

SUPPLEMENTARY 1

LICENSING SUB-COMMITTEE

Tuesday, 14 July 2020

**Agenda Item 3. Application for a 10-year Time-Limited Premises
Licence - Springmerch LTD, Weare Music Festival,
Central Park, Dagenham (Pages 1 - 5)**

The enclosed supplementary documents are:

1. A letter from the Metropolitan Police regarding amendments to the information shown in Annex A to Appendix D (Crime figures) in the main agenda pack;
2. An email from Joynes Nash Environmental Consultants, on behalf of the applicant, regarding noise issues;
3. A statement from the Council's Environmental Protection service regarding noise issues and responding to points raised by Joynes Nash in 2) above.

Contact Officer: John Dawe
E-mail: john.dawe@lbbd.gov.uk

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Licensing Authority
London Borough of Barking & Dagenham
1 Clockhouse Avenue
Town Hall Square
Barking
Essex
IG11 7LU

PC Owen DUNN 3326EA
East Area Licensing Team
Romford Police Station
19 Main Road
Romford
Essex
RM1 3BJ
Telephone:
Email: owen.dunn@met.police.uk
www.met.police.uk
Your ref:

08/07/2020

Subject: Amendment to figures submitted in original Representation Letter.

Dear Licensing Team,

Further to my objection letter against the application for We Are FSTVL Central Park, Dagenham, dated 13/06/2020.

I wish to make amendments to the crime figures submitted in the original letter.

In the original letter a figure of *68 recorded* crimes are mentioned and Appendix A referred to.

On further inspection of each report it appears that there are **60** relevant recorded crimes of which, the break down can be seen below;

- **GBH x 1** (*Stabbing in lower back inside event*)
- **ABH x 2**
- **Common Assault x 1**
- **Animal Cruelty x 1**
- **Fraud x 2**
- **Crime related incident x 1** (*female flashing herself at passing family in vehicle on road, on leaving festival*)

- Possession with intent to supply Class B drug **x 1**
- Possession with intent to supply Psychoactive substance (*Balloon canisters*) **x 3 (Staff member was one of the suspects arrested, cannabis, class A and in charge of motor vehicle whilst under influence)**
- Possession with intent to supply Class A drug **x 15 (Staff member was one of the suspects arrested)**
- Robbery **x 7**
- Theft **x 26**
- Sexual Assault **x 1**

Regards,

PC Owen DUNN 3326EA
East Area Licensing Team

Sent: 11 June 2020 15:15
To: Lamptey Theo
Cc: Jones Timothy ; 'Sian Miller'
Subject: We Are Festival

Hi Theo,

Many thanks for your time last week and as promised I would expand further on what we discussed

I firstly think it is important to stress that:

- Our interpretation of the compliance report and data from the 2019 event along with predictions based on the known layout that year indicate that the event was not wholly compliant with the limits and indeed it most probably never could have been.
- The limits for were not set in accordance with any guidance (exceed the former Pop Code and don't reflect new research) and would be considered too restrictive for any events of this scale in any urban parks across the UK.
- That the event proposed for 2020 is indeed larger in scale than that in 2019, incorporating a main stage and areas closer to the residential properties and therefore not simply not compatible with the existing limits.

In that context we discussed last week what would be required and how we would normally expect to approach these events. Firstly urban parks present significant challenges to events of this scale and require careful management of noise within appropriate limits that make the event feasible. Across London and throughout the UK we have now seen the traditional 65dB limit relaxed to 75dB. The justification being provided by the fact this is similar to urban stadia where the permitted levels were 75dB(A) which is consistent with the findings of the DEFRA study NANR 292, in that the source location for the concert does not have any impact on the annoyance of residents, so the differentiation between parks and stadia outlined within the old code of practice is irrelevant. In fact looking at the proposed limits of 70dB and those expected to be required of 75dB there would be little significant change of impact on residents.

What is key is how the levels are controlled and monitored during a live event and my proposal for an event of this scale has been a team of three consultants. The first would primarily deal with internal individual stages and be responsible for monitoring each stage (upon which there would be a meter and visual display for engineers) and ensuring that levels do not creep unnecessarily and remain just sufficient for audience enjoyment (typically around 98dB and 110dB in the lower frequencies). We therefore know that the site is fully in control. We would then have two consultants off-site looking at gathering data and ensuring compliance with one of these also assigned to complaint response. By having such resources external you are able to both respond and gather data, crucial if you are to manage the overall noise site output. All these consultants will be in real time contact and react to issues in a proactive way.

The final key to any events of this genre is the management of the low frequency, something which is easier with multiple stages if it is monitored as you can typically look to achieve a off-site rumble rather than an pronounced thump from a single stage. We typically again do this by limiting levels of site and monitoring frequency balance offsite, locating any issues and taking corrective action at the source.

If controlled properly, similar events that we have been involved with on Streatham Common, the Olympic Park, Trent Park and those such as Junction 2 have all ran for many years without undue concern. However,

what we do require is appropriate limits and a target level of 75dB and low frequency limits of 75dB at 2Km in accordance with the Guidance offered in the former Pop Code would make this event viable. What we do commit to is a post event review, to learn and develop for future years and assist the Council is setting appropriate limits moving forward based on live data and control. It would also appear that the revision to the current Code (by the CIEH) is in fact looking to increase levels to 75dB across the board for urban areas.

I trust that this helps. Any queries then please do

Regards

Simon Joynes



Live Events Acoustics Land Contamination EIA's Ecology Landscape Arboricultural

www.joynes-nash.co.uk

Office 17 Park Lane, Henlow, Bedfordshire, SG16 6AT

Company Number: 9422341 || VAT Registration No: 204 752234

Response to the Noise Conditions – Weare Festival

There is little information in the email from Joynes Nash consultancy that provides confidence that music noise levels will not be a cause of public nuisance if approved at the 75dBA level proposed. The third bullet point in their email raises even greater concerns in this context.

Until approximately 2017, the noise limit was 65dBA over 15mins (up to 23:00 hours I believe) however this appears to have changed (increase by 5dB) as per a recent licence condition wording (*A music noise level of 70 LAeq dB(A) 15 minute and 80 Leq dB (63Hz) 15 minute both measured 1 m from the façade of any noise sensitive premises*).

The Joynes Nash email however is now looking to raise that again to 75dBA, which is a great concern regarding prevention of public nuisance. A change of 65dBA to 75dBA as proposed is essentially a doubling of the music energy from previous years operations. Whatever level they gain from approval/ wish to have as an operating noise limit, it will be the control of the low frequency which will be of most importance and could gain most complaints, as well as the overall noise level. I have serious doubts this proposed music noise level is workable within the limits of the licencing regime in respect to prevention of public nuisance.

Referring to the original email, the consultant has not proposed a low frequency noise limit for the 63Hz or 125Hz mid octave band frequencies at the nearest or most affected noise sensitive premises. They have proposed a 2km low frequency condition only. Failure to agree a noise condition(s) without the low frequency being monitored/reported (at the nearest or most affected noise sensitive premises) could leave the operation of the festival vulnerable should complaints and issues arise.

The current PoP code is still valid. Recent research does not supersede this guidance document. The consultant states that the key thing is to monitor and proposes a strategy for this. I am not convinced that this proposal is adequate to effectively deal with the management of noise on and off site. The consultant should demonstrate prior to approval of the licence for this year through modelling or predictions that their proposed 75dBA would be met at the nearest or most affected noise sensitive premises, and their proposed 2km radius. I would also stress that the low frequency would need to be agreed for the nearest or most affected noise sensitive premises. This information would usually be expected within a noise report.

Environmental Protection

10 July 2020

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