

# Appendix C

Stone, Derek

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**From:** Neil Roberts [REDACTED]  
**Sent:** 25 March 2019 16:17  
**To:** Humphreys, Nickii  
**Cc:** Simon Joynes; Thorne, Michael; Stone, Derek; Robson, Debra; Lee, Richard; Looney, Claire; Baily, Stephen  
**Subject:** Re: South Central Festival  
**Importance:** High

Hi Nickii

I remember there was some discussion between the parties about the inclusion of this condition on the license and it was agreed that it would be placed on the license and that it would accurately reflect the Licensing Sub-Committee's judgement that the organisers would 'aim' to comply with the levels set in the NMP. So, in essence, you are right in what you say in that it wasn't an admin error.

I must say that this judgement by the Licensing Sub-Committee was entirely reasonable and appropriate, allowing for noise restrictions but allowing also for flexibility going forward, and we would be happy to agree to such a condition again if EH would agree to this. Not having breached this condition previously, it is difficult to see why a change is necessary.

Kind regards

Neil

On 25 Mar 2019, at 15:02, Humphreys, Nickii [REDACTED] wrote:

Dear Simon

Picking up on your comments in bullet point 3 - I would wish to clarify that the inclusion of the condition was **NOT** "an administrative error" and therefore the arguments you put forward in this respect are based upon wrong assumptions.

I personally emailed the Solicitor acting for the applicants at this time, and the imposition of the condition on the licence was agreed by their legal representative.

I would be grateful if you could acknowledge receipt of this email and you may wish to speak to your client as regards the discussions I had with their legal advisor.

Regards  
Nickii

**Nickii Humphreys**  
**Licensing Manager**

Portsmouth City Council  
Directorate of Culture, Leisure and Regulatory Services

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**From:** [simon](#) [REDACTED]

**Sent:** 25 March 2019 13:43

**To:** Thorne, Michael; Stone, Derek; Humphreys, Nickii; Robson, Debra

**Cc:** Lee, Richard; 'Neil Roberts'; Looney, Claire

**Subject:** RE: South Central Festival

Good Morning,

In response to your email and wish to clarify the pertinent matters ahead of the committee on the 8<sup>th</sup> April which I still hope we can avoid. I therefore make the following observations:

- Reference was made to NANR 163 in the context that it is presented research commissioned by DEFRA into the use of different indices to best assess the disturbance caused by subjects exposed to four types of sound. This was carried out using professional speaker systems and there was a significant contribution of low frequency noise in some instances and the research concluded that the noise metric that provided the best overall prediction of subjective ratings of all the entertainment noise types tested by ordinary members of the public was the Absolute LAeq. This in fact supported the research that underpinned the Code of Practice for noise from concerts which was entirely based on LAeq indices. We continue to maintain that this is therefore the best control metric along with professional judgement as is applied at festivals successfully throughout the UK. We have further addressed this in the revised Noise Strategy an extract of which I present below for the benefit of all.
- Supporting our argument I stress that NANR 163, along with the original Code is professionally endorsed by DEFRA and indeed the latter postdates the article (which is not endorsed by them or any professional body) upon which to rely upon. You repeatedly refer to the IOA publication, the IOA have produced a number of guidance documents and bulletins, an article within an industry magazine is not an IOA publication.
- Your Reference to the condition from 2018 is incorrect and I reiterate that it was a recommendation from the committee at the hearing rather than a condition, that is why the wording is not that of a condition, but of an advisory. It should never have been transcribed onto the license as a condition following the hearing and I fail to see why you now wish to go against your members recommendations and turn an administrative error by PCC into an enforceable condition when there has been no evidence of a breach.
- At this time, other than a simple graph showing an incorrect monitoring time period have not been presented with any substantial evidence of a systematic failure to control low frequency noise in 2017. Indeed the single measurement undertaken by PCC to our knowledge at this time is directly contrary to the two full days of data that we obtained during the event. I also question the motivation of PCC who did not raise the issues with the consultants at the time, despite having both our direct contact numbers and an officer on site throughout the remainder of the event. No complaints were received to our knowledge from the Residential Care Home.
- With reference to the compliance report, you are correct in the statements we chose to make but fail to appreciate the context. Wind orientation provides significant difficulties with regards to noise propagation and should the strong wind have turned through 180 degrees last year as expected there would have most likely have been at times compliance difficulties. This is clearly beyond our control, but what you would have seen from us had this occurred is a reduction in stage levels to a point where we could no longer maintain audience satisfaction and further reduction in low frequency content to endeavor to achieve the targets. Beyond this point we may have at times have had compliance difficulties, but to reduce any further may have

led to other crowd management and safety issues due to the poor quality of the sound. However, what I can stress is that at no time would the levels have been increased unnecessarily to counteract the effect of the wind to improve audience experience. It is simply a careful balance which needs to be maintained and is based on many factors presented to the management team at the time. A license limit is a legal limit and we will ensure compliance at all times, it is for that reason that we are raising our concerns about the proposed limits.

