

From: [Chris Hurst](#)
To: [Richard Vivian](#)
Cc: [Chris Banks](#); [Rachel Taylor](#); [James Hoffelner](#); [Karen Collier](#)
Subject: RE: Fwd: Representation received - LDN Riverside LTD, Unit J, Abbey Industrial Estate, Kingsbridge Road, Barking IG11 0BP.
Date: 26 April 2023 19:49:02

Hi Richard

Thanks for your response.

The main considerations are the licensing objectives and local policy helps inform how they will be achieved in the local context. You have referred a model condition within the Appendices of the Policy and as such is only a guide to the type of condition that maybe imposed or proposed. You may also like to refer to other sections within the Policy concerning operating schedules (Section 4 page 22) and the Prevention of Public Nuisance on page 33.

I was informed by the licensing consultant that a venue noise assessment and Noise Mgt Plan would be forwarded which would help address the councils concerns so it is strange that there now seems to be a reluctance to provide this information.

The licensing hearing will be the opportunity for both sides to make their case and I am sure the committee will come to a reasonable decision.

I am now back full time at Three Spires and no doubt we will catch up before too long.

Kind Regards

Chris Hurst | Environmental Protection Officer
Environmental Health and Public Protection
London Borough of Barking and Dagenham

From: Richard Vivian <richard@bigskyacoustics.co.uk>
Sent: 25 April 2023 17:12
To: Chris Hurst <Chris.Hurst@lbbd.gov.uk>
Cc: Chris Banks <Chris.Banks@lbbd.gov.uk>; Rachel Taylor <Rachel.Taylor2@lbbd.gov.uk>; James Hoffelner <james@completelicensing.uk>
Subject: Re: Fwd: Representation received - LDN Riverside LTD, Unit J, Abbey Industrial Estate, Kingsbridge Road, Barking IG11 0BP.

Dear Chris

Thank-you for your reply. I am sorry to hear you are leaving and it makes sense that I use Chris Banks as my point of contact going forward.

I won't comment on public safety issues as they are being handled by someone else.

We are in agreement that there is a large separation distance from this unit on the industrial estate to residential properties. For the PL application I need to consider the licensing objective of the prevention of public nuisance, and in order to protect residents from public nuisance due to amplified music an appropriately controlled professional sound system is an effective measure. I can set those limit levels on the sound system myself, but the volunteered noise conditions go further than that and propose that the limiter can be set in consultation with an

authorised officer of The London Borough of Barking & Dagenham.

I note that your view is that it is not reasonable for the applicant to defer the promotion of the prevention of public nuisance objective to the local authority by asking them to set a noise limiter level, but that approval process is specifically recommended in the LBBB Statement of Licensing Policy 2022 - 2027 at page 56:

• *Sound Limiting Devices - Where a noise limiting device or devices are installed then the entertainment noise control system shall be monitored, checked, and calibrated as necessary, **so that the approved levels by the Council**, are not exceeded. The controls for the entertainment noise control system shall be in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.*

In my experience that is a robust approach and ensures that, regardless of any theoretical design for the building envelope, the noise source is controlled to the appropriate level for that building in its current state. Improvements to the building mean a higher limiter level, similarly any degradation to the building envelope over time is equally covered by the limiter condition which would require a lower limit level. It is for this reason my recommendations will be for a permanent sound system with a precision limiting device that is set, locked and tamper-proof.

A limiter is the safety-net, regardless of the condition of the building, as it is always set at the level that does not result in a public nuisance. Ensuring there is a requirement for the limiter level to be approved, by way of condition on the PL, is a common and effective approach at many licensing authorities.

Let me know where you are heading to next, and keep in touch.

Best regards
Richard

Richard Vivian

Big Sky Acoustics Ltd
office: 020 7617 7069
mobile:

On 24/04/2023 10:35, Chris Hurst wrote:

Hi Richard and thanks for your response.
FYI my contract ends at B&D on 05/05/2023 and therefore the team leader for EP, Chris Banks (on copy), will be your point of contact.

My assessment of the application in its current form, is that it does not meet LA03 requirements both from a public nuisance and public safety perspective and without significant amendment to the ESMP (public safety) and inclusion of a venue viability assessment and report and noise management plan, (public nuisance) I recommend that it should be refused.

As you will be aware Section 182 guidance is clear that applicants

- understand any risk posed to the local area by the applicants' proposed licensable activities
- include positive proposals in their application on how they will manage any potential risks
- Provide LA with sufficient information to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area

Given the context of the application which could have significant public nuisance and public safety consequences, I consider that it is not reasonable for the applicant defer the above requirement to the local authority, by asking them to set a noise limiter level. It is incumbent on the applicant to provide a risk assessment of the application i.e venue viability assessment, and the steps by which they will manage noise emissions i.e Noise Mgt Plan. Re public safety the ESMP is wholly inadequate and not site specific and requires significant amendment.

