

Statutory Licensing Sub-Committee

Date: Friday 16th December 2022
Time: 9:30am
Venue: Council Chamber, County Hall, Durham

Premises Licence Holder's Bundle

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The Woodman Inn

Short Statement

Gemma Bern and Douglas McCarroll operate a successful letting business in Durham, and live opposite the Woodman Inn. They became interested in operating the Woodman Inn when it was placed on the market, having been closed since 2019. Around the same time St Nicholas Community Forum were also keen on operating the premises as a community hub. Neither were successful in purchasing the premises, and the premises was purchased by a local property investor, A W . However, the SNCF had been successful in protecting the pub, by registering it as an asset of community value. We thank them for that as it has allowed this almost 200 year old premises to continue operating and serving the locals community, which is very much at the heart of this premises.

Gemma and Douglas worked with the new owner to agree a lease and spent 12 months renovating the pub. The previous operator had painted the whole premises black, inside and out, and it lacked any character. They invested almost £150k in the renovation.

Following the renovation, the premises was opened on the 2nd June 2022. It boasts a stylish but classic interior with TV screens for sport, a log burner and a pool table. The premises is split into two areas with a lounge and bar at the front of the premises with further seating at the rear as it leads into the smoking area and the beer garden. The beer garden is one of the biggest in Durham and is a particular draw for customers in the summer. The premises prides itself upon being family friendly and dog friendly, with a warm atmosphere and welcoming staff.

The premises operators have taken over the premises at unprecedented times, with all bills going up and a difficult trading environment. In order to attract people to the premises they have done everything they can in order to interest customers. To that end, they operate food, a range of craft ales and high end spirits and entertainment. This includes functions for birthday parties, family events and special occasional events. There have been no issues whatsoever with entertainment inside of the premises. The recent issues have come about when they have tried to have entertainment outside, particularly events involving loud and / or live music. Hence the focus of the review has been upon measures to control entertainment in the outside area.

The premises we have worked with the Mark Anslow, from Environmental Health and the Parish Council to try and address the concerns which have led to the review of the premises licence. They in turn have liaised with the SNCF. There have been a number of meetings both before and after the review, and various communications. In that time the premises has instructed its own noise expert, Dave Cross, to assess the levels of noise in the outside area and to work with Mark Anslow in regard to measures aimed at addressing the concerns which led to the review. We would like to thank all concerned for their hard work and patience in reaching an agreement on a set of conditions with which we are all happy.

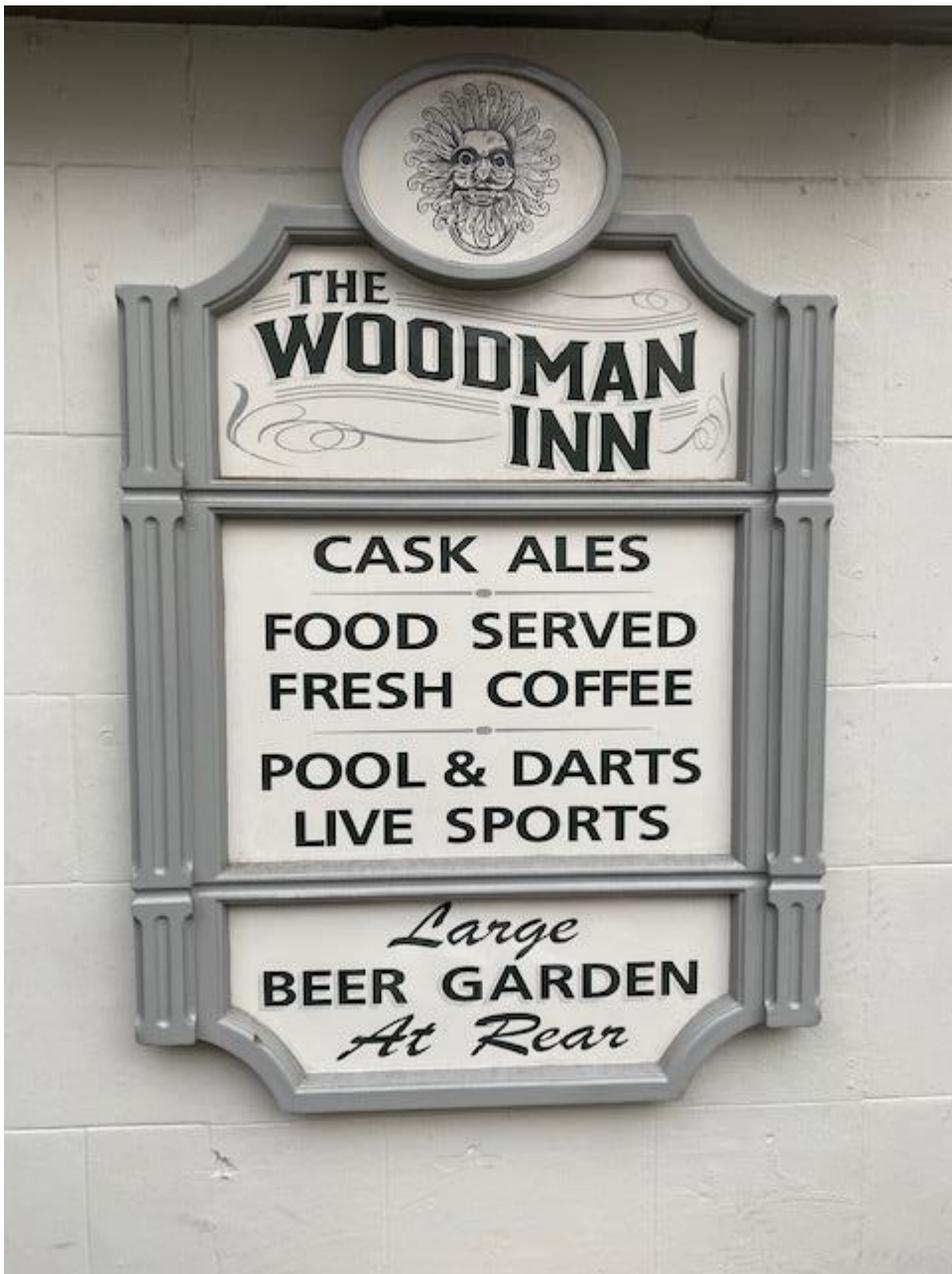
14th December 2022.

Proposed Conditions

1. Use of the rear outside area (including any structures) shall cease at 10pm on weekdays (Sunday to Thursday) and 11pm on weekends (Friday and Saturday), excepting any Designated event as per condition 3. The use of the outdoor smoking area directly to the rear of the premises shall be permitted during all opening hours of the premises.
2. With the exception of the designated events allowed by condition 3, music played in the rear outside area will be at a background level only, not exceeding 71dB(A) at the monitoring point denoted in the approved NMP ref section 8.8. After 10pm (Sunday to Thursday) and 11pm (Friday and Saturday), all music in the rear outside area shall cease other than within the smoking area (As defined in the noise management plan referred to at condition 6). After these hours music arising in the smoking area shall be inaudible at the boundary of the nearest noise sensitive receptor.
3. A maximum number of 12 Designated Events shall be allowed in any one calendar year where live and/or recorded music may be played in the outside area at a noise level of up to 88 dB(A) prior to 9pm and 81 dB(A) between 9pm and 11pm at the monitoring point denoted in the approved NMP ref section 8.8. Designated events shall only occur on a Friday, Saturday, Sunday preceding a Bank Holiday and Bank Holidays. Notice of all designated events shall be emailed to the Parish Council, St Nicholas Community Forum and the Environmental Health Department at Durham County Council a minimum of 2 weeks prior to the event.
4. Staff must be trained in the management of complaints from members of the public.
5. A direct complaints contact telephone number for the Premises is to be made available in an easily accessible location on the premises website.
6. The noise management plan v.1.4, shall be adhered to at all times that the outside area is in use.

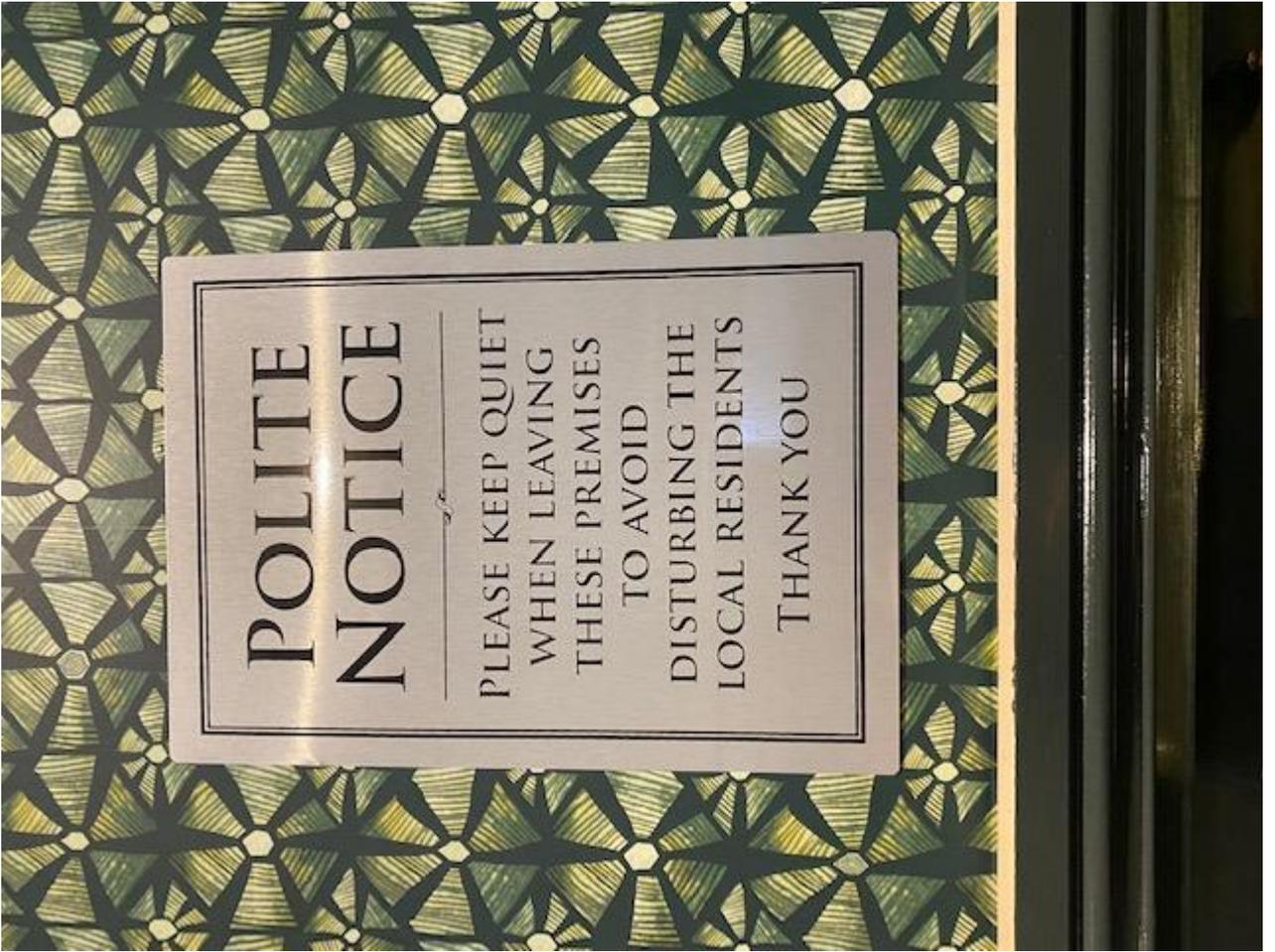
Conditions to be retained under Prevention of Public Nuisance at Annex 2 of the Premises Licence:

- A sign will be located at the exit (s) requesting that customers leaving the premises do so quietly and with consideration of neighbours
- When amplified musical entertainment is taking place inside the premises at a volume likely to be audible and intrusive at nearby residential properties, windows and doors, save for entrance and exit purposes, will be kept shut.