In conclusion we again do not believe the condition to be necessary, as by everyone's admission low frequency noise is very difficult to control and should we 'waiver' from the target due to weather conditions for example (which was not the case in 2018), it would be harsh to consider the license holder in 'breach' of the license on this one issue. We again would suggest it as a target for 2019 and review the data from this event going forward. If the target has unreasonably been breached, then it is perfectly acceptable for ourselves and our client to expect additional controls in future years. That said,

I'd also remind you that we want to protect the venue for future years and I'd question whether imposing unreasonable and restrictive conditions and any negative publicity arising from such is appropriate should PCC wish to continue to promote the venue in future years. Whether that be with South Central or other promoters the problem will remain and it is a characteristic of the site like many other urban venues.

I trust that we can come to a sensible agreement on this matter for an event which mutually benefits both the attendees and PCC.

Regards

Simon Joynes

*Extract from Noise Strategy for Low Frequency Noise*

*At the time of publication of the Noise Council Code, little information on the community response to low frequency noise from concerts was available. Footnotes were included in the Code which concluded, in the absence of any precise guidance, that a level of 70dB in the 63Hz and 125Hz octave band was satisfactory and that a level of 80dB or more in either of those octave frequency bands causes significant disturbance. The study referred to in the guidance is in fact based on low frequency sound from concerts and relates to impacts at locations 2km away.*

*Near to the venue, the use of the  $L_{Aeq}$  index will adequately take account of the low frequency sound as the music's frequency spectrum is dominated by the low frequency bass sounds and in these circumstances the A-weighting network is sensitive to changes in the music noise level. The  $L_{Aeq}$  criterion will therefore limit the low frequency sound adequately. This approach has been supported by research carried out on behalf of DEFRA.*

*In 2016 the Council was advised by the then consultants that there was typically a relationship between the A weighted level and the frequency content of the music. That relationship was that the frequency spectrum for dance music typically shows that the 63Hz octave band is around 15-20dB higher than the  $L_{Aeq}$ . On predicted levels of 68 – 75dB  $L_{Aeq}$  at that time, then it should be reasonable expected that measured 63Hz levels would be up to 83 – 90dB in the 63Hz Frequency.*

*In 2017 and following intervention then these levels were largely adhered to. Likewise in 2018 levels were adhered to throughout and considered slightly lower with the benefit of the wind. In fact the low frequency targets for both years became the main sound control rather than the overall  $L_{Aeq}$  for the most part. Indeed at times there was concern about the control leading to unacceptable music noise levels for the audience.*

*What we would like to achieve is an acceptable balance between the sound experience of the audience and the impact on the local community. We maintain that the best way of doing such is responding to any community reactions in the form of complaints and working within the target levels, but at the same time ensuring that the audience satisfaction levels are maintained as has been successfully achieved in earlier years without the need for unnecessary limits. That said we aim to achieve the 90dB<sub>15min</sub> limit in the low frequency bands of 31Hz, 63Hz and 125Hz bands.*

<image003.png>

Live Events Acoustics Land Contamination EIA's Ecology Landscape Arboricultural

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Simon Joynes  
Pete Nash

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**From:** Thorne, Michael <Michael.Thorne [REDACTED]>  
**Sent:** Sunday, March 24, 2019 11:25 PM  
**To:** Stone, Derek <Derek.Stone [REDACTED]> Humphreys, Nickii <Nickii.Humphreys [REDACTED]>; Robson, Debra <Debra.Robson [REDACTED]>  
**Cc:** Lee, Richard <[REDACTED]>; 'simon@joyes [REDACTED]' <simon@joyes [REDACTED]>; 'Neil Roberts' <[REDACTED]>; Looney, Claire <Claire.Looney [REDACTED]>  
**Subject:** RE: South Central Festival

Dear All,

I write with regard to the email below from Joyes-Nash dated 15<sup>th</sup> March concerning the dispute over the proposed condition:

The control limits set at the mixer position shall ensure that music noise levels shall not exceed Leq(15min) 90 dB in either of the 31.5Hz, 63Hz or 125Hz octave band frequencies over any 15 minute period between the hours of 10:00 hours and 23:00 hours as measured 1 metre outside any noise sensitive premises.

