

Title of meeting: Cabinet Member for Environment and Community Safety
Decision Meeting

Date of meeting: 14th November 2014

Subject: Open Air Events - Controlling the Impact of Music

Joint Report by: Alan Cufley, Head of Corporate Assets, Business and
Standards

Wards affected: ALL

Key decision: No

1. Purpose of report

- 1.1. Most outdoor events providing amplified musical entertainment have the potential to cause noise pollution and widespread nuisance.
- 1.2. With good planning, community engagement, careful management and control, it is possible to ensure that events deliver the organisers' objectives and meet the expectations of the audience whilst ensuring that the local community is not unduly disturbed by noise.
- 1.3. The purpose of this report is to explain how this balance can be achieved and under what circumstances it may be acceptable to cause noise which is likely to give rise to higher than normally acceptable levels of complaint.
- 1.4. The proposed guidance also confirms the advice and support to be provided by the city council's Environmental Health service and Events team

2. Recommendations

- 2.1 **That the Cabinet Member for Environment and Community Safety approves the proposals to effectively manage the impact of amplified music from open air events as set out in the Noise from Open Air Events Guidance for Applicants (*Appendix 1*).**

3. Background

- 3.1. The Council recognises that music events are some of the most successful that take place in Portsmouth and that our open areas provide ideal venues for these to be held. It is the intention to support and attract more independent festivals and increase the number of musical events held in open areas.

- 3.2. Whilst holding such events, it is absolutely necessary to be mindful of the impact that these will have upon the surrounding community in terms of noise disturbance caused by amplified music. The Council accepts that not everyone will appreciate the entertainment provided and some residents and businesses are likely to suffer some disruption from the levels of music created.
- 3.3. The Council also acknowledges that where musical events are large, attracting many thousands of people and occur over multiple days into the evening and night, the levels of disturbance and subsequent levels of complaint are likely to increase.
- 3.4. The Noise from Open Air Events Guidance (hereafter referred to as "the Guidance") therefore sets out appropriate proportionate approaches in respect to controlling noise from open air events. Event organisers shall be required to have regard to the Guidance in respect to the control of noise and comply with its requirements.
- 3.5. Rather than being prescriptive, the Guidance sets out the general principles of noise control and effective noise management which is expected of organisers.
- 3.6. In addition to providing clear direction on the measures which organisers must consider before submitting an application and during / following the event, the Guidance clarifies the Council's policy with respect to the investigation and enforcement of noise nuisance from open air events.

4. The proposal

- 4.1. All applicants will be required to have regard to the Guidance when entertainment is provided as the main attraction or is ancillary to the main focus of the event.
- 4.2. The Guidance will be made available on-line. In order to ensure potential organisers are aware of the importance of noise control, officers will direct organisers to the Guidance as a first point of reference.
- 4.3. Where recorded or live music is to be provided, the likelihood of the events causing disturbance will be considered by the Council during the event application procedure.
- 4.4. Factors influencing these decisions include, but are not limited to, the:
 - size of the audience;
 - timing and duration of the event;
 - numbers of stages and performances;
 - output of sound systems;
 - previous history of compliance;
 - location of the event and staging;
 - inclusion of an admission fee.
- 4.5. Although all of the above will influence the likelihood of disturbance, it is the size of the predicted audience which is likely to be the primary consideration.

- 4.6. As a guide, events which have live or recorded music as the primary attraction are likely to be assessed as follows:
- when event attendance / predicted audience size is less than 500, it is considered unlikely that noise disturbance will be caused; or
 - when event attendance / predicted audience size ranges from 500 to 5,000, the likelihood of noise disturbance significantly increases;
 - when event attendance / predicted audience size is greater than 5,000 the likelihood of noise disturbance should be a primary consideration during the organisation of the event.
- 4.7. It is therefore necessary that the organisers are aware of their responsibilities and, particularly when audiences are in the multiple thousands, give careful consideration to the Guidance, the control of noise from events and any necessary mitigation of disturbance to the surrounding community.
- 4.8. When it is necessary, in accordance with the Guidance, organisers are expected to:
- have early informal discussions with officers in respect to their proposals;
 - consider the impact of noise prior to and within their application;
 - assess the potential for the event to cause disturbance to nearby residents;
 - evaluate what measures may be necessary to control the levels of noise created;
 - have regard to their own capability to assess the impact of the noise;
 - minimise the noise impact of the event.
- 4.9. Where an event has the potential to cause noise disturbance, officers from the Events team and the Environmental Health service of the Council will work closely with organisers to reduce the predicted impact upon residents.
- 4.10. It is a necessity to ensure event disturbance only exceeds that which is considered acceptable in exceptional circumstances.

5. What are 'exceptional circumstances?'

- 5.1. Exceptional circumstances are likely to occur when the event is likely to attract a total audience of greater than 10,000.
- 5.2. Where such circumstances occur, events may be subject to necessary Member endorsement.
- 5.3. During events where audience numbers are expected to exceed 10,000, the following will be necessary:
- organisers will appoint a reputable acoustic consultant with expertise in this area, at their expense, to manage and control noise levels;
 - maximum permitted noise levels will be agreed at the nearest noise sensitive premises and other suitable locations;
 - the impact of these levels in terms of public disturbance will be understood, acknowledged and accepted during the approval process;

- the increased likelihood of significant levels of complaint will be recognised;
- communication with residents with respect to the magnitude of disturbance will be undertaken;
- investigation of complaints of noise nuisance and levels in accordance with those agreed will be undertaken by event organisers and their consultants;
- organisational arrangements will be monitored and reviewed;
- identified problems will be addressed prior to repeat performances being permitted.

6. Equality impact assessment

- 6.1. An EIA has been undertaken for this report, and checked by Access & Equalities Team.

7. Head of Legal Services' comments

- 7.1. The Council has an adopted policy for the investigation of noise disturbance. Complaints will be investigated in accordance with this Policy.
- 7.2. The Council accepts that whilst there is no right to absolute peace and quiet the adoption and maintenance of the current policy will assist in mitigating potential complaints from residents and assist in the promotion of tolerance of occasional disturbance from noise occasioned by event promotion.
- 7.3. Controlled noise from events held for the general benefit of all including residents is considered less likely to cause nuisance as these events are enjoyed by many and generally tolerated by the community as a whole.
- 7.4. The Council aims to effectively investigate serious or persistently unacceptable levels of environmental noise and thereby maintain a quality of peaceful life through the prevention and abatement of statutory nuisance. These guiding principles are duplicated with respect to noise created by open air musical events or events where music is ancillary to the main focus of an event.
- 7.5. Where it is established that noise from an open air event is causing a statutory nuisance, the Council has a duty to serve an Abatement Notice, requiring that the nuisance be abated. In cases where an application has been submitted and approved it may be appropriate to serve this document upon the applicant as the person responsible for the nuisance.

8. Head of Finance comments

- 8.1. The recommendations within the report, that seeks to manage the impact of amplified music from open air events as set out in the Noise from Open Air Events Guidance for Applicants, will not have an adverse impact on the service's budgets.

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Signed by: Alan Cufley, Head of Corporate Assets, Business and Standards

Appendix A: Background list of documents: The following list of documents discloses facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Appendix	Location and Title
A	Noise from Open Air Events - Guidance for Applicants

The recommendations set out above in 2.1 were approved by the Cabinet Member Environment and Community Safety on

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Signed by: Councillor Robert New, Cabinet Member for Environment and Community Safety