

Appendix B3



Licensing Act 2003 - Representation in respect of an application for a New Premises Licence

Details of person or body making representation	
Your Name:	Robin Marston – Team Manager
Your Address:	Noise and Pollution Control Team Leicester City Council City Hall Leicester LE1 1FZ

Details of premises representation is about	
Name of Premises:	Victoria Park (part of)
Address of premises:	Victoria Park Leicester LE1 7RY
Application No. (if known)	157530

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input type="checkbox"/>
Public Safety	<input type="checkbox"/>
Prevention of public nuisance	<input checked="" type="checkbox"/> yes
Protection of children from harm	<input type="checkbox"/>

Please summarise your concerns about this application:
<p style="text-align: center;">Licensing Act 2003 – Application for Premises Licence Application Ref: 157530 Prevention of Public Nuisance. RE: Live Nation, Victoria Park, Leicester, LE1 7RY</p>

Background

This application details a large-scale music event listed over one day being the 6th July 2024 at the applied location with a maximum capacity of 49,999 people. This would include all persons on the day. The licence applied for is for a 'limited period'. The applied for location is on Victoria Park in Leicester.

Victoria Park is a large urban city green space, bordered by a mix of uses, but notably residential areas on London Road, Victoria Park Road, and also the Clarendon Park area. The siting of the proposal, due to the size, is closest to the residential locations of London Road and Victoria Park Road.

Previous and current events on the park

The park is used for a number of festivals and events over the year and has also been the location of many previous events. Current annual events include the Caribbean Carnival which has been operating on Victoria Park for a number of years. Other events that have occurred on the park include BBC Radio 2, Fake Festival, Taste of Thailand, Eid and many other events. In the past events have also taken place in De-Montfort Hall gardens, and a combination of both the De-Montfort Hall gardens and Victoria Park (Summer Sundae), which have also added to the impact for local residents.

The previous event operated by Live Nation in 2014 was a similar size to this proposal, and also over 1 day. This licence had conditions on noise levels of 70 dB(A) for the support acts and 73 dB(A) for the main act, with no set condition for low frequency noise. These levels were reached at points in particular during the support acts, and it showed the difficulty of applying a lower level to such an event, when originally the promoters had asked for 75 dB(A). Complaints for this event totalled 19, although 2 were about the helicopter used to record the show.

The latest large-scale event operated by Festival Republic on behalf of BBC Radio 2, also operated on a 2 level approach, with the main headliners (the final acts) operating at 75 dB(A), and all other acts and DJ's operating at 70 dB(A). The additional control measure for this event was to incorporate a further low frequency element, therefore the headliners also operated to 90 dB(C), and all other acts to 85 dB(C). This has the added benefit of controlling the low frequency element at source, and reducing the impact of bass, which is often the main source of complaints. Only 3 complaints were received in relation to noise from this event.

The City Council do have a monthly event advisory group (EAG), and a programme of events is produced, with all partner agencies present to feed into this process. One element of this is to ensure that the parks are used in an appropriate way, and in the case of Victoria Park, that the park is not subject to an excessive number of events in each year. For 2024 at present in terms of large scale noisy events, only this proposal and Caribbean Carnival are currently scheduled to be sited on Victoria Park.

Noise Levels and timings

During previous hearings and public meetings, a number of residents did raise concerns in relation to the requested overall noise level. The established guidance for noise from outdoor events is contained in the Noise Council's Code of Practice on Environmental Noise from Concerts (1995). The recommended noise limits contained within the Code of Practice for events held between the hours of 09.00 and 23.00 hours are summarised below:

Concert days per calendar year, per venue	Venue Category	Guideline
1 to 3	Urban Stadia or Arenas	The MNL should not exceed 75 dB(A) over a 15 minute period
1 to 3	Other Urban and Rural Venues	The MNL should not exceed 65 dB(A) over a 15 minute period
4 to 12	All Venues	The MNL should not exceed the background noise level by more than 15 dB(A) over a 15 minute period.

MNL = Music Noise Level

As can be seen above, one of the criticisms of the code is that it is now outdated and the music industry has changed massively over the last 28 years since this code was developed. There is a proposed updated version which has been due to be released for the last few years, but as yet is not in the public domain.