This condition is proposed as it is considered necessary to achieve the licensing objective "Prevention of Public Nuisance".

I would like to comment on some of the issues raised by Joyes Nash in response to the above proposed condition.

It is stated that South Central (formerly Mutiny) have worked successfully for many years without a low frequency condition and so a condition at this time is not necessary. Mutiny / South Central have held events at King George V playing fields for only 3 years. Possibly due to the widespread noise complaints in 2016, Joyes Nash were appointed the noise consultants in 2017 and due to the complaint history, Environmental Health monitored noise levels. It was agreed with Joyes Nash that, following a complaint from the public of low frequency noise, a target of 90dB in either of the 63 Hz or 125 Hz octave bands would apply. This was a flawed approach as it required members of the public to complain specifically about low frequency noise to enable the target levels to become 'live'. Since Joyes Nash received no complaints about low frequency noise the low frequency targets did not become live. Taken in isolation this is seemingly an acceptable situation, however, monitoring undertaken by Environmental Health revealed levels of 99 dB in the 63 Hz octave band outside of Arthur Dann Court, a PCC property providing retirement accommodation. In the officer's opinion, the levels of low frequency noise were excessive and that the strategy of reacting to complaints of low frequency noise was not sufficiently preventing public nuisance. In order to address this situation, Environmental Health made representations at the end of 2017 (Joyes Nash have mistakenly stated that the representations were made against the application for the 2018 event). Following the Licensing Sub-Committee meeting, the condition that was applied to the Premises Licence was, however, unenforceable as it required only that the licence holders "agree to aim to comply".

A Noise Compliance Report was submitted by Joyes Nash for the music from the Saturday of the 2018 event. This demonstrated compliance with the conditions but of particular note was the narrative. It is stated within the



document that "compliance with the target levels was largely achieved due to the fact that there was a strong wind orientated away from residents throughout the day and without such it would have been expected that we would have had to exceed the target levels in order to deliver an adequate audience experience". The report goes on to say that "The wind orientation predicted for Sunday was reorientation through 180° and it had been expected that we would be significantly above the low frequency targets." It is clear from this that the low frequency condition as given on the Premises Licence 17/04000/LAREVI would have been breached had the wind conditions not been favourable. Of course, a breach of the Premises Licence would not have occurred as the organiser had agreed to aim to comply with the condition.

Joynes Nash have criticised the paper taken from the Institute of Acoustics (IOA) entitled "Low frequency noise criteria for concerts" and instead put forward Defra's "Noise from Pubs and Clubs" which Joynes Nash refer to as "NANR 163". We are of the opinion that Joynes Nash are referencing the Defra report in error. In section 2, 'Introduction', it is stated "This study **only** relates to entertainment noise including amplified music, singing and speech and "beam back" of sports TV broadcasts **from inside and within the curtilage of pub and club type licenced premises**". Clearly King George V playing fields do not conform to this description. In contrast, the IOA report is far more appropriate since it applies to outdoor concerts, broaches the incorrect application of the Code of Practice on Environmental Noise Control at Concerts with regards to low frequency noise, addresses the issue of frequency spectra for different music genres and the balance between low frequency and the overall 'A' weighted level. It is recommended within the report that for the third octave bands between 40 and 80 Hz a level of  $Leq_{(15\text{ min})}$  80 to 85 dB Lin for urban areas be applied. Environmental Health have taken a liberal view of the recommendation and selected the upper end of the target  $Leq_{(15\text{ min})}$  85 dB Lin which is equivalent to our proposal of 90dB in the octave bands 31.5Hz to 125Hz.

To conclude, Environmental Health remain of the opinion that the condition is necessary to uphold the Licensing objective "Prevention of Public Nuisance". The experience of previous years and the post-event noise report for 2018 both indicate that a condition is necessary and the government research put forward by Joynes-Nash is immaterial. We accept that it is difficult to control low frequency noise although do not accept that the imposition of a condition would make it more difficult to manage low frequency noise. Finally, and perhaps most importantly, Joynes Nash state "we accept the target, we aim to attain it and we will manage in a professional manner, made easier this year because of a change in music genre". In view of this statement, it is difficult to understand why the condition cannot form part of the Premises Licence.