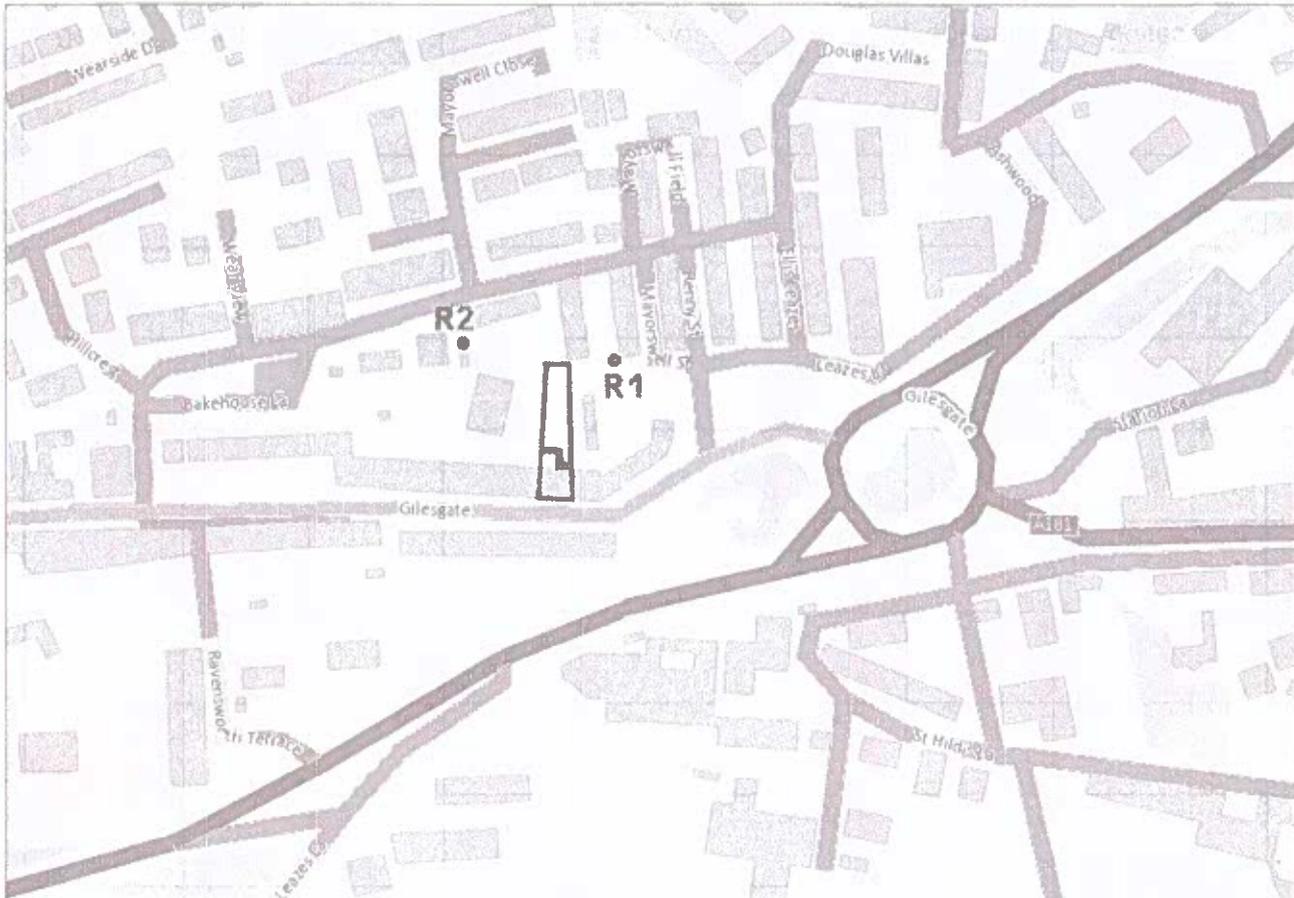




Woodman Inn

Noise Management - Site Plan

Showing The Woodman Inn premises with stage area, and nearby residences.



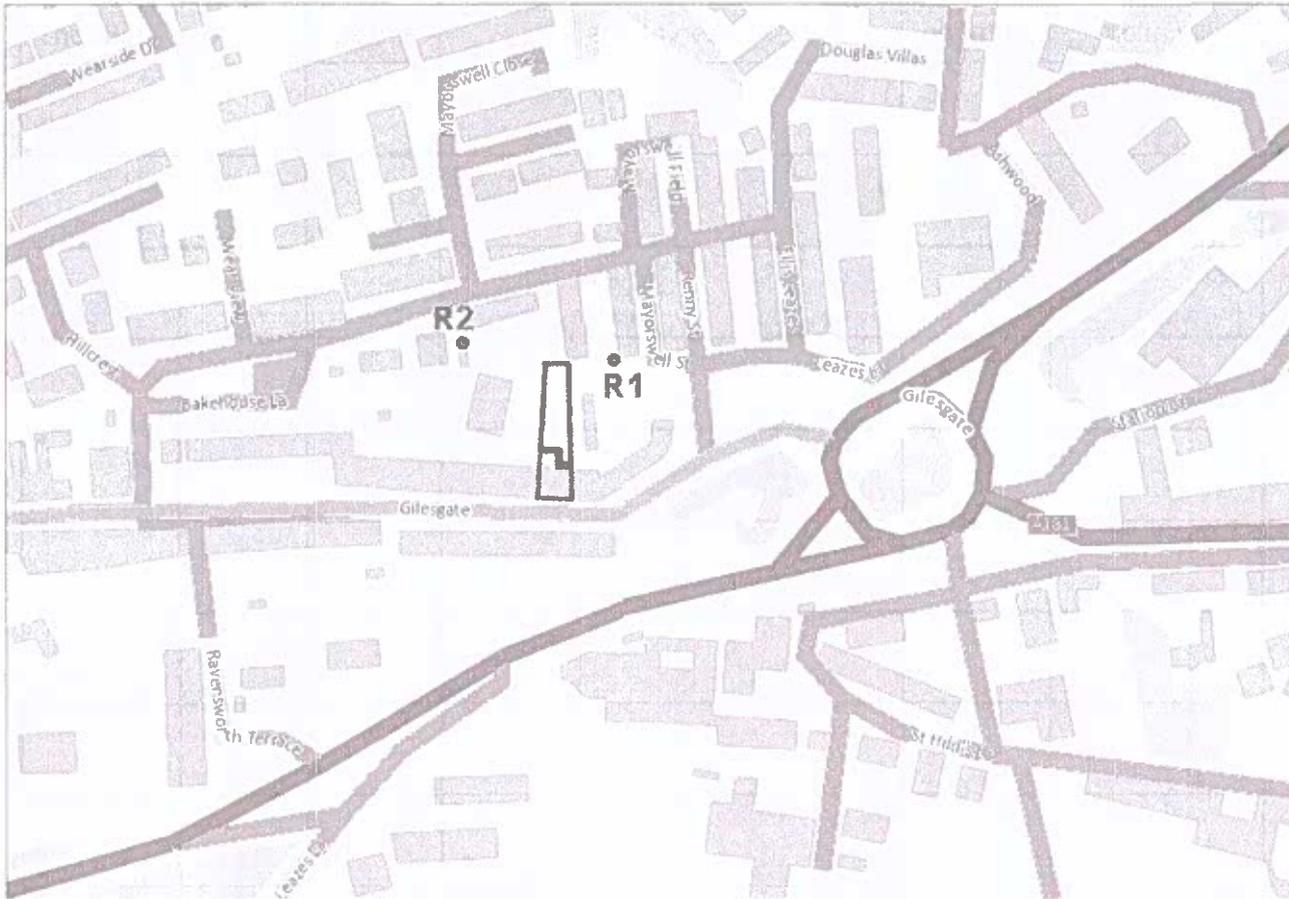
Crown copyright

	"The Woodman Inn" premises
	"The Woodman Inn" garden
	Residential receiver properties
	R1 – SW corner of No 7 Mayorswell Street
	R2 – rear of 6 Keping Villas

Woodman Inn

Noise Management - Site Plan

Showing The Woodman Inn premises with stage area, and nearby residences.



