spent dealing with these events as the application fee has already been paid.

If the panel are minded to grant the application as it's been submitted, Environmental Protection would recommend that the conditions in Appendix 1 attached to this memo are considered in order to reduce some of the impact of the proposed activities.

Please contact me for further advice or information.

Regards

Julie Oates  
Senior Environmental Health Officer

## Appendix 1 – Suggested Conditions

1. The Premises Licence Holder shall notify the Local Authority (LA) of the date of any event with a capacity of xx people (number to be agreed) at least 3 months in advance of the event. This will enable a decision to be made as to whether to hold a meeting to discuss the event and any additional controls needed.
2. Each of the events referred to in 1. Above shall be subject to an individual Risk Assessment which must be submitted to the LA at least 8 weeks prior to the event date. The event shall not take place until the Risk Assessment has been formally approved.
3. At least 1 month prior to the event, properties within 1km radius of the site shall be notified of the event and given a telephone number of a responsible person who can deal with any complaints as they arise. This telephone number must be manned at all times during the event.
4. Music Noise Levels at agreed noise sensitive premises shall be as follows:
  - a. Between 09:00 and 23:00 the MNL should not exceed the background noise level by more than 15dB(A) over a 15 minute period. (Background noise levels are to be measured as an hourly LA90 over the last 4 hours of an event or for the duration of the event if scheduled to last less than 4 hours)
  - b. For events with music ending after 23:00, the MNL may be reduced further to a level to be agreed between the LA and event organiser.
  - c. A level of 70dB in either of the 63Hz or 125Hz octave frequency bands shall not be exceeded at any time.
5. The Premises Licence Holder or event organiser shall be responsible for monitoring MNLs at locations and at a frequency as agreed by the LA. MNLs must be adjusted accordingly to take account of any changes in sound propagation if levels in condition 4 are not being met.
6. The Premises Licence Holder or event organiser shall be responsible for monitoring MNLs following complaints by a member of the public/local resident and must adjust MNLs accordingly if they are found to exceed levels listed in condition 4.
7. Records of all monitoring are to be made available to the LA upon request.
8. Fireworks must not occur after 23:00 or in accordance with the timings in the Fireworks Regulations 2004. To minimise disturbance, the duration and frequency of fireworks must be kept as short as possible and the use of loud, explosive fireworks should be minimised.

Note: All measurements and monitoring referred to above must be undertaken in accordance with the guidance contained in The Code of Practice on Environmental Noise Control at Concerts)