Regards,

**Michael Thorne**  
**Environmental Protection Officer**  
Environmental Health  
Portsmouth City Council  
Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2AL  
Tel: [REDACTED]  
Fax: [REDACTED]

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**From:** [simon@joynes](mailto:simon@joynes) [REDACTED]  
**Sent:** 15 March 2019 09:30  
**To:** 'Neil Roberts'; Thorne, Michael  
**Cc:** Stone, Derek; Humphreys, Nickii; Robson, Debra; Lee, Richard  
**Subject:** RE: South Central Festival

Good Morning,

I write with respect to the ongoing dialogue regarding the condition outlined below and to explain why in our opinion, that such is neither appropriate or in fact necessary for the control of noise.

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*The control limits set at the mixer position shall ensure that music noise levels shall not exceed Leq(15min) 90 dB in either of the 31.5Hz, 63Hz or 125Hz octave band frequencies over any 15 minute period between the hours of 10:00 hours and 23:00 hours as measured 1 metre outside any noise sensitive premises.*

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It is probably appropriate to start with the officer's reliance on the Institute of Acoustics Bulletin in 2004, within which there was an article published on the low frequency noise control at music concerts. It is upon this, which the condition set out above by Portsmouth City Council Environmental Officers is proposed.

The article, based on no largescale research or any form of peer review, proposed in the authors experience that low frequency guidance may need to be updated to provide a more consistent approach amongst local authorities. It further considers that a reasonable balance needs to be maintained between the sound experience of the audience and the impact on residents, which is what the industry strives to achieve. At the same time the article acknowledges that low frequency noise is a difficult area to control, due to both the dominance of the low frequency within the music spectrum and difficulty in attenuating such.

It goes on to consider that 'where venues have worked successfully for many years without a low frequency noise criterion', it is considered that no change is required. Arguably this is the case with South Central (formerly Mutiny Festival). However, in contrast the officers have indicated that they consider that a low frequency noise limit is required to protect the local community. This level of protection is in fact something which the article refers to, but in the context of providing a more consistent and realistic approach to low frequency noise conditions. The latter considerations are assumed to elude to a situation where it may not be appropriate to impose a condition where it may mean that the event is significantly compromised in terms of sound output, affecting the enjoyment of tens of thousands of people. It also goes on to state that the limits guidelines proposed are for further discussion and debate, which can only conclude that more research was needed in this area.

The justification provided by the officer seems to be significantly flawed and it is necessary to understand the context within which this is being applied. As a company we became involved in year two of the event and Portsmouth Council asked us to consider a target low frequency limit, as a result of concerns raised during the inaugural event. The event took place and ran in compliance with the restrictions proposed (albeit there were some unsubstantiated concerns raised by the officers). In 2018, the application for the event was subsequently taken to a hearing where this matter was once again discussed at length with the elected members. Having heard both sides, the committee decided that a limit was not required, accepting the arguments over the difficulty in controlling low frequency noise but asked that we seek to achieve a target level of 90dB across 1/1 Octave Bands.

Regrettably an error on behalf of the Council meant that the target levels formed part of a condition rather than an informative as had been intended. Despite both this error and subsequent compliance with such during the event, the officer has now stated that the condition (and I stress that it should not have been) is unenforceable and vague and believes there is a necessity to amend this to an enforceable condition. We dispute that this is necessary, as for the two years we have been wholly compliant with the target values imposed and we continue to accept this is a target value and one which we need to make all reasonable efforts to meet.

Arguably, it could therefore be asked why we have an objection to the imposition of the condition. I refer back to both professional experience, the data gathered during previous events and in fact the article upon which the officer relies upon in this instance. Quite simply, low frequency is both difficult to control and predict, particularly with residents in such proximity, it may compromise the audience experience (raising wider issues) and we do not wish to put our client in a position where they are at risk of enforcement action for a matter which may be beyond our control. We are made all the more nervous of such, given the officers consistent criticism of our approach to noise control and the continuous pursuit of additional but unnecessary controls.

