



Leicester
City Council

FOURTH DESPATCH

LICENSING (HEARINGS) SUB-COMMITTEE

TUESDAY 12 MAY 2020, 1.00PM

ADDITIONAL INFORMATION

**APPLICATION FOR A NEW PREMISES LICENCE: XTRA HUMONGOUS, LAND
BETWEEN ST JOHN STREET AND BURLEYS WAY**

Attached is additional information that has been submitted by the applicant in support of the application.

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Noise Consideration for Outdoor Event Spaces in Urban Environments

INTRODUCTION

Local Authorities are faced with many challenges when attempting to regulate outdoor event spaces and whilst they may be a significant source of income generation, bringing benefits to the wider community and the city as a whole, there is a potential for outdoor events to cause noise related impacts. Indeed, any noise limits need to consider the realistic sound levels that are needed to hold successful events, but still preventing unreasonable noise impact.

A key difficulty for Local Authorities is therefore the ability to meaningfully influence and control the behavior of those utilising the space. In fact, penalties for environmental noise nuisance can be an insufficient deterrent – resulting in conditions and noise limits which may be exceeded or ignored. Likewise, the Local Authority can also face a regulatory burden where noise conditions are technically difficult to measure, difficult to determine compliance, and require specialised equipment and staff to be available outside standard business hours. All these scenarios can undermine the reputation of an event space and result in its potential not being fully realised.

Therefore, noise limits and controls need to be carefully determined with the aim of motivating good noise self-regulation, without being prohibitively punitive or impractical. These challenges can be explored once a license is in place through meaningful discussions with the Local Authority identify appropriate mechanisms which could be developed for the control of noise and thereafter secured by agreeing a noise management plan which is required by virtue of a condition attached to the license.

This concept of using urban spaces is typically referred to as Placemaking, a concept which capitalises on a local community's assets, inspiration, and potential, with the intention of creating public spaces that improve the liveability of spaces, promote interaction between people in safe environment which in turn promotes people's health, happiness, and well-being.

There is evidence of Placemaking throughout the UK, whereby similar spaces have a packed programme of festivals and events in its city centre streets and squares. These include regular live events, pop-up casual and fine dining events, outdoor comedy, street theatre performances, live music, circus, dance, markets and children's activities etc. Not all of these will result in excessive noise and disturbance.

Examples include Grovesnor Square, London. Live In The Square took over London's stunning Grosvenor Square, in the heart of Mayfair, for a series of music, theatre and dance events. The event benefited from a stage / infrastructure, which remained in situ throughout to minimise costs with quiet episodes between acts. Performances includes the English National Ballet, The Exploded Circus, Wondrous Strange, St Germain, Sister Sledge, and Submotion Orchestra and Craig Charles. Outside of these restricted performance times some of the infrastructure was used to host low key events and entertainment away from the stage in the park for the wider community.

Other examples include Bristol Waterfront, Millenium Square in Leeds, The Tetley Brewery Site etc where there is an ever increasing and exciting programme of community and worldwide events delivered all in close proximity to residential residents. These have helped strengthen the local community around a common purpose, attract visitors providing an opportunity to showcase local businesses and bolster the local economy. Likewise, by enhancing what is offered for people year-round

you typically also get wider advantages in community acceptance where tolerance to noise is relatively higher providing you have clear processes in place.

THE LEGAL CONTEXT – WHAT DOES IT PERMIT

In general terms spaces such as this are governed by the Licensing Act 2003 and the concept of Public Nuisance within it, that being the impact of an event space in terms of noise on the wider community. Public Nuisance within the licensing Act 2003 is the common Law definition of Public Nuisance, this is well defined by case law and considers a class of Her Majesty’s subjects rather than individuals and Local Authorities throughout the UK are working hard to promote such opportunities.

In acoustic terms we are also seeing a change to the way in which triggers or limits are set, with the current Code of Practice for Environmental Noise from Concerts 1995 being reviewed with a view to increasing permitted levels and or number of permitted days and a more holistic approach to noise management.

Largely this document has considered any music events to contribute to the permitted days but in recent years, as there has been changes to traditional concerts, to maybe more lifestyle and social events (food festivals, etc) which do not have the same impact as a traditional festival or concert.

Councils are endorsing such to bring similar spaces to life. Indeed, this was eluded to in the 1995 Guidance which stated that although care had been taken to make these guidelines compatible with what occurs at existing venues, this may not be the case at every location. Where arrangements were satisfactory with either higher or lower levels than those contained in the guidelines, it eluded that such limits and controls should continue. Quite simply the guidance is now not considered fit for purpose.

REGULATION OF NOISE IMPACTS

One of the key challenges with such spaces is regulating noise impact, and indeed once a vision has been realised how do you go about managing such. It is firstly necessary to define the number of events, the style of events and what likely impacts are. This should not be constrained to just music noise, but also that from the crowd, plant, erection and dismantling of the activities etc. Many of these impacts can be controlled by a site wide management plan, forming part of the wider site hire agreements and can be controlled through measures such as times of operation, permitted activities, plant etc.

However, the greatest risk remains from the types of activities taking place. Typically, this is done through the use of a risk matrix, whereby events are assessed based on a number of noise risk factors. The outcome is that depending on the type of event, its duration and potential impacts there are varying needs for different forms of control, whether that be self-regulation by the event organisers through the provision of an event hotline for low key events or the appointment of acoustic consultants for high profile music concerts etc. The key is that such approaches are standardised with appropriate reporting tools to ensure that the community feel engaged within the project along with all the relevant interested parties. This is typically achieved during event debriefs or annual reviews.

Noise Impact Categorisation		Example Events
Category 1		Events where live or recorded music is a major component (classical music events, outdoor theatre etc)

High Risk of Noise Impact		Food Festivals (where music is not incidental or where there is a significant stage element for the provision of music) Parties / Events after 23.00hrs containing live music
Category 2 Medium Risk of Noise Impact		Weddings / Parties after 23.00hrs with recorded music Promotions / Exhibitions involving an element of music Product Launches (music element) Food Festivals (low key music element) Outdoor events where live or recorded music is incidental Outdoor theatre
Category 3 Low Risk of Noise Impact		Trade Shows Car Shows Cinemas Fashion Shows Farmers Markets Community Engagement Events Sporting Activities Product Launches (no music element) Conferences Formal Dinners etc Craft fairs Family fun days

Example of a Form of Risk Matrix used for other spaces which could be prepared for the Waterfront

ENGAGEMENT WITH THE COMMUNITY

One of the key elements to the success of such event spaces is the engagement with the community and other stakeholders. Focus should therefore be made on resident and business notification plans, complaints handling procedures, hotline numbers for the community and standardising these for each event. In the modern era social media, residents groups and the use of group email and websites all assist in managing this engagement and seeking feedback.

CONCLUSION

The use of urban spaces is an exciting and emerging development in the provision of entertainment throughout the UK. There is evidence that such are well received in Local Communities and can operate without undue concern. This site presents no significantly different challenges to others and it is believed that the Licence can be conditioned with the requirement to produce a Noise Management Plan to be agreed and implemented ahead of any use first commencing.