Therefore, once the above requirements have been addressed by the applicant these will inform the setting of the noise limiter. As I have indicated in my formal representation B&D do not have any formal guidance on noise control for places of entertainment but I have looked back at some previous licensing and planning conditions and they have in some instances applied the Hinton and Sommerville noise assessment criteria for noise control for places of entertainment, this maybe a starting point for the applicant to assess the potential noise impact and design mitigation strategy.

I hope that assists you, it may worth having a Teams call with Chris Banks and ourselves to discuss the above points in more detail. Chris is away on leave later this week and is only available today or tomorrow morning.

Kind Regards

Chris Hurst | Environmental Protection Officer
Environmental Health and Public Protection
London Borough of Barking and Dagenham

From: Richard Vivian <richard@bigskyacoustics.co.uk>

Sent: 21 April 2023 14:10

To: Chris Hurst <Chris.Hurst@lbbd.gov.uk>

Subject: Re: Fwd: Representation received - LDN Riverside LTD, Unit J, Abbey Industrial Estate, Kingsbridge Road, Barking IG11 0BP.

Hi Chris

I hope you are well. I've been instructed to give some advice on this application.

Like you I share concerns with regard to the roller shutter door and roof structure. My client has done some real-world tests of noise break-out from a large sound system and is in the process of obtaining quotes for remedial works to the building.

The primary noise source is amplified music and will be subject to a limiter condition which has already been volunteered to ensure the licensing objective of the prevention of public nuisance is promoted. An acoustically weak building will therefore be subject to a lower limiter threshold than an acoustically robust building.

The proposal is to have a permanently installed sound system and hence the variability of different sound systems coming in and out the building is eliminated. In that way we can set very precise limit levels, including detailed dynamics processing and specific control across the audio spectrum which would then be set and locked in a DSP system processor that would be password protected and tamperproof.

The motivation for my client is to ensure the building envelope does contain noise, and also that the building is maintained, to the extent that there is no public nuisance. The correct setting of a limiter, quite reasonably to your (or one of your colleagues) satisfaction, is the ultimate safety-net that dictates the acceptable source level. I can think of a number of examples where a new operation has started in a basic building with a relatively conservative maximum level setting, and then, as finances permit, they have carried out further remedial works and been able to recalibrate the limiter upwards as the building improves.

At this time my client is looking to secure a lease on the premises and they need to know that the grant of a PL is likely, albeit with strict noise conditions, in order for them to proceed. Could you look again at the proposed limiter condition and let me know if that is satisfactory, or if you would prefer some other wording?

Best regards
Richard

Richard Vivian

Big Sky Acoustics Ltd
office: 020 7617 7069
mobile:

On 27/03/2023 19:10, Complete Licensing wrote:

Sent from Proton Mail for iOS

----- Forwarded message -----

From: Licensing<Licensing@lbbd.gov.uk>

Date: On Mon, Mar 27, 2023 at 20:07

Subject: Fwd: Representation received - LDN Riverside

LTD, Unit J, Abbey Industrial Estate, Kingsbridge Road,
Barking IG11 0BP.

To: hello@completelicensing.uk
<hello@completelicensing.uk>

Cc:

Dear Sirs

I write in relation to the application for a premise licence
at LDN Riverside LTD, Unit J, Abbey Industrial Estate,
Kingsbridge Road, Barking IG11 0BP.

We have received a representation from a responsible
authority namely the Councils Environmental Protection
officer.

Please see the attachment for details.

The officer can be contacted direct as below.

Chris Hurst - Chris.Hurst@lbbd.gov.uk / Mobile 07939
324 063

Please send your response to licensing@lbbd.gov.uk

Regards

Rachel

E-mail confidentiality notice. This message is intended
for the addressees only. It may be private, confidential
and may be covered by legal professional privilege or
other confidentiality requirements. If you are not one of
the intended recipients, please notify the sender
immediately on +44 0 20-8215-3000 and delete the
message from all locations in your computer network.
Do not copy this email or use it for any purpose or
disclose its contents to any person: to do so maybe
unlawful.

E-mail confidentiality notice. This message is intended for the addressees only. It
may be private, confidential and may be covered by legal professional privilege or
other confidentiality requirements. If you are not one of the intended recipients,
please notify the sender immediately on +44 0 20-8215-3000 and delete the
message from all locations in your computer network. Do not copy this email or use
it for any purpose or disclose its contents to any person: to do so maybe unlawful.