I'd also raise the issue of the appropriateness of the article and the recommendations made. Quite clearly it only appears to be in use to our knowledge in Portsmouth, some 15yrs after publication, which is an indication that it is inconsistent with the current UK approach to low frequency management. In contrast what we see across the UK is largely an approach which utilises professional experience and judgement to control such.

Where professional judgement is not the norm, reliance is placed on the Noise Council Code for Pop Concerts 1995. This contains two footnotes which state that low frequency noise may be more of a problem at distances from the

event, where the frequency balance of the music alters, so that only the low frequency bass beat remains (noise attenuates differentially with distance so that the mid to high frequency sounds reduce at a higher rate than the low frequency sound of the bass beat); and that although there is no precise guidance, a level of 70dB in either the 63Hz or 125Hz octave frequency band is satisfactory, whereas a level of 80dB or more in either of those octave frequency bands causes significant disturbance. This was based on a study of low frequency sound from concerts, which relates to impacts at locations 2Km and beyond from the venue.

Subsequently and more importantly, more recent research carried out on behalf of DEFRA has been concluded and published in the form of NANR 163. This looked at assessing the impact of entertainment noise and the best metrics for its assessment. The research concluded that use of the  $L_{Aeq}$  index is the most appropriate measurement and control index, as it adequately takes account of the low frequency sound. This is because the music's frequency spectrum is dominated by the low frequency bass sounds and in these circumstances the A-weighting' network is sensitive to changes in the music noise level.

In conclusion therefore, we dispute the condition as being reasonable or indeed necessary on the basis it goes against current government research and thinking on the control of low frequency noise, it has not been readily adopted previously, it is not based on any public research or peer reviewed evidence and goes against the elected members previous decision. That said we accept the target, we aim to attain it and we will manage in a professional manner, made easier this year because of a change in music genre.

We will as always in fact work with the local authority to explore the suitability of informal limits going forwards should that be necessary, but again stress that the imposition of a condition not only curtails our ability to manage low frequency sound, but it does not guarantee a reduction in the number of complaints.

Likewise as previously advised, given the accepted and acknowledged difficulties in managing low frequency, the imposition of a target value not only allows for us, but also interpretation by the local authority officers when it comes to dealing with complaints, justifying responses to such and indeed applying professional judgement. This contrasts with a fixed limit which may in fact preclude an event taking place, or where strict compliance is required damage the reputation of the venue for future events.

I conclude by reiterating a theme throughout the article, that this is best dealt with on a complaints basis during the concert and that the professional judgement of experienced professionals is indeed the most appropriate way to manage low frequency noise.

I trust that this is clear but should you require any further clarification please do not hesitate to contact.

Regards

Simon Joynes

<image004.png>

Live Events Acoustics Land Contamination EIA's Ecology Landscape Arbicultural

[www.joyes-nash.co.uk](http://www.joyes-nash.co.uk)

Simon Joynes  
Pete Nash

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**From:** Neil Roberts  
**Sent:** Thursday, March 14, 2019 9:58 AM  
**To:** Thorne, Michael <[Michael.Thorne](mailto:Michael.Thorne)>

Cc: Stone, Derek <[REDACTED]>; Humphreys, Nickii  
<[REDACTED]>; Robson, Debra <[REDACTED]>; Lee, Richard  
<[REDACTED]>; Simon Joynes <[REDACTED]>  
**Subject:** Re: South Central Festival

Hi Michael

I will let Simon from Joynes-Nash comment on this as it is not a document I am familiar with.

Regards

Neil

Sent from my iPhone

On 14 Mar 2019, at 09:53, Thorne, Michael <[REDACTED]> wrote:

Derek,

Just to confirm, we are of the opinion that all five conditions are necessary. Furthermore, we do have basis and I refer Neil to Acoustics Bulletin Nov/Dec 2004 and the article entitled 'Low frequency noise criteria for concerts'.

Regards,

**Michael Thorne**  
**Environmental Protection Officer**  
Environmental Health  
Portsmouth City Council  
Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2AL  
Tel: [REDACTED]  
Fax: [REDACTED]

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**From:** Neil Roberts <[REDACTED]>  
**Sent:** 14 March 2019 09:21  
**To:** Stone, Derek  
**Cc:** Humphreys, Nickii; Robson, Debra; Thorne, Michael  
**Subject:** Re: South Central Festival

Hi Rocky

We don't feel we can accept Condition 2 he is proposing as there is no basis for this. We feel similar to three of the other Conditions, but can work with these so in the interest of co-operation can accept them.