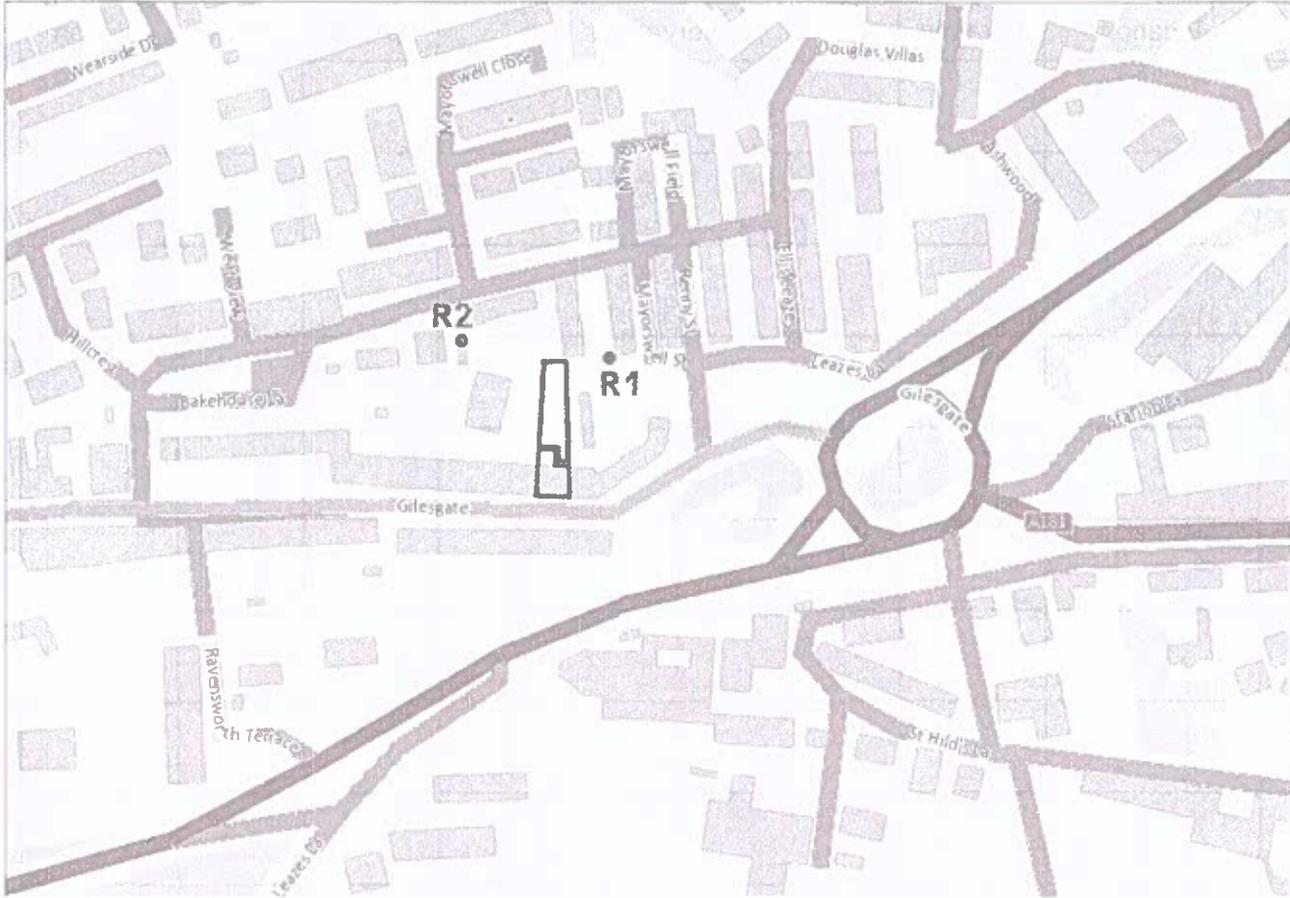
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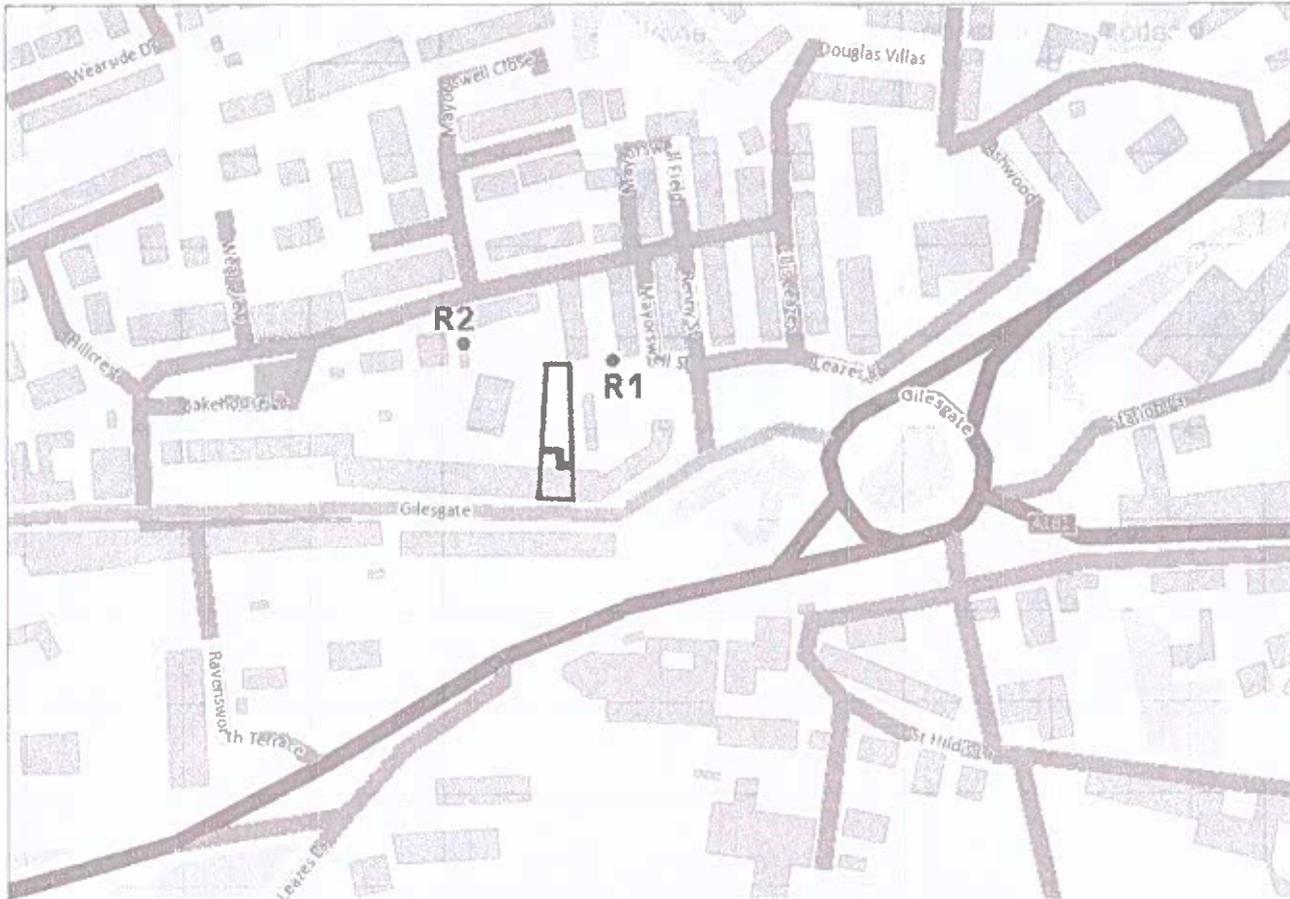
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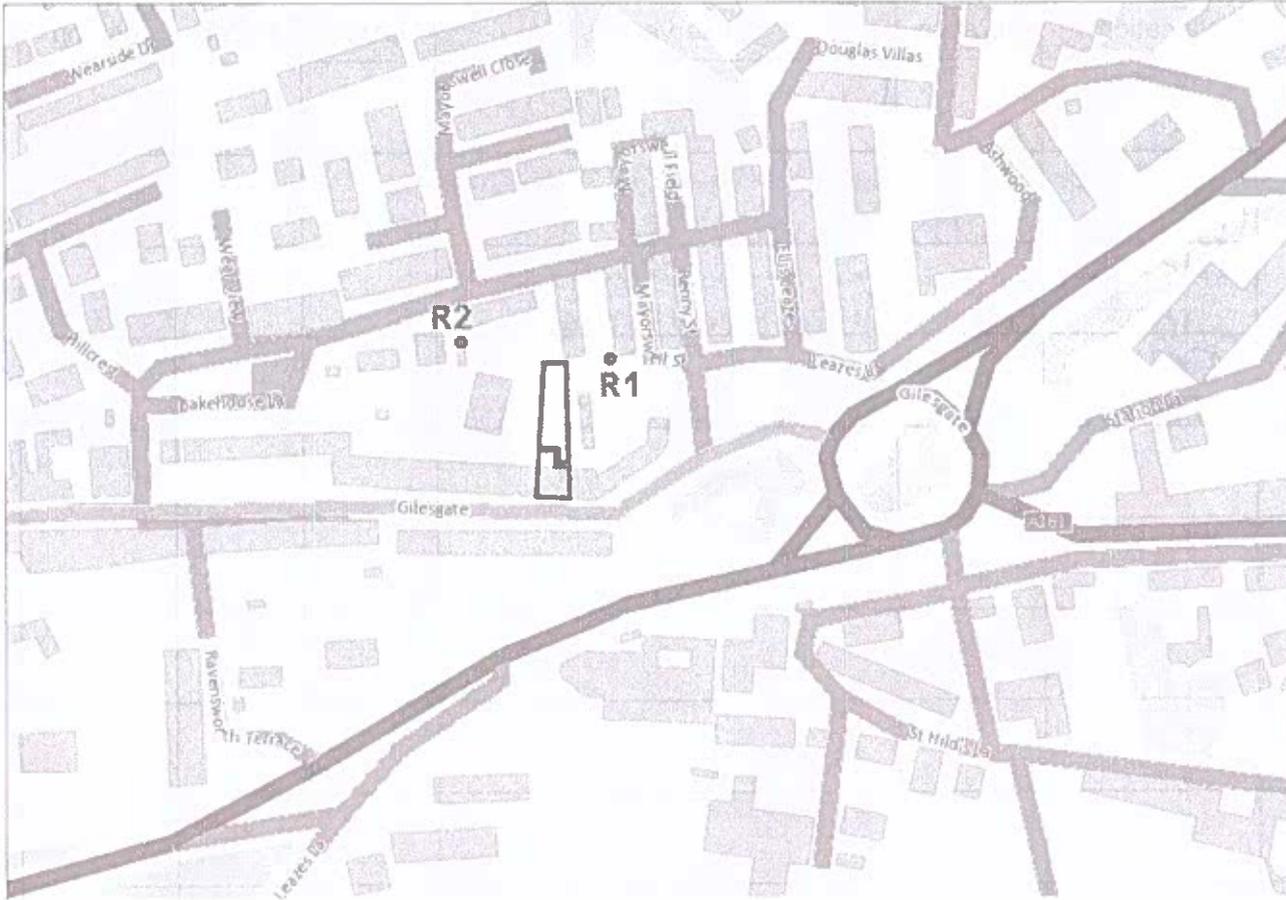
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Noise Management - Site Plan

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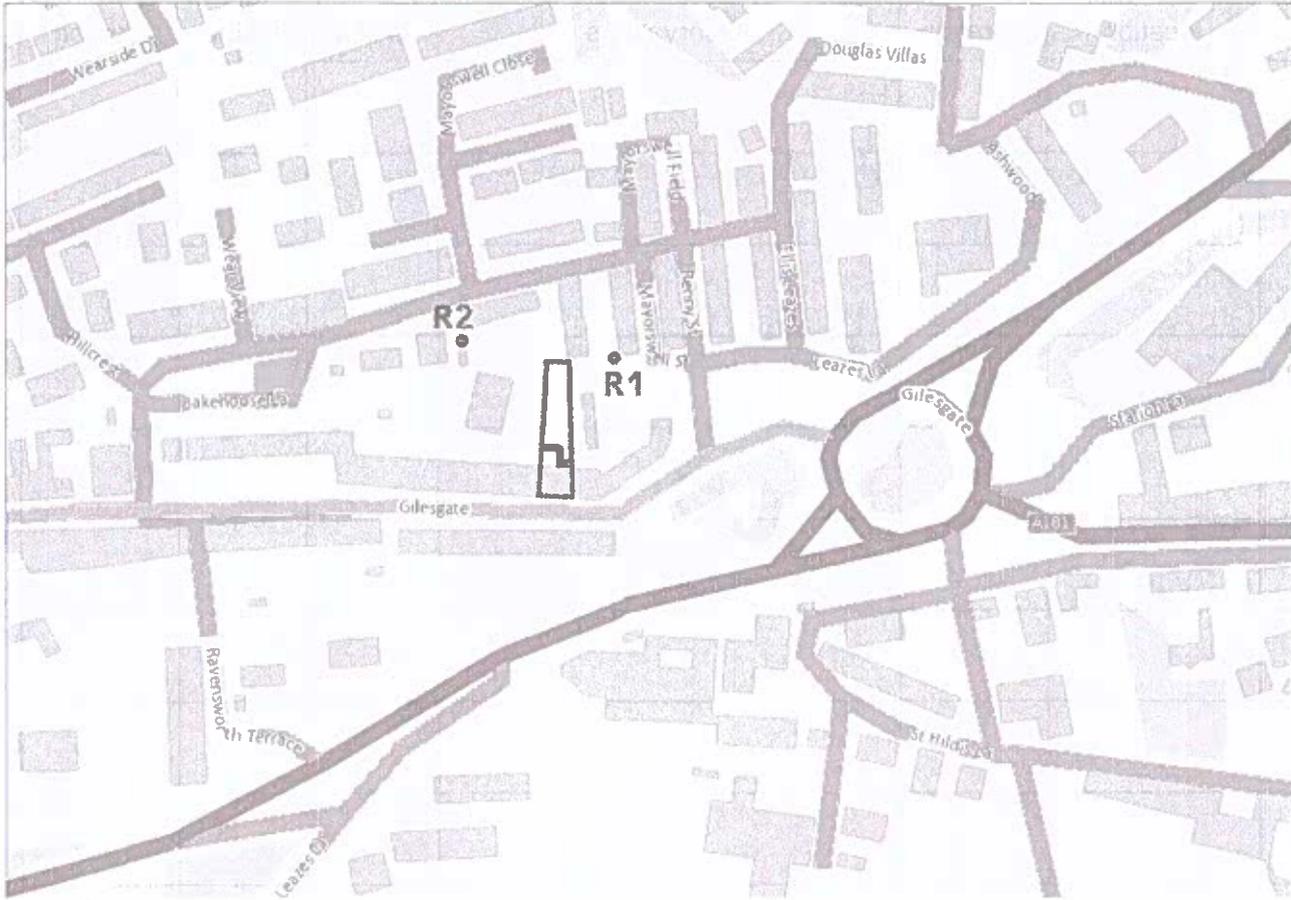
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	"The Woodman Inn" premises
	"The Woodman Inn" garden
	Residential receiver properties
	R1 – SW corner of No 7 Mayorswell Street
	R2 – rear of 6 Kesper Villas

Woodman Inn

Noise Management - Site Plan

Showing The Woodman Inn premises with stage area, and nearby residences.



Crown copyright

	"The Woodman Inn" premises
	"The Woodman Inn" garden
	Residential receiver properties
	R1 – SW corner of No 7 Mayorswell Street
	R2 – rear of 6 Keplar Villas

Noise Management Policy

For

“The Woodman Inn” at Durham

DRAFT

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1. Introduction & Summary

1.1 Purpose of this document

This document provides a framework for the Planning and Management of outdoor events at *The Woodman Inn*, Claypath, Durham City, and should be used in conjunction with other guidance and policy documents.

1.2

The '*The Woodman Inn*' premises have the potential to generate noise levels which might create an adverse impact on the environment, particularly on the amenity of residents in the Claypath area of Durham City. This policy seeks to restrict that potential, and thereby ensure compliance with Home Office guidance relating to the Licensing Objective 'Prevention of Public Nuisance' and the "*Noise Policy Statement for England*"

Other relevant guidance relating to the control of entertainment noise will also be considered.

1.3

As professional operators, *The Woodman Inn* acknowledge that they have a primary responsibility to ensure that their premises do not generate excessive noise disturbance to nearby residential properties.

The purpose of this *Noise Management Plan* is to detail the policies and procedures adopted to ensure, as far as possible, the minimisation of disturbance to local residents by activities in and around '*The Woodman Inn*'

1.4

This *Noise Management Policy* identifies the sources of noise which present a potential for adverse impact, it proposes procedures and policies which mitigate those risks. This includes a consideration of technical work to improve the noise confinement within the site.

1.5 Status of this document

This document provides guidance and conditions relating to events produced in the premises at '*The Woodman Inn*', Durham.

This document will provide Conditions relating to music entertainment and these Conditions shall be read and applied as if they are included in the Management Operating Policies of the premises.

1.6 Future developments

This document will be reviewed and updated to reflect any further developments which may be implemented in the future.