One of the proposed changes to the code would be to introduce a more 'risk-based' approach to events and noise levels. The difference between an urban stadia and other urban venue can be negligible, yet the 1995 code allows for a higher MNL of 75 dB(A). This was due at the time to the fact that most large artists played in stadia/arena settings, again this has changed over the years, and there are hundreds of outdoor events and festivals all over the Country, including in urban parks.

One of the arguments for higher noise levels, is often the location, and in this case, to accommodate the proposed numbers, a level up to 96 dB(A) is required front of house for an appropriate audience experience. This is the upper threshold, but has been used for modelling purposes, and the model itself produced with the worse-case scenario in mind.

I would therefore recommend if the licence is granted that the event operates to the 2 proposed noise levels of:

Headliners - 75 dB(A) and 90 dB(C)

Support Acts - 70 dB(A) and 85 dB(C)

Timings of events are also very important, and the finishing time for the event is earlier than the 23.00 in the guidance, at 22.30 hours for the Saturday 6th July 2024. There will also be noise produced on the Friday for noise propagation and sound testing on the Friday and Saturday. These times will also be controlled within the noise management plan.

Proposals for 2024

Previous noise mapping, has shown that the best location for the stage on Victoria Park, is where they have sited the main stage. There will only be one stage operating for this event.

Details that will be contained within the sound management plan include:

- Predictive noise levels, modelling from proposed stage position (s), to include sensitive receptors and likely monitoring points.
- Sources of noise, and MNL proposals, including low frequency component
- Monitoring of noise, continuous real-time on and off-site, 15 minute MNL, but also shorter 5 minute levels, to action quickly to reduce the level.
- Details of propagation and sound-checking arrangements
- Action to be taken with elevated levels, and/or breaches of the upper threshold level. Procedure for actioning reduction in levels or specific frequencies
- Complaint investigation and complaints contact line, details of how this will be operated during the actual event.

Requested conditions

Leicester City Council have developed a list of standard conditions that are used for events. The conditions listed below are requested in terms of the licensing objective of the prevention of public nuisance (These have already been requested as part of the representation by LCC Licensing Enforcement):

34. A suitably qualified and experienced acoustic consultant will be appointed by the licence holder and will prepare a noise management plan (NMP) as part of the EMP to monitor, assess and manage on and off-site noise at the event. The agreed NMP will be implemented by the licence holder at each event.

35. A comprehensive noise risk assessment must be completed in consultation with the noise pollution team of the local authority. The maximum music noise levels shall be fixed by the licence holder's acoustic consultant in conjunction with the noise pollution team. The authority must be satisfied with this assessment and that it will be adhered to in full.

36. The licence holder's acoustic consultant, shall at regular intervals, take noise measurement readings both within the perimeter fence and at the points agreed with the noise pollution team, outside the perimeter fence to ensure noise levels are complied with at the event. A contact name and the details of the licence holder's acoustic consultant on duty on the day of the event shall be provided to the noise pollution team.

37. The noise sensitive monitoring positions shall be agreed with the noise pollution team and inserted in the Noise Management Plan.

38. A full list of all sound system equipment to be used for each stage shall be submitted to the noise pollution team no later than one month before the commencement of an Event.

39. The licence holder's acoustic consultant shall be in control of noise levels throughout the event and shall operate independently of the Artists in all music areas within the licensed site. No performance shall cause noise nuisance and the licence holder shall act upon any reasonable requests from the noise pollution team or its own acoustic consultant during the event, including but not limited to the reduction of the sound level.

40. Complaints concerning noise will be investigated by the licence holder's appointed acoustic consultant during the event and measurements will be taken to ensure compliance with music noise limits.

41. The details of all complaints received, actions taken, and measurements made in response to complaints of music noise will be recorded and provided to the Licencing Authority as part of the acoustic consultant's post-event report which shall be provided within 1 month following the event.

43. A resident contact information sheet including details of the residents hotline and email address shall be issued by the Premises Licence Holder at least 2 weeks in advance of the first day of the Event.

44. A resident contact telephone line to contact the site management team will be operated during the build, event and derig. The operational hours will be agreed by the ESAG. In addition, an email address will be available on the event organiser's website and queries answered promptly.

Robin Marston
Team Manager (Job Share)
Noise and Pollution Control Team

Return your completed form to:

By Post:

Licensing Authority Office
Leicester City Council
City Hall
Leicester
LE1 1FZ

By Email:

licensing@leicester.gov.uk