Thanks

Neil

Sent from my iPhone



On 14 Mar 2019, at 08:50, Stone, Derek <[REDACTED]> wrote:

Neil

I think the below is Mike's final response

He expects you to agree to all five conditions not what you are offering.

I have not had a reply from the other person who has made a rep but I anticipate receiving a reply during the course of today

Hope that helps

R

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**From:** Neil Roberts [REDACTED]  
**Sent:** 13 March 2019 18:06  
**To:** Stone, Derek  
**Cc:** Humphreys, Nickii; Robson, Debra  
**Subject:** Re: South Central Festival

Hi Derek

I was aware of the email from Mike Thorne, I replied to it and also had a conversation with him about it and was waiting for his final email to me on the matter (which hasn't arrived).

Although we feel there is little evidence for the inclusion of any of these conditions, based on data from previous festivals held at the venue, we are able to accept points 1, 3, 4 & 5 as they would not put the licence in jeopardy. The condition we do not accept is copied below:

**2. The control limits set at the mixer position shall ensure that music noise levels shall not exceed Leq(15min) 90 dB in either of the 31.5Hz, 63Hz or 125Hz octave band frequencies over any 15 minute period between the hours of 10:00 hours and 23:00 hours as measured 1 metre outside any noise sensitive premises.**

Thank you also for letting me know that a member of the public has sent a rep in. I would indeed like to meet with her and discuss her issues if she is prepared for you to release her details to me. If, however, she does not wish to give her details over, please feel free to give her my details and ask that she contacts me. It would be great to meet with her and to see if we can allay her concerns.

Thanks for your help.

Kind regards

Neil

On 13 Mar 2019, at 16:13, Stone, Derek  
<[REDACTED]> wrote:

Neil

Are you aware of the below email from Mike Thorne EHO ?

I think the last line is the question that needs answering.

Can you advise please.

Also

I have a Rep from a local resident against all of the four licensing objectives.

I am in an e mail exchange with the lady at the moment asking if I can release her contact number or e mail address in case you want to meet her to attempt to negate her concerns and may be get the Rep withdrawn.

She is attending a meeting that I believe you are holding at the Village hotel on the 21<sup>st</sup> March, but you might want to meet her separately / personally prior if she is willing and you deem it appropriate.

I will get Debs to send the Rep over to you tomorrow and I should have an answer from her by then regarding release of her contact details.

I am in the process of arranging a hearing and it looks like it will be Monday 8<sup>th</sup> April at 2pm subject to confirmation.

Regards

Derek

### ***E mail from Mike Thorne***

Good morning,

Further to the email below, our opinion on the five conditions has not changed.

The applicant has said in the email below that they "comfortably ran under the limits". In contrast, in the post-event Noise Compliance Report it is stated that to operate below the 1:1 octave target levels was "challenging" and that "compliance with the target levels was largely achieved due to the fact that there was a strong wind orientated away from residents throughout the day and without such it would have been expected that we would have had to exceed the target levels in order to deliver an adequate audience experience".

The Noise Management Plan for 2019 is predicting source noise levels which will be louder than 2018 and there is no guarantee that favourable wind conditions will ensure neighbouring residents are protected from excessive levels of noise, including low frequency noise. As a result we remain of the opinion that the Licensing Objective 'Prevention of Public Nuisance' will be best served by implementing all five of our proposed conditions which are:

1. The control limits set at the mixer position shall ensure that music noise level shall not exceed LAeq(15min) 75 dB(A) between the hours of 10:00 hours and 23:00 hours as measured 1 metre outside any noise sensitive premises.

2. The control limits set at the mixer position shall ensure that music noise levels shall not exceed Leq(15min) 90 dB in either of the 31.5Hz, 63Hz or 125Hz octave band frequencies over any 15 minute period between the hours of 10:00 hours and 23:00 hours as measured 1 metre outside any noise sensitive premises.

3. The control limits set at the mixer position shall ensure that music noise level shall not exceed LAeq(15min) 56 dB(A) between the hours of 23:00 hours and 00:00 hours as measured 1 metre outside any noise sensitive premises.

4. The control limits set at the mixer position shall ensure that music noise levels shall not exceed Leq(15min) 66 dB in either of the 31.5Hz, 63Hz or 125Hz octave band frequencies over any 15 minute period between the hours of 23:00 hours and 00:00 hours as measured 1 metre outside any noise sensitive premises.