1.7 Review

The document will be subject to periodic review as defined in **Section 11**.

1.8 Planning conditions

Durham County Council has not imposed specific conditions on noise generated from the premises.

1.9 Nuisance Complaints

The national statutory framework to regulate a Statutory Nuisance applies (See **Section 5.6**).

2. The Premises

2.1 The premises are located on the edge of Durham City Centre in a terrace of properties on the north side of Gilesgate. The Licensed premises occupy the ground floor of the main building with traditional bar and seating, and all of the garden to the rear.

The property & garden are on level ground. The site is approx. 65mtrs above MSL (Mean Sea Level).

2.2 The building is a substantial brick structure on two floors, from 19th century, and having a pitched slated roof and a long garden to the rear readily accessed from the rear of the building. Some of the garden closer to the building provides a paved terrace and seating area, where a large screen TV is installed.

The garden is enclosed, with the brick end of the out-building forming the south perimeter, and with timber fencing along the other 3 sides. The fence is approx. 2mtrs high, which provides limited shielding from the residential areas to the north.

2.3 A temporary marquee has been erected (2022.) in the middle of the garden as an overspill from the bar or for hosting functions. The marquee is to be removed early Jan 2023, though there is the potential for a marquee, or a similar structure to be placed in the garden in the future

The marquee has been offered to the local community for interested parties to hold private events such as birthday parties, and for the proprietors to host events for their community to enjoy moments of national significance, such a Halloween and the football World Cup.

Containment of noise from loud music in the garden and marquee is understood to be partial at mid and high frequencies, but poor at low frequencies.

Where background music playback or TV sound is being provided, a small installed music system of 4 column loudspeakers and a mixer-amplifier has been used.

There is no separate 'bass speaker' as is common in music systems.

When there has been live music recently, temporary public address equipment was provided. This may comprise a range of loudspeaker types, controlled by an imprecise control of the sound levels from a mixing desk operated by third parties.

However, the general format would consist of full-range loudspeakers on poles facing into the audience area, and one or two bass speakers on the ground level below these. It is expected that bands of the style that is popular at the venue would expect to perform through a PA system generating between 88 and 96 dB LAeq within the audience area.

2.4 The covered section of the garden close to the main building is available for patrons as a smoking area. This includes a single low-power loudspeaker operating as a satellite to the indoor bar's music system. It has not been audible at the far end of the garden.

2.5 The Site & Occupancy Capacities

The licensed areas at 'The Woodman Inn' are indicated in red (indoors) and purple (outdoors) on the plan (**Appendix A**).

Those areas available for Licensable activities each have an indicative maximum capacity :-

<i>Indoors (ground flr only)</i>	xxx
<i>Rear garden</i>	xxx

2.6 Hours

Opening hours are from 12:00 until 00:30 on Suns – Thurs, and until 01:30 on Fris & Sats.

Activities outside in the garden may take place until 23:00 hrs.

2.7 Acoustic performance of the premises

Indoor events

Noise from indoor events appear to be more than adequately contained by the fabric of the building. During a live music event featuring a full band, no music is understood to have given rise to any reported disturbance.

Outdoor events.

There is limited acoustic attenuation of noise escaping from the garden venue due to the open-air nature of the site. But the overall patterns of noise dispersion are also at the hazard of the pertaining climatic conditions which contribute to some variability of noise transmission out of the garden.

The greatest contribution to noise control is found in the appropriate operation of sound amplification equipment outdoors. This is discussed in **Section 3.2**.

2.8 Nearby Residences

There are several residences on the south of Gilesgate which may be exposed to noise from the garden, but as these properties are substantially shielded by the body of the premises.

The garden is exposed to the terraced homes to the north east, and some of the larger buildings in Kepier Villas to the north west. Both are within only 100 meters distance.

There are also flats above most Claypath properties and 3 bungalows in Gilesgate Close to the west of the garden.

The terraced properties to the north are significantly more exposed to the garden, and consequently, it is expected that measures to protect amenity to the north will provide adequate protection to those on Claypath, most of which are slightly less exposed.

Access to the rear facades of Claypath and to the bungalows in Gilesgate Close is either not on public land, or where it is on public land, is better shielded from the garden than the south end of the Mayorswell terraces.

Two representative locations have been identified along the exposed perimeter of the residential areas. These are shown as **R1** and **R2** on the plan in **Appendix A**, where the residences are marked with a green border and *The Woodman Inn* with a red border, (with a purple rectangle representing the position of the garden).

2.8.1 Representative residential properties in the Gilesgate area of Durham.

The representative location shown as **R1** is alongside No 7 Mayorswell :

Nearest corner at 25mtrs distance from the perimeter of The Woodman garden.

Theoretical distance attenuation over 25mtrs : -18.5dB

The representative location shown as **R2** is at the entrance to Nos 8-10 Kepier Villas :

Nearest corner at 60mtrs distance from the perimeter of The Woodman garden.

Theoretical distance attenuation over 60mtrs : -26dB

There are also 3 cottages in Gilesgate Close, and upper flats along the north side of Claypath with residential windows overlooking the rear gardens of the premises.

[Theoretical distance attenuation figures are relative to a noise measured at 3mtrs from its source, dissipating in free air in a hemispherical space, with no consideration of any structures, the topography or climatic conditions]

The upper floor windows of these residences are likely to be used as bedrooms, and while many of the most exposed properties appear to have double glazed units fitted, residents may choose to leave windows open, or to occupy their gardens.

2.9 Business Premises

Several business premises are also situated in the vicinity.

The most exposed of those to *The Woodman Inn's* garden is the health centre adjacent to the east. I understand that no representations have been made by the operators of the health centre. It appears not to operate in the evenings, and has no overnight accommodation.

As the adopted residential locations are so close, it is reasonable to propose that the measures to protect amenity at the residences will also benefit the business premises to a similar degree.

These business premises will only be considered within the scope of this Noise Management Plan in terms of an awareness of potential risks.

2.10 Future development plans

Future alterations to improve noise containment and to constrain outdoor events are under consideration and will be informed by this report.

3. Identification of Noise Sources

- 3.1** It is apparent from the site survey and discussions with the operators that the dominant noise source is likely to be amplified entertainment outdoors, in the form of live music (whether musicians with instruments, DJs, announcers or collective audience singing).
There is a fixed, installed sound system in the temporary marquee. But for live events, performers at an event have been expected to bring or to arrange for external sound equipment and their own instrument amplifiers and drum kits.
- 3.2** The greatest contribution to noise control is found in the appropriate operation of sound systems, instruments (including drums) and amplifiers.
Noise from unamplified instruments would be confined only by the structure and layout of the premises.
- 3.3** I am advised that complaints have been received in respect of noise generated in the marquee.
No acoustic data from these events appears to be available.
- 3.4** Other amplified sources of noise are likely to be speech; whether announcements, cheering or collective singing, and TV sound during sports or other events.
These will be included in the consideration of the entertainment noise.
- 3.5** Lesser noise sources may arise, such as loud voices / shouting from patrons, deliveries, refuse collections, property maintenance and vehicle noise when patrons are arriving and departing.
- 3.6 Plant Noise**
There is not any significant noise generated by air extraction or other equipment.
- 3.7 Deliveries and Collections**
Deliveries and Collections will generally be made to and from the front of the building, during normal working hours, and are not expected to introduce significant risks of disturbance in the context of the City centre's existing level of business activity. Refuse is collected weekly from the rear of the garden, consistent with other routine refuse collections in the vicinity.
- 3.8 Patron noise**
It is an inevitable outcome of permitting numbers of people to congregate that voices may be raised. That probability increases where there is a shared experience, such as entertainment, whether on a screen or live. Clearly, loud voices outdoors will carry further than loud voices indoors. Though sole Individuals talking loudly on a phone can carry be just as irritating to overhear.
- 3.9 Fireworks**
These is no intention to host fireworks displays from the premises.

4 Risks

- 4.1 There are risks of disturbance to residential amenity in homes in the Gillesgate area of Durham City, some of these residences are visible from the perimeter and garden of *The Woodman Inn*.

There is a timber fence along the north edge of the garden which has the potential to reflect and re-radiate sound from the marquee towards residences.

A number of noise transmission paths are possible, but the dominant path is clearly direct transmission between the garden (incl. any marquee) and any residential window.

Residences further away from *The Woodman Inn* may also be at risk of noise levels from convoluted transmission paths, but it is unlikely that conditions will arise which produce higher sound levels at those further residences than at the adopted representative locations behind the premises identified as **R1** and **R2** on the plan in **Appendix A**. Consequently, this report will refer only to those locations as being representative of the potential for a worst case risk of noise escape.

- 4.2 Elsewhere, unrestricted live music can often reach volumes exceeding 96dB(A) and with a significant bass content. If such levels arose at *The Woodman Inn*, they would be highly likely to give rise to disturbance and complaints. Such complaints would have to be investigated by the local authority and are likely to lead to strict limitations and potentially the issue of a *Noise Abatement Notice* under Section 80 of the 1990 *Environmental Protection Act*. See **Section 5.6**.
- 4.3 Similarly, there is the potential for recorded music, loud announcements or commentaries to be distinctly audible at remote residences.
- 4.4 Measures to restrict noise escape to minimise the risk of causing a disturbance and a Statutory Nuisance are discussed in **Sections 7 & 8**.
- 4.5 I am satisfied that the likelihood of disturbing noise from deliveries and/or collections during normal working hours are unlikely to give rise to disturbance. If they are audible at any residence, they will be brief and will fall within the general soundscape of the urban environment.
- 4.6 Noise from plant and equipment has been discussed in **Section 3.6**, and does not appear to carry any significant risk of adverse impact.
- 4.7 Noise from patrons can be harder to control, but policies can be put in place to request people to lower their voices, and events which encourage multiple loud voices (e.g. karaoke) will not be programmed under the policies in this NMP.
- 4.8 Consequently, this N.M.P. will be confined to the risks arising from amplified sound, to include live music, recorded music (including DJs), announcements, broadcast sound and collective loud voices generated in the garden of *The Woodman Inn*, whether hosted in a marquee or not.

5 Noise Impact Criteria

The leading guidance and regulatory framework concerning entertainment noise is reviewed in this section.

5.1 Code of Practice (Good Practice Guide) on the Control of Noise from Pubs and Clubs

The criteria presented in the '*Good Practice Guide*' (September 2002) proposes that a premises design and its operations must ensure that; at the exterior of residences:-

- The LAeq of the entertainment noise does not exceed the representative background noise level LA90 (without entertainment noise).
- The L10 entertainment noise does not exceed the representative background level L90 (without entertainment noise) in any 1/3 octave band between 40Hz and 160Hz.

This standard is often applied to noise generated at outdoor activities, whether for irregular or temporary events, or for more regular entertainment noise indoors or outdoors, in urban locations. Noise from *The Woodman Inn* will be assessed in terms of this criterion, but substituting a 'C'-weighted noise limit for the 1/3 octave analysis for simplicity of managing noise escape.

5.2 Inaudibility

A further test which is sometimes applied to sites aims to apply a subjective test of inaudibility, or a slight variation such as the threshold of intermittent and indistinct audibility at the receiver location. Whilst this is a highly subjective approach, prone to inconsistencies and susceptible to variations in environmental conditions, it can be combined with precise measurements of the noise levels at the source during times at the threshold of audibility at a residence, so that the measured source noise levels can be adopted as an agreed reference for long-term compliance. This test is less suitable where a number of different locations and orientations may be used, for events with differing layouts, configurations and types of source noise.

Local Authorities often define inaudibility where the $L_{Aeq5min}$ remains 10dB below the lowest 15 min L_{Af90} measurement, and the $L_{Zeq5min}$ in each octave band remains 5dB below the lowest 15 min L_{Zf90} measurement.

This criterion sets significantly lower limits than the Code of Practice, and would not normally be measurable due to the aim that background noise levels are significantly higher than the source noise at the remote locations.

5.3 BS4142

BS4142 predicts the risk of complaints by assessing the received noise level in relation to the level found when the source is not present, and by introducing 'penalties' of up to 19dB which may be applied, depending on the nature of the noise, thereby requiring the source noise to be significantly lower than the prevailing ambient noise. However, the Standard does note that it is not intended to be applied to 'sound from music or entertainment'. Some Local Authorities have adopted the

framework of BS4142 to regulate entertainment, but it is more appropriate for noise sources which are on-going and repeatedly consistent in volume and in other characteristics, such as fans, motors and other mechanical noises. These sources have not given rise to concern at *The Woodman Inn*.

5.4 **BS8233**

BS8233 specifies target noise levels to be achieved in the habitable rooms of residences, levels which reduce in bedrooms after 23:00hrs. As private residences are not readily available for assessment, it is not a useful tool for managing events such as those at *The Woodman Inn*. However, it is the preferred criterion for assessing Planning Applications and determining their potential impact, and is consistent with the World Health Organisations advised limits for Community Noise in residences.

It is generally accepted that a resident is entitled to achieve the noise levels specified in BS8233 whilst windows are slightly open for normal ventilation, though it must be noted that these levels are frequently not achievable in very many urban locations with windows opened, and in many elderly properties, these levels cannot be achieved with windows closed.

Whilst the standard is effective for noise sources which are on-going and consistent in volume and in other characteristics, it will be considered in this report to assess the impact of music noise from *The Woodman Inn* at residential locations at risk only by reference to the existing ambient noise in the vicinity.

5.5 **General**

There is generally a dispensation for events at New Years Eve or comparable dates such as Fireworks night and on other days of national celebration. These will be considered in this report ; confirmation of these dispensations would normally be advised by the local authority on a case by case basis.

5.6 **Statutory Nuisance**

A Statutory Nuisance is identified by a Local Authority Officer following the procedures outlined in the 1999 *Environmental Protection Act*.

- 5.6.1 The 1990 *Environmental Protection Act* (EPA) outlines a framework for investigating a potential Statutory Nuisance, though does not offer a quantitative definition of the legal concept of nuisance, except sometimes in the specific circumstances of a particular situation. As a consequence, the authorities must be consulted to assist in the interpretations of Statutory Nuisance in specific situations. The EPA provides a reactive procedure, and not a framework for managing noise.

The broad scope of a Statutory nuisance specified in the EPA are found in Section 79(1)(g) ‘noise emitted from premises so as to be prejudicial to health or a nuisance’ .

- 5.6.2 The operators of *Woodman Inn* hold a Premises Licence under the 2003 *Licensing Act*. That requires a consideration of the potential noise impacts, particularly in respect of the Licensing objective ‘The Prevention of Public Nuisance’ and the potential to create a Statutory Nuisance under the 1990 *Environmental Protection Act* (EPA). The scope of a

Premises Licence is very broad, and that scope may be constrained by conditions and undertakings. A new set of Conditions are being discussed in 2022.

The factors considered and assessed in this report shall remain consistent with the Act and will ultimately define the scope of the permissions granted by that Licence and/or variations to the conditions.

- 5.6.3 Where a Licence under the 2003 *Licensing Act* is granted for the sale of alcohol, it is no longer necessary to apply for permission for Live Music, (with certain caveats), but there remains the obligation of a Local Licensing Authority to investigate any alleged nuisance, and to take appropriate action, so there is a recognized route for adjusting permissions and conditions retrospectively through the Licensing regime, in response to incidents of nuisance.
- 5.6.4 The framework for managing an investigation into a potential *Statutory Nuisance* outlined in 1990 EPA (whether arising from premises Licenced under the 2003 Act or not) requires a complaint to a Local Authority to be investigated by a suitably qualified officer. That officer should assess whether the disturbance to residential amenity is such that a Statutory Nuisance has arisen (or is likely to arise). The action provided by the Act in response is to issue a 'Section 80 Notice' which will specify the action required from the operator, such as ceasing to cause a nuisance, or perhaps some specific works to remedy the cause of the nuisance.
In exceptional circumstances, a citizen may issue a 'Section 82 Notice' against the operator.

5.7 The Code of Practice on Environmental Noise Control at Concerts

Until recently, the choice of standard to be adopted for outdoor concerts in occasional sites in the UK is "*The Code of Practice on Environmental Noise Control at Concerts*". (The Noise Council, 1995, since incorporated into the loA). That methodology is also discussed in findings published by DEFRA ("*Attitudes towards environmental noise at concerts*", Ipsos MORI, 2009) and is the significant guidance contained in that *Code of Practice*.

That 'Code' is intended for outdoor events at sites with no more than 12 shows a year.

- 5.7.1 (To bring the guidance of the loA *Code of Practice* up to date, a new guidance document is expected shortly : the **Good Practice Guidance on Noise Control from Places of Entertainment** - Institute of Acoustics. The draft *Good Practice Guidance*, provides a framework for the assessment and control of noise from indoor venues and premises which provide regulated entertainment or the like. It adopts a risk-based approach to noise management and control, and provides the foundation on which to base regulatory decisions, outlining a proportionate level of response, management and control or enforcement. It addresses many of the difficulties found in applying the 'quota system' found in the *Code of Practice* and instead allows a more nuanced assessment of impact having regard to the frequency of events, times of day and the nature of the impacts.
- 5.7.2 The principle strategy in the *Code of Practice* for noise management during an event in an urban location which occurs between 4 and 12 times a year, is to impose a noise limit at the perimeter of any occupied residence, where that limit is no more than 15dB above the adopted background noise level at each location.

(NOTE The LAeq is a measurement of sound pressure integrated over time periods of, typically, several minutes or hours.)

The noise level guidelines from The **Code of Practice on Environmental Noise Control at Concerts** is quoted here :-

3 GUIDELINES

3.1 The Music Noise Levels (MNL) when assessed at the prediction stage or measured during sound checks or concerts should not exceed the guidelines shown in Table 1 at 1 metre from the facade of any noise sensitive premises for events held between the hours of 0900 and 2300

TABLE 1

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

NOTE : In the above table, the NML (Music Noise Level) is to be read as the dB LAeq (15 mins)

NOTE : The 'background noise level' is to be read as the arithmetic average of the hourly $L_{A90,T}$ measured over the last four hours of the proposed music event or over the entire period of the proposed music event if scheduled to last for less than four hours.

5.7.3 The criteria presented in this *Code of Practice* considers that the reasonableness of any adverse noise impact is related to the frequency of events. The more frequent the event, the lower the proposed maximum noise level. *The Woodman Inn* falls into the last category, where the maximum noise level would be 15dB above the 'background' noise level. Due to the very significant level of sustained road traffic noise in the vicinity, adding 15dB to the actual background levels would probably result in a limit not far from 65dB.

5.7.4 Due to the limited period of time over which events at *The Woodman Inn* are scheduled to run, and programming of events only at weekends, a level of 65dB LAeq can be expected to be tolerated by many residents if adequately warned in advance, and only generate complaints in cases of unusual sensitivity; there may be a significant degree of public acceptance. This garden site is expected to host 12 days of events throughout the year, so the limit proposed by the Code of Practice proposes that the LAeq limit should not exceed the background noise level by more than 15dB. (The background noise data is provided in **Table 2** in **Section 6**. The actual noise limits to be adopted are discussed in **Section 5**.)

5.7.5 In addition to proposing noise limits, the *Code of Practice* also advises that the local authority participates in the safe planning of events, that residents are informed

adequately in advance, and that a means of contact is provided and publicised, so that any concerns can be raised. These are burdensome duties probably disproportionately so in view of the small garden site used for the proposed events.

5.7.6 The *Code of Practice* also suggests in a Footnote to the *Guidance* that additional limits are placed on the noise levels in the low frequency range, to reflect the particular sensitivity to bass sounds which are generally significant near music events.

That footnote and its commentary are included here for information. Low frequency sound is to be quantified in third-octave frequency bands, and obtained using a measurement integrated over a period of 15 mins:-

Although no precise guidance is available the following may be found helpful. A level up to 70dB in either of the 63Hz or 125Hz octave frequency band is satisfactory; a level of a level of 80dB or more in either of those octave frequency bands causes significant disturbance.

5.7.7 This Footnote does not expand on the circumstances in which that observation might be appropriately applied. However, a review and analysis of the *Code of Practice* by the Institute of Acoustics in 2006 (*Proceedings of the Institute of Acoustics – A Review of the Noise Council Code of Practice on Environmental Noise Control at Concerts*, 2006) included further research, and noted:-

At open air venues, the increase over background 'A' weighted criterion works well at minimising complaints near to a venue.

5.7.8 The review concludes :

it is recommended that the use of L_{Aeq} is continued without the need for a low frequency limit. Where a low frequency limit is to be included, then heed should be taken of the distances (in excess of 2km from the venue)

5.7.9 This standard always expects events to finish by 23:00 hours.

5.7.10 This NMP will propose maximum noise levels for its quota of special events which are within the guidance of the *Code of Practice*..

5.8 Approach chosen for *The Woodman Inn*

5.8.1 The small pub garden at *The Woodman Inn* garden could not expect to generate noise levels which small functions or entertainment would expect, without the probability that such music noise levels would trigger complaints. It is also possible that noise from those events may be construed as a Nuisance. Even an unamplified drum kit would most likely give rise to complaint.

However, it would be appropriate, in view of the context of the pub on the edge of a lively City Centre, that there are provisions for exceptions to those noise limits, and so arrangements, developed from the **Code of Practice on the Environmental Control of Noise from Concerts**, can be put in place to regulate exceptional events.

5.8.2 Consequently, two standards will be adopted for activities in the garden of *The Woodman Inn*.

5.8.3 For most days of the year, the provisions of the **Code of Practice on the Control of Noise from Pubs and Clubs** would be applied (see **Section 5.1**), which requires outdoor events at *The Woodman Inn* to generate noise at the perimeter of residences which does not exceed the prevailing background level at those residences, with similar controls within the low frequency bands. This will restrict events to little more than background music. The procedures in **Section 7** will be applied.

5.8.4 For a limited quota of days p.a., a more thorough and comprehensive management plan will be put in place and higher volumes of entertainment will be permitted, regulated by the provisions of the **Code of Practice on the Environmental Control of Noise from Concerts** (see **Section 5.7**), which requires the operators to adopt a number of additional procedures. These include advance notification, limited hours, active monitoring and regulation of entertainment noise, a contact channel for complaints with a complaint management procedure. The procedures will be set out in detail in **Section 8** will be applied. These will be termed 'designated events'. A slight variation to the notification procedure will be applied to certain dates of significant and widely anticipated local and national importance, and these will also be discussed in **Section 8**.

5.8.5 The other standards and guidance will be disregarded for the reasons given.

6. Background Noise Levels

Background Noise Levels are used to provide a context for the assessment of activity noise from a proposed source. Two receiver locations (**R1** and **R2**) have been adopted to represent the most exposed properties to the north of the premises. (See plan in **Appendix 1**). Measurements were recorded, near the perimeter of these residences, over a 15 minute period within a daytime and evening time interval on weekday afternoon and evening and a weekend evening.

Noise levels were recorded at locations **R1** and **R2**.

Table 1 background noise levels – winter 2002

Measuring position		Time period	Background noise level	Ambient activity noise level	
	Map location	day - hh:mm (start time)	dB L _{Af90} (15 min)	dB L _{Aeq} (15 min)	dB L _{Ceq} (15 min)
No 7 Mayorswell	R1	Wed 15:40	50.8	53.1	64.8
		Fri 20:10	50.8	53.6	67.3
		Fri 21:20	49.5	55.0	70.9
		Thur 22:20	44.4	47.1	59.0
		Thur 22:43	44.6	47.9	59.4
		Wed 23:00	41.0	47.2	58.7
8/10 Kepier Villas	R2	Fri 21:00	44.2	47.3	55.8

NOTE : These times stated are the approximate start times of each 15 min measurement.

NOTE : Climatic condition included wind speeds at ground level under 1m/s.

These background noise levels are high in comparison to many other residential areas. It was noted that a significant contributor to noise at those locations is vehicle noise, specifically high traffic density on the A690 main road between Durham and Newcastle, Sunderland and the A1(M), where it traverses a large light-controlled roundabout between 75 & 125mtrs from the closest residence to *The Woodman Inn*, including regular busses on Claypath and HGVs on the roundabout.

Consistent vehicle noise throughout the day will begin to experience short breaks after the evening rush hour, progressively increasing in frequency and duration through the evening until later at night at around 23:00 hrs. when extended periods with no traffic begin to occur.

Railway noise is also significant contributor to the ambient environment in the terraces running north from Claypath.

The East Coast Mainline runs less than 1km away, much of it on a high viaduct on the opposite bank of the River Wear. Train noise typically reaches 47dB(A) at location **R1**, and a diesel hauled freight heavy climbing out of the City was monitored at 54dB(A)

The profile of traffic noise over time at the two identified locations has not been surveyed.

The adopted background noise levels shall be :-

Reference location		Time period	Background noise level
	Map location	hours	dB L _{Af90} (15 min)
No 7 Mayorswell	R1	9am - 10pm	51
		10pm – 11pm	49
8/10 Kepier Villas	R2	9am - 10pm	49
		10pm – 11pm	45

7. Noise Control Measures & Mitigation

This section provides a practical framework for most activities in the garden, including event planning, and noise management for days which have not been allocated from the quota p.a. of days when louder events can be produced under the provisions of **Section 8** for 'Designated Events'

Adoption of these measures will mitigate against the risk of causing a nuisance, will assist in meeting Environmental Health requirements, in achieving the Licensing objectives, in maintaining standards of Public Safety, and in ensuring an approved procedure providing consistency and accountability. This Policy is applied whether outdoor events are produced by *The Woodman Inn*, or any external contractor(s) or other party.

Specifically, this policy discusses controls to be applied in the management of normal activities in the garden to avoid the risk of generating an adverse noise impact at residences in the vicinity.

The aim is that any sound from the garden does not alter the character of the area. Consequently, activities in the garden may be audible, but no louder than the prevailing background.

The responsibility for compliance is and always remains that of the Premises Licence holder

7.1 Location of events

Events are normally hosted indoors, though exceptionally may be held in the open air garden to the north of the premises where there may be temporary structures such as a marquee.

- 7.1.2 It is acknowledged that outdoor events have the potential to give rise to complaints and that these events may even create a Statutory Nuisance. The indoor location should be preferred, and due to the significant contribution of the prevailing wind in transmitting sound in the direction of exposed properties, then any plans to host an event outdoors should always include arrangements to bring the event indoors if the climate will not enable the event to proceed outdoors without a risk of creating a nuisance.

These events must be so quiet that they do not increase the existing noise levels at residences.

- 7.1.3 Whether programming a single event or a programme of events, care must be taken to ensure that there will not be an expectation by a promoter or organiser that high noise levels can be generated during an event. The noise limits placed on the garden will restrict most live music performances.
- 7.1.4 When the garden is not used for entertainment, both the garden (and any marquee) are available for seating by customers of the premises.

7.2 Event Planning

Outdoor events should finish at 10pm, in recognition of the lower noise levels generally in the community at that time.

It is acknowledged that music takes many forms and some styles of music have a much greater potential for generating nuisance complaints than others. Styles which most probably will not be possible within the adopted noise limits include those with amplified instruments, and those with a significantly large proportion of bass energy, incl. electronic dance music, multiple voices singing or amplified singing.

There are several other factors contributing to annoyance, such as time of day, duration, prior knowledge of events, but the greatest single factor associated with annoyance is the volume of amplified music.

Music events which include factors associated with annoyance should either be programmed indoors, or allocated to one of the quota of 'Designated Events'.

When booking an event, it must be made clear to organisers and producers that amplified music incl DJs is only hosted indoors, and that outdoors, there are very low noise limits which will be enforced.

7.2.1 Contingency planning

As one of the factors contributing to high noise levels at residences is wind speed and direction, then contingency planning should allow for events planned outdoors to be moved indoors at short notice if the wind direction is from the south or west at a speed over 4m/s or 10mph at ground level. (The prevailing wind direction in the UK is in fact from the south-west).

7.3 Event Management

During events in the garden, an identified responsible person will be on duty at all times, and will be named in the duty log as the Duty Manager. They shall ensure that the noise mitigation and noise monitoring and control detailed in this section are carried out.

The Duty Manager, or responsible person appointed by the Duty Manager, shall ensure that no additional sound amplification is brought into the site.

The Noise Management procedures in **Sections 7.4 to 7.9** will be applied.

7.4 Noise Mitigation

Mitigation is achieved by both physical and procedural mitigation measures. Each of these are described below.

Physical mitigation will be achieved by strategies including electronic noise level control within any sound amplification equipment, and procedural mitigation includes regular noise monitoring and management outdoors.

7.5 Physical mitigation measures

- 7.5.1 Physical mitigation includes the careful placement and orientation of loudspeakers such that they face away from the residences, and do not include a 'a bass speaker'.
Events must only be located outdoors where arrangements are in place to monitor noise levels and to control them effectively.
- 7.5.2 The use of a marquee may provide some protection against the weather, but provides very limited noise attenuation. While figures of 12dB can often be achieved in a heavy fabric double skinned marquee, most single skinned marquees provide no more than 6dB of attenuation. These figures reduce significantly at lower frequencies.

There is a garden fence approx. 2mtrs high around the sides of the garden. These can commonly provide 8dB of attenuation, but the noise escape over the top of the fence will be significant in this location, and therefore the fence will not contribute noticeably to the mitigation of noise escape towards residences.

Further work on constructing solid barriers to protect the bungalows to the west should offer some improvement in protection, as would strengthening and raising the fence in the north west and north of the garden.

7.5.3 Loudspeaker placement

At the time of writing, there is a small loudspeaker system in a marquee with 4 loudspeakers positioned in the 4 corners. They would probably provide better coverage for the same volume if they were placed closer to patrons nearer the centre.

This marquee may not be remaining on site beyond 2022, but the same principle applies to any other loudspeaker system outdoors :- several quiet loudspeakers placed close to the guests reduces noise escape better than 2 big speakers covering the whole garden.

7.5.4 Loudspeaker control

The escape of noise is controlled by controlling the maximum noise levels possible from each loudspeaker, levels which will be set with regard to the transmission path towards residences. These are all subject to the imposition of a low maximum noise level.

Only an electronically limited loudspeaker system shall be used.

The limiter will provide both an 'A'-weighted and 'C'-weighted maximum noise levels from the garden's loudspeaker system, and will be tamper-proof and impossible to bypass without specialist technical expertise.

Electronic limiting of the maximum sound level from the current loudspeakers has been installed in Nov '22, to ensure that this maximum volume is maintained by an electronic limiter with frequency-sensitive control of music which imposes both an overall maximum limit to the noise level in the garden and also lower levels of maximum noise levels in low frequency bands, it also effectively eliminating most music noise at frequencies below 60Hz.

NOTE This low frequency filtering explains the low 'C'-weighted level in comparison to the 'A'-weighted level.

The initial limits in the centre of the garden shall be

- The LAeq maximum limit to the entertainment noise is 71dB.
- The LCEq limit to the bass energy of the music is 75dB.

NOTE The 'C'-weighted figure is used to quantify the low frequency noise from the bass in the music.

NOTE Measurements were taken in the centre of the garden, and at between 1.2mtr and 1.5mtrs height

NOTE These limits have been obtained from experiment and found to ensure that music is not identifiably audible at locations **R1** and **R2**. This provided a measured transmission loss of 22dB from garden to **R1**.

Measurements should be made over a 2 minute period during a representative fragment of the entertainment programme.

If the noise measurements obtained are consistently 3 or more dB below these adopted limits, then further measurements may not be necessary during the remainder of an event, due to the operation of the electronic limiter. (See **Section 7.7.1**)

7.6 Procedural mitigation measures

7.6.1 Management procedures

Programming of events

The programming requirements of **Section 7.2** must be considered before confirming the booking of any dates.

Monitoring Noise

Arrangements must be in place to monitor noise during entertainment events, and it must be emphasised to organisers and / or performers that there are strict noise limits which will be vigorously enforced. It must also be stressed that events may take place outdoors only if the requirements in terms of noise levels are satisfied, at their source AND at residential properties.

7.6.2 Equipment

Personnel should be provided with a simple hand-held sound level meter. This is used to provide confirmation that the installed processor is operating as calibrated and programmed and noise levels are not exceeded on, or off-site. The meter should log both 'A' and 'C' weighted noise measurements.

The procedure to adopt is discussed in **Section 7.7**.

The meter should be periodically calibrated against a reference calibrator, it is proposed that this should be done annually.

7.6.3 Personnel

Personnel taking noise measurements shall be given basic training in the use of a simple hand-held sound level meter, and also in the understanding of taking useful sound measurements in a noisy environment.

It is advisable that the person responsible for monitoring noise levels and enforcing them is independent of the contractor or organiser supplying the entertainment, and of the promoter of the event.

However, the person responsible for enforcing them must maintain a constructive and cooperative working relationship with the entertainers or producers, the PA operators, the event promoter, and musicians.

7.7 Noise Monitoring

During hours of entertainment in the garden, monitoring, logging and control of noise levels must be implemented.

Levels must be monitored and logged periodically during outdoor events. The hand-held meter will be of invaluable assistance in the event of an event with recorded music or exceptional events with unamplified live music.

Measurements should be taken every 2 hours during events. The first measurement should be made as soon as the event begins.

The log should include :

date; time; location; duration; environmental conditions; subjective assessment of audibility; representative L_{Aeq} and L_{Ceq} measurements using the 'slow' setting; name of the person taking the measurements; the identification of the meter.

(A specimen log format is included in **Appendix C**)

7.7.1 Measurements in the garden

When monitoring inside the garden, measurements of the event sound should be taken in the centre of the garden and no further than 6 metres from a loudspeaker. Choose a time and location where the entertainment noise is dominant over patron noise

Measurements should be taken every 2 hour during events with background music, announcements or TV sound over at least 2 minutes during a representative portion of the entertainment. The limits are in **Section 7.5.4**.

7.7.2 Measurements near residences

Noise levels must be measured, at the two representative residential locations, **R1** and **R2**.

The noise should not be distinctly and identifiably audible, and any measurement during a break in the traffic should be no higher than the background noise level.

Measurements and observations must be made at the perimeter of the two identified representative residences at **R1** and **R2** on the plan in **Appendix A**.

The Woodman Inn noise limits at residential locations (L_{Aeq} and L_{Ceq} values) :-

Table 4 maximum evening entertainment noise levels at residential properties

Measuring position		Maximum music noise levels	
	Map	L_{Aeq}	L_{Ceq}

	location	dB	dB
No 7 Mayorswell	R1	52	63
5/6 Kepier Villas	R2	51	61

Where sound from the venue is inaudible over a sustained period of a performance, then it will be adequate to state that fact in the log.

During any outdoor event, a change in wind direction can affect the transmission of noise over distance, so regular monitoring will ensure that music does not become audible, during the course of the event itself.

Where measurements are significantly dominated by other sources (wind, birds, vehicles etc.) that should be stated in the log.

Additional measurements must be taken during events continuing after 21:00hrs to ensure that the adopted background noise levels at residences are not exceeded.

NOTE : When noise levels from the environment and from *The Woodman Inn* are equal, they will produce a measurement 3dB higher than each of these. e.g. environmental noise of 50dB plus *Woodman Inn* noise of 50dB will be displayed as 53dB. That measurement would demonstrate that the venue is operating at a level of 50dB.

7.7.3 The Duty Manager will oversee activities during an event and ensure that no additional noise-making equipment is supplied which would have the capability to produce noise which is not controlled by the installed limiting device. Consideration will also be given to the tendency for entertainers to seek to increase the volume of entertainment as events progress. This will normally be controlled by the electronic limiter, but where unamplified music, or amplified announcements are involved, this risk must be included in routine monitoring.

7.7.4 The aim is to ensure the music noise at residences is not a cause of disturbance. This is defined as a music noise level which is no higher than the prevailing background noise. Because its level is lower than, or the same as, the existing noise of activity in the environment, it will not easily be measurable.

As long as the maximum source noise level at the source is not exceeded, the expectation is that noise at the residences will not normally increase relative to the adopted background levels.

In the event that music noise is distinctly audible from the garden at any residences, and exceeds the adopted background noise level at that location, then as well as taking action to reduce the noise, consideration must be given to the cause. Unless the cause is simple to remedy for the future, the acoustics consultant and/or the equipment contractor, will be notified and required to assess the incident and potentially make arrangements to further reduce noise breakout on a permanent basis.

7.7.5 Measuring parameters

Measurements should obtain the L_{Aeq} and L_{Ceq} values, integrated over 5 minutes.

But if an integrating noise meter is not available, then several measurements of the instantaneous noise levels will provide a useful indication of the music noise level

over time and the designated locations. These will be the L_{As} and L_{Cs} noise levels. Those meters should be set to 'slow' measurements.

The data collected will be the highest of a series of a series of instantaneous 'slow' L_{As} and L_{Cs} measurements.

The highest value obtained during a period of instantaneous measurements may be 1dB higher than the highest permitted level for that location.

e.g. The adopted maximum values, measured 6 meters from the loudspeakers, is 70dB L_{Aeq} and 80dB L_{Ceq} . These will be similar to a highest of a series several of instantaneous measurements of 71dB L_{As} and 81dB L_{Cs} .

7.8 Patron Noise

It is acknowledged that patrons of any bar pose the risk of noise from shouting, laughing, singing etc. and that it can be hard to control such noise.

In fact, these can be considered a natural element of human expression.

It is also recognised that some loud events would not be considered inappropriate (e.g. singing Happy Birthday at a birthday party, or a countdown to NYE, or a cheer at a sporting success).

However, this *Noise Management Plan* does require the premises' personnel to be vigilant during any event to identify the source of any sustained loud voices. Where it appears that there are specific individuals being excessively noisy, or that there is a sustained pattern of loud noise such as a repeated singing, then personnel will be required to explain to patrons that they are likely to be disturbing others, and to request them to reduce the noise they are making.

If this request is not met, then personnel will ask patrons to go indoors.

If neither request is met, then the noisy persons will be required to leave the premises.

7.9 Enforcement

Enforcement in response to any excess in noise levels must be rapid and effective. The person monitoring noise must intervene promptly to ensure that the noise level is controlled effectively and there must be no restriction on their ability or authority to intervene to achieve this control. This may be through control of the amplification system or instruments, or requiring persons making a loud noise to cease.

Any incident of an excess of noise levels should be reported in the log book noting any remedial action taken; the member of staff who identified the incident and who took the action, along with the date and time.

7.10 Calibration of Sound System

The difference between the noise level at the source and at any given remote location will normally remain relatively constant, excepting significant changes of wind speed and direction.

Calibration is the procedure by which the noise levels at a source are determined by reference to a maximum noise level at a remote location and allows that level to be fixed as a maximum limit in the sound amplification equipment.

Calibration is undertaken when a system is installed or its layout is changed. The limit must be set in the equipment before the equipment is brought into use at an event.

The maximum sound level transmitted from the site towards the perimeter of the two adopted representative residential properties **R1** and **R2** is controlled so that it doesn't exceed the adopted background noise levels recorded here in **Section 6**.

Calibration should only be performed during still, dry weather. When calibrating the limiter, no extraneous noise (incl patron noise) should be included in the measurements.

The criterion adopted is that music noise at sensitive residential properties is not to exceed the prevailing background noise levels when measured as the $L_{A_{f90}}$ while music is not being played, over any 15 minute period. And for the low frequencies, in each of the third octave frequency bands between 40Hz and 160Hz, the music noise remains below the background noise when measured as the $L_{Z_{f90}}$

Additionally, the $L_{A_{eq}}$ at those locations and those times, while the music is playing will not exceed the background levels recorded before or after the test.

These criteria will correspond to levels inside the garden, no less than 6 metres in front of the installed loudspeakers, which can simply be measured as an $L_{A_{eq}}$ and $L_{C_{eq}}$ limit.

7.10.2 During calibration and auditioning, the volume of music should be at least at or above the highest volume considered normal and progressively reduced until it matches the background noise level. This will require patience in finding gaps in the traffic which are below the adopted background level. (Statistically, those moments will arise for less than 10% of the time.)

That procedure was undertaken on Wed 30th November 2022. The limits were incorporated into an electronic 'limiter' installed into the site's sound system and calibrated. Field-tests subsequently confirmed conformity over a few auditioning periods and music was not distinctly or identifiably audible at either of the residential reference locations.

These checks provided a valuable protection to residential amenity.

7.11 Summary

- Outdoor events finish at 10pm
- No amplified live music or DJs
- Entertainment Noise Limits not to exceed existing background noise at **R1** & **R2**
- Events to be monitored every 2 hours
- Electronic limiter to be used for b/g music system

8. Special 'Designated Events'

This section provides the arrangements for producing a special '*Designated Event*'. This Section provides a practical framework for outdoor event planning, event management, noise management and monitoring.

Specifically, this policy discusses controls to be applied in the management of events to regulate the noise impact at residences in the vicinity.

The responsibility for compliance and safety is and remains that of the Premises Licence holder

This Policy is applied whether outdoor events are produced by *The Woodman Inn*, or any external contractor(s) or other party.

8.1 Programming Designated Events

These events are limited to a quota of 12 events p.a. Some of these may fall on dates of local or national significance which may be managed under the procedures in this Section without the requirement to notify the Local Authority or residents' groups. (e.g. New Year's Eve, Durham Miners Gala).

Outdoor events with live music or DJs will only take place on a Friday, Saturday, or a Sunday before a Bank Holiday, or other date of national or local significance.

Events will finish before 11pm, and live music will stop by 10pm, though lower noise limits will be applied after 9pm. Recorded music may continue until 10pm with lower limits after 9pm. [An exception to these hours may be applied to NYE with the prior approval of DCC].

8.2 Location of Designated Events

Music events are normally hosted indoors, though exceptionally may be held in the open air garden to the north of the premises, which may include a marquee or similar structure.

It is acknowledged that outdoor events have the potential to give rise to complaints. The indoor location should be preferred, and due to the significant contribution of the prevailing wind in transmitting sound in the direction of the most exposed properties, then any plans to host an event outdoors should always include arrangements to bring the event indoors if the climate will not enable the event to proceed outdoors without a risk of creating a nuisance.

8.2.2 Music styles

It is acknowledged that music takes many forms and some styles of music have a much greater potential for generating nuisance complaints than others.

In general, those styles most likely to generate annoyance are those with a significantly large proportion of bass energy. That may be electronic dance music, guitar-led music or pop. These should be avoided.

Music events which include factors associated with annoyance should be programmed indoors.

There are several other factors, such as time of day, duration, prior knowledge of events, repetitiveness or intermittency, and warm sunny weather which encourages residents to enjoy their gardens or remain indoors with windows wide open.

Events produced under this Section includes the requirement for advance notice to residents' representatives and immediate neighbours, which must include the date and times (including any sound check).

Event details must be announced on the premises website, even if the event is a private booking.

8.2.3 Booking a 'Designated Event' outdoors

When booking performers for an outdoor event it must be made clear that loud music must only be hosted indoors.

But, when events are to be produced in the garden, organisers and producers must be advised of the strict noise limits which will be enforced – these are very unlikely to be achievable with loud guitar-led bands, electronic dance music or amplified drums.

An estimate of the maximum permissible noise levels from performers in the garden are shown in **Section 8.5.2**. These must be explained to anyone booking entertainment before confirming the booking.

8.3 Event Management of 'Designated Events'

During 'designated events' in the garden, an identified responsible person will be on duty at all times during an event, and will be named in the duty log as the Duty Manager. There must also be an SIA Security Officer on duty. The Duty Manager will be contactable continuously throughout the hours of trading from both the main (listed) telephone number and from the duty Security Supervisor.

The log will be maintained showing the names of the Responsible Persons for Public Safety and Event Management and will include all observations, incidents, reports and recommendations.

An outdoor event produced under the provisions of this section requires noise monitoring during the event (including any sound checks) and arrangements for prompt and effective corrective action to be taken to control noise escape during the event. (See **Section 8.7**)

8.4 Noise Mitigation of 'Designated Events'

8.4.1 Mitigation is achieved by both physical and procedural mitigation measures. Each of these are described below.

8.5 Physical mitigation measures

8.5.1 Loudspeaker placement

Events should be planned to minimise noise breakout towards residences.

Physical mitigation is in the form of sensitive placement and orientation of loudspeakers to reduce the impact on residences, by considering the transmission path towards residence, including sound reflected off hard surfaces. Loudspeakers would normally face either north (away from the premises towards Mayorswell) or south (towards the premises).

NOTE During a test, the 'transmission loss' between a point 6 mtrs in front of a loudspeaker in a simple loudspeaker system, and the residential location R1 was seen to be approx. -22dB.

8.5.2 Loudspeaker control

The escape of noise from *The Woodman Inn* garden is controlled by controlling the maximum noise levels possible from the loudspeakers, including any monitor speakers. These are all subject to the imposition of a low maximum noise level, which will be set not to exceed the permitted maximum at the residential locations **R1 & R2**.

Noise limits in the garden may change in response to wind direction, determined by the noise level at residences 'downwind' of the site.

The initial **daytime** (weekends only, before 9pm) limits shall be :-

- The LAeq maximum limit to the entertainment noise is 88dB.
- The LCeq limit to the bass energy of the music is 98dB.

NOTE: The 'A'weighted figure is derived from a background L_{AF90} of 50dB, +5dB from loudspeaker directivity, +18dB from transmission loss from source to receiver, +15dB from the *Code of Practice* for up to 12 events p.a..

If the noise measurements obtained are consistently 5 or more dB below these adopted limits in the daytime, then further measurements may not be necessary during the remainder of a band's performance.

The initial **evening** (weekends only, after 9pm) limits shall be :-

- The LAeq maximum limit to the entertainment noise is 81dB.
- The LCeq limit to the bass energy of the music is 92dB.

NOTE: The 'A'weighted figure is derived from a background L_{AF90} of 44dB, +5dB from loudspeaker directivity, +18dB from transmission loss from source to receiver, +15dB from the *Code of Practice* & -1 error margin.

NOTE The 'C'-weighted figure is used to quantify the low frequency noise from the bass loudspeakers.

NOTE Measurements taken in the centre of the garden approx. 6 mtrs in front of the main loudspeakers.

NOTE Limits must be set for each event, using the levels at residential locations to determine the corresponding on site levels, which increase the background noise levels by no more than 15dB.

Measurements should be made over a 5 minute period during a representative fragment of the entertainment programme. (See **Section 8.6.3**)

The maximum level of music noise from the loudspeaker system must be monitored as both 'A'-weighted and 'C'-weighted LAeq, regularly throughout the event.

8.6 Procedural mitigation measures

8.6.1 Management procedures

Programming of events

The programming requirements of **Section 8.1** must be considered before confirming any dates.

Many styles of music will not be possible with the noise limits in place. Arrangements must be in place to monitor noise during entertainment events. It must also be stressed that events may take place outdoors only if requirements are met in terms of noise levels at their source AND at residential properties.

8.6.2 Equipment & Calibration

Personnel must be provided with a simple hand-held integrating sound level meter. This used to provide confirmation that residential noise level limits are not exceeded. The meter should log both 'A' and 'C' weighted noise measurements integrated over time, the LAeq and LCeq measurements.

(suggested models include Castle GA-216i , Casella CEL-246 , Cirrus CR-310 or Cirrus Optimus)

If an integrating meter is not available, an alternative would be a meter which provides both 'A' and 'C' weighted instantaneous noise measurements. A simple hand-held meter should display both 'A'-weighted and 'C'-weighted instantaneous noise levels, the LAf and LCS. The procedure to adopt is discussed in **Section 7.7**.

Meters must be periodically calibrated against a reference calibrator which has been traceably calibrated as accurate within the past 2 years.

8.6.3 Personnel

Personnel taking noise measurements will be given basic training in the use of a simple hand-held sound level meter, and also in the understanding of taking integrated sound measurements in an environment.

It is advisable that the person responsible for monitoring noise levels and enforcing them is independent of the contractor or organiser supplying the entertainment, and of the promoter of the event, but this is not mandatory.

However, the person responsible for enforcing them must maintain a constructive and cooperative working relationship with the entertainers or producers and its operators, the event promoter, and musicians.

8.6.4 Noise Monitoring of 'Designated Events'

During hours of entertainment in the garden, active monitoring, logging and control of noise levels must be implemented.

Noise levels must be monitored and logged periodically during outdoor events. Measurements should be taken every hour during performances where possible, and at least every two hours. The first measurement should be made as soon as the event begins.

The hand-held meter will be of invaluable assistance in the event of an event with recorded music or events with amplified live music. Noise levels must be measured, both inside the garden and at the two representative residential locations, **R1** and **R2**.

The log should include :

date; time; location; duration; environmental conditions; subjective assessment of audibility; representative L_{Aeq} and L_{Ceq} measurements using the 'fast' setting * ; name of the person taking the measurements; the identification of the meter.

(A specimen log format is included in **Appendix C**)

* If an integrating meter is not available, then representative measurements may be a series of instantaneous L_{As} and L_{Cs} measurements using the 'slow' setting

8.7 Monitoring Noise

Noise monitoring will be the means by which compliance with the agreed criteria can be assured.

Events with entertainment will have sound levels measured and logged to ensure compliance with the maximum permitted sound levels specified in **Section 8.5.2**.