5. A record of all monitoring at the mixing desk positions and measurements demonstrating compliance with conditions 1,2,3 and 4 above shall be retained and submitted to Licensing within 7 days after the event has ended.

If the applicant is not happy to accept our proposed conditions then please take this email as a representation.

Regards,

**Michael Thorne**  
**Environmental Protection Officer**  
Environmental Health  
Portsmouth City Council  
Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2AL  
Tel: [REDACTED]  
Fax: [REDACTED]

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**From:** Neil Roberts [REDACTED]  
**Sent:** 07 March 2019 15:07  
**To:** Thorne, Michael  
**Cc:** Licensing Shared Email; Lee, Richard  
**Subject:** Re: South Central Festival

Hi Michael

Many thanks for your email. I've taken the opportunity to discuss your suggestions with Joynes Nash and we feel that, whilst we can agree with most of the changes you feel necessary, there is one area that is very difficult to agree to.

In principle we can agree to Conditions 1, 3, 4 & 5 being placed on the Premises Licence and whilst I stress that we have no intention to run past 23.00hrs, the ability to do so at a lower level should wider issues emerge, such as during egress, is appreciated.

With regards to the proposed Condition 2, you will know that this was discussed at length during the committee hearing of 2017 and it was agreed by elected members that they were satisfied that low frequency noise could be satisfactorily controlled by way of an agreement rather than a specific condition. The basis for this decision was that we had been seen to comply with a voluntary limit in 2016 & 2017 and that they felt it was not necessary. Indeed, we explained that we would have greater control over low frequency if we were allowed to manage this in a professional manner rather than been constrained by conditions. Moving forward to 2018, we again comfortably ran under the limits and, given the change of music genre in 2019 (less low frequency content likely), we see no reason for these arrangements to be changed.

As you know, the low frequency limit is always more challenging and I would not wish to commit my client to the risk of enforcement action for a minor breach should one occur, particularly where the control of low frequency content can be challenging and at times be temporarily beyond our control (such as from climatic conditions ). For this reason, the fact that the control of lower frequencies is more prone to external factors beyond our control and the fact that the committee supported this view in 2017, I would not like for this to be included as a condition on the Premises Licence.

As I say, we are happy to place conditions on the Premises Licence (1, 3, 4 & 5) as you request and hope you can agree to a the compromise with point 2.

Kind regards

Neil

On 7 Mar 2019, at 10:09, Thorne, Michael

<[REDACTED]> wrote:

Good morning,

I write in response to the premises licence application for the above.

As mentioned in the PESAG meeting on the 1<sup>st</sup> March, I am not satisfied that employing the same conditions as were applied to the Mutiny festival will adequately support the Licensing objective 'Prevention of Public Nuisance'. I do not propose to change the authorised levels of noise, but I propose that the enforceability of the conditions be firmed up by removing the wording around the phrase "agree to aim to comply". I also propose to reword the monitoring and reporting condition and to add details with regard to the post-23:00 music entertainment proposed. The following are the proposed conditions:

1. The control limits set at the mixer position shall ensure that music noise level shall not exceed LAeq(15min) 75 dB(A) between the hours of 10:00 hours and 23:00 hours as measured 1 metre outside any noise sensitive premises.

2. The control limits set at the mixer position shall ensure that music noise levels shall not exceed Leq(15min) 90 dB in either of the 31.5Hz, 63Hz or 125Hz octave band frequencies over any 15 minute period between the hours of 10:00 hours and 23:00 hours as measured 1 metre outside any noise sensitive premises.



3. The control limits set at the mixer position shall ensure that music noise level shall not exceed LAeq(15min) 56 dB(A) between the hours of 23:00 hours and 00:00 hours as measured 1 metre outside any noise sensitive premises.

4. The control limits set at the mixer position shall ensure that music noise levels shall not exceed Leq(15min) 66 dB in either of the 31.5Hz, 63Hz or 125Hz octave band frequencies over any 15 minute period between the hours of 23:00 hours and 00:00 hours as measured 1 metre outside any noise sensitive premises.

5. A record of all monitoring at the mixing desk positions and measurements demonstrating compliance with conditions 1,2,3 and 4 above shall be retained and submitted to Licensing within 7 days after the event has ended.

Regards,  
**Michael Thorne**  
**Environmental Protection Officer**  
Environmental Health  
Portsmouth City Council  
Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2AL  
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