- 8.7.1 An appointed person will oversee activities during an event
- 8.7.2 Monitoring should be repeated during live music, at least once per hour while a band or DJ is playing. The details of the procedure is in this section)
- 8.7.3 As long as the maximum source noise level at the source is not exceeded, the expectation is that noise at the residences will not normally increase relative to the adopted background levels. However, variations in climatic conditions will affect noise dispersion, so good practice requires observations at residential locations to confirm the predicted performance.
- 8.7.4 It will often be possible to take a measurement during a sound check before an event. While there may be some uncertainty that the measured noise level is truly indicative of the level that will be produced during the event, monitoring will be repeated throughout, and consideration will also be given to the tendency for entertainers to seek to increase the volume of entertainment as events progress.

In addition, there may be musicians' monitor speakers which should be similarly controlled.

Staff must be vigilant in ensuring that no additional noise-making equipment is supplied which would have the capability to produce noise after a band's limits have been set and verified.

- 8.7.5 It is advised to also keep a record of the noise levels at source, at an identified position in the body of the garden in front of the loudspeaker system, and also in front of any other significant noise sources.

8.8 Measurements in the garden

Measurements will be made in front of the loudspeaker system to determine a noise level which satisfies that condition at residential locations, and which can be used to verify that the level is not exceeded as the event progresses.

The aim is to ensure the music noise at residences is not a cause of disturbance. This is measured as a music noise level which is no higher than the prevailing background noise.

- 8.8.1 When monitoring in the garden, routine monitoring of sound will include measurements taken at a position in the centre of the garden and certainly no closer than 6 metres from a loudspeaker, and at between 1.2mtr & 1.5mtrs height.

Measurements must be made during a representatively loud period of the performance over at least 2 minutes during a representative portion of a performance, and ideally over 5 minutes.

- 8.8.2 While noise monitoring will be the means by which compliance with the agreed criteria will be confirmed, constructive communication with the technical operators will allow the potential for excesses to be spotted by the PA operator as they arise and to take corrective action before an excess is detected.
- 8.8.3 It is advised to also keep a record of the measurement location, in front of the loudspeaker system. A photo and/or measurement should be obtained.
- 8.8.4 The initial limits in the centre of the garden shall be determined after calibration by a 'propagation test' which sets a level in the garden that corresponds with the maximum permitted at a residence. (See **Section 8.14**)

8.9 Measurements near residences

Measurements and observations must be made at the perimeter of the two identified representative residences at **R1** and **R2** on the plan in **Appendix A**. (These locations are on public land)

- 8.9.1 Measurements at residential locations should be taken over 5 minutes. Measurements must be paused while extraneous noise occur – these will be incidents such as passing vehicles, loud footsteps, aircraft, voices etc. During busy periods of the day, it may not be possible to obtain 5 minute measurements of noise from the venue due to all those other noise sources. When a 5 minute measurement cannot be obtained without those extraneous noises, discretion must be used to obtain representative sample measurements of noise from music in the garden, even if they accumulate to as little as 30 seconds. In those circumstances, it should become apparent during gaps in traffic that the environmental noise is predominantly from music in the venue or not, in which case that observation should be noted.
- 8.9.2 Additionally, occasional checks will be made from time to time at other exposed residential locations perceived to be at risk, to confirm that entertainment noise is no louder than the prevailing background noise.

8.9.3 During any outdoor event, a change in wind direction can affect the transmission of noise over distance. Where there is a significant wind, measurements should be made at any residence which appears to have become more exposed by virtue of being 'downwind' of the site.

8.10 Corrective action

8.10.1 Corrective action is to be taken promptly if sound levels are found to be above the agreed criteria.

Where noise levels at residential location is found to be in excess of the agreed criteria, the person monitoring noise will notify the PA system operator of the corrective action to be taken and will then check that the correction has been effective.

8.10.2 That action may be to reduce overall noise levels from the loudspeaker system or a specific instrument, or to cut a specific frequency which is identifiably intrusive off-site, or other adjustment to control the off-site sound dispersion. It may be that a musician's own instrument amplifier or a drum kit is the cause of the excess, in which case effective action must be taken to reduce their volume.

8.10.3 The PA System operator must take immediate action to adjust any volume or frequency settings as requested, and will remain alert to the need for continuing adjustment until the person monitoring noise has confirmed that the sound levels have returned within the criteria.

8.11 Noise Limits after 9pm

Additional measurements must be taken during events continuing after 21:00hrs to ensure that the adopted background noise levels at residences are not exceeded.

Table 4 maximum evening (after 9pm) entertainment noise levels at residential properties

Measuring position		Maximum music noise levels	
	Map location	L _{Aeq} dB	L _{Ceq} dB
No 7 Mayorswell	R1	59	70
5/6 Kepier Villas	R2	58	69

Where measurements are significantly dominated by other sources (wind, birds, vehicles etc.) that should be stated in the log.

8.12 Measuring parameters

Measurements should obtain the L_{Aeq} and L_{Ceq} values, integrated over 5 minutes.

If an integrating noise meter is not available, then several measurements of the instantaneous noise levels will provide a useful indication of the music noise level over time at the designated locations. These will be the L_{As} and L_{Cs} noise levels. Those meters should be set to 'slow' measurements. The data collected will be the highest of a series of a series of instantaneous 'slow' L_{As} and L_{Cs} measurements.

The highest value obtained during a period of instantaneous measurements may be 1dB higher than the highest permitted level for that location.

e.g. if the the maximum values 6 meters from the garden's loudspeakers is 74dB LAeq and 81dB LCeq. These will be similar to a highest of a series of instantaneous measurements of 75dB LAs and 82dB Lcs.

8.13 Staff protection

Care will be taken to ensure staff and other personnel are not exposed to sound levels over periods which may lead to hearing damage. Hearing protection must be offered to all staff and advice must be given to ensure that awareness of the hazards and measures to minimise risk is understood and actively encouraged.

In the event that any member of staff is required to remain in a location where sound levels over 80dB(A) are persistent, then measures to monitor personal noise exposure must be applied, and where necessary, action must be taken to reduce that exposure.

8.14 Enforcement

Enforcement in response to any excess in noise levels must be rapid and effective. For noise control to be effective, monitoring must be reliable, regular and rapid if there is any evidence of levels approaching or exceeding the permitted threshold at a residential location. This may be through control of the PA system or instruments, or requiring persons making a loud noise to cease.

Effective enforcement requires the willing cooperation of the PA operator and the performers.

Any incident of an excess of noise levels should be reported in the log book noting any remedial action taken; the member of staff who identified the incident and who took the action, along with the date and time.

8.15 Calibration of Sound System for a 'Designated Event'

Calibration is the procedure by which the maximum amplified noise levels are determined and fixed in the sound amplification equipment.

When calibrating the PA system, extraneous noise (incl patron noise) should be minimised or disregarded.

- 8.15.1 The criterion adopted is that music noise at sensitive residential properties is not to exceed the prevailing background noise levels by more than 15dB, over any 15 minute period. And for the low frequencies, in each of the third octave frequency bands between 40Hz and 160Hz, the music noise remains below the background noise when measured as the L_{Zf90}
- The adopted background noise levels are stated in **Section 6** and represent the L_{Af90} in the absence of an event at *The Woodman Inn*.

These criteria will correspond to levels inside the garden, no less than 6 metres in front of the loudspeakers, which can simply be measured as an LAeq and LCeq limit.

The corresponding level inside the garden will be used as the maximum limit for the PA system.

8.15.2 If the event includes live music, and the calibration is attempted with a sample of recorded music, then the process must be repeated with the live music, as the addition of instruments and monitor speakers will be likely to increase the overall level of noise which is at risk of escaping towards residences.

Adherence to those limits should ensure that the required maximum levels at residences is achieved. However, this must be monitored throughout an event while the music is playing will as conditions do regularly change.

8.15.3 The difference between the noise level at the source and at any given remote location will normally remain relatively constant, excepting significant changes of wind speed and direction.

8.17 Entertainment Noise Levels for ‘Designated Events’

The application of this *Noise Management Policy* will restrict the noise escape from music at *The Woodman Inn* such that noise reaching the exterior of either of the two representative residential properties does not exceed the A-weighted background noise level recorded when no entertainment is taking place, and also that the maximum music noise limit does not elevate the noise in any third-octave frequency band between 40Hz and 160Hz reaching the residences above the adopted background levels in those bands.

The control of low frequency noise escape (the ‘bass’ in music) is achieved by the ‘C’-weighted limits.

Details of the adopted limits are specified in **Section 8.5.4**. In summary, the source noise levels, measured 6 metres in front of the garden’s loudspeakers, shall be the limits derived from the calibration procedure specified in **Section 8.14**.

This satisfies a criterion of **Section 5.7**, for the ‘Code of Practice’ (a.k.a. ‘The Pop Code’)

8.18 Summary

- Designated Events will only take place on Fridays, Saturdays or the Sunday before a Bank Holiday, or on a date of local or national significance.
- Designated Events will finish no later than 10pm with lower noise limits after 9pm.
- Designated Events require notification to the Local Authority and residents’ representatives.
- Designated Events must include the calibration of any PA system to set a maximum noise limit
- The noise levels from a Designated Event must be monitored periodically.

9. Complaints Procedure

A written log must be maintained to record complaints and how they have been dealt with.

Complaints may be received through several channels :

in person to a member of staff or contractor ; by email, phone or social media ;
a Local Authority Environmental Health Officer ; Councillor ; other public agency

9.1 In response to a complaint of noise from any resident, (whether directly or via a representative or Local Authority) an entry in the log must be made.

The log will show:

- the date(s), and time(s) of the contact ;
- the name and contact information of the complainant ;
- the location of the disturbance (it is acknowledged that a complainant may wish to withhold some identifying information, but that shall not invalidate the procedure) ;
- the nature of the perceived noise (e.g. voices, bass beat, shouting, banging);
- the time(s) of the incident ;
- any other information.

The complainant shall be offered a follow-up response once the complaint has been investigated, and whether they wish this response, and how they wish to be contacted, will also be logged.

9.2 A manager shall investigate the complaint and determine whether it can be substantiated, either fully or partially.

9.3 Where a complaint appears likely to be substantiated, and the cause of the complaint is on-going, a responsible member of staff must take prompt action to stop the cause of the disturbance (or if it will be an adequate measure, to reduce the volume of the noise), and to note that action in the log.

9.4 The cause of the noise must be noted in the log. It is recognised that a complaint after-the-event may be hard to identify or to confirm, but whatever evidence can be gathered should be noted in the log.

9.5 Where a complaint can be substantiated, fully or partially, the circumstances which led to the complaint must be considered, to identify any procedures or policies which would materially reduce the risk of recurrence. If necessary to effect a change, this policy may be updated, and/or an acoustic consultant may be instructed to advise on effective mitigation.

9.6 Where the cause appears to be excessive music volume, and that does not appear to have been caused by exceptional climatic conditions, the PA system contractor must be required to attend to re-calibrate and/ or adjust the system's maximum noise limits.

9.7 Where a complainant had agreed to be contacted in response to an investigation, a Manager will make that report back to the complainant and note the outcome of that report in the log.

9.8 The complaints log shall be made available to an Environmental Health Officer of Durham County Council on request.

10. Training for staff and visiting technicians

- 10.1** For this policy to be effective, staff of *The Woodman Inn* and its subcontractors and/or event organisers must be aware of the potential to cause nuisance and disturbance by the various activities which create noise, and also aware of the sensitivity of residential properties nearby – specifically those which have already reported a disturbance.
- 10.2** To achieve this awareness, the induction and routine training of responsible personnel must include an understanding of this *Noise Management Plan*, and in particular, how their job role relates to the prevention of noise which is capable of causing a nuisance or disturbance.
This induction and/training must include visiting persons responsible for the setting up and operation of an event.
All personnel working with sound equipment in the marquee (e.g. TV supplier & installer) will be required to have ready access to this document and to be familiar with its provisions.
- 10.3** On completion of that induction and/or training, the personnel concerned must sign-off their understanding in the premises incident log book.
- 10.4** It is essential that the electronic control of the installed sound system remains locked out to any member of staff. There are no user accessible controls which can increase the maximum volume through the installed loudspeaker system.
- 10.5** It is essential that staff ensure that visiting entertainers bringing their own equipment (e.g a party playlist) understands that a maximum sound level has been adopted, and any attempt to exceed the limit will only result in loss of dynamic range of the music.

11. Review Procedure

A review of this policy document will be triggered following any of these circumstances :-

- A substantiated complaint of noise from a resident which may recur;
- a request from an Officer of the Environmental Health department of Durham County Council;
- a material alteration to the layout, or a change of use of part of *The Woodman Inn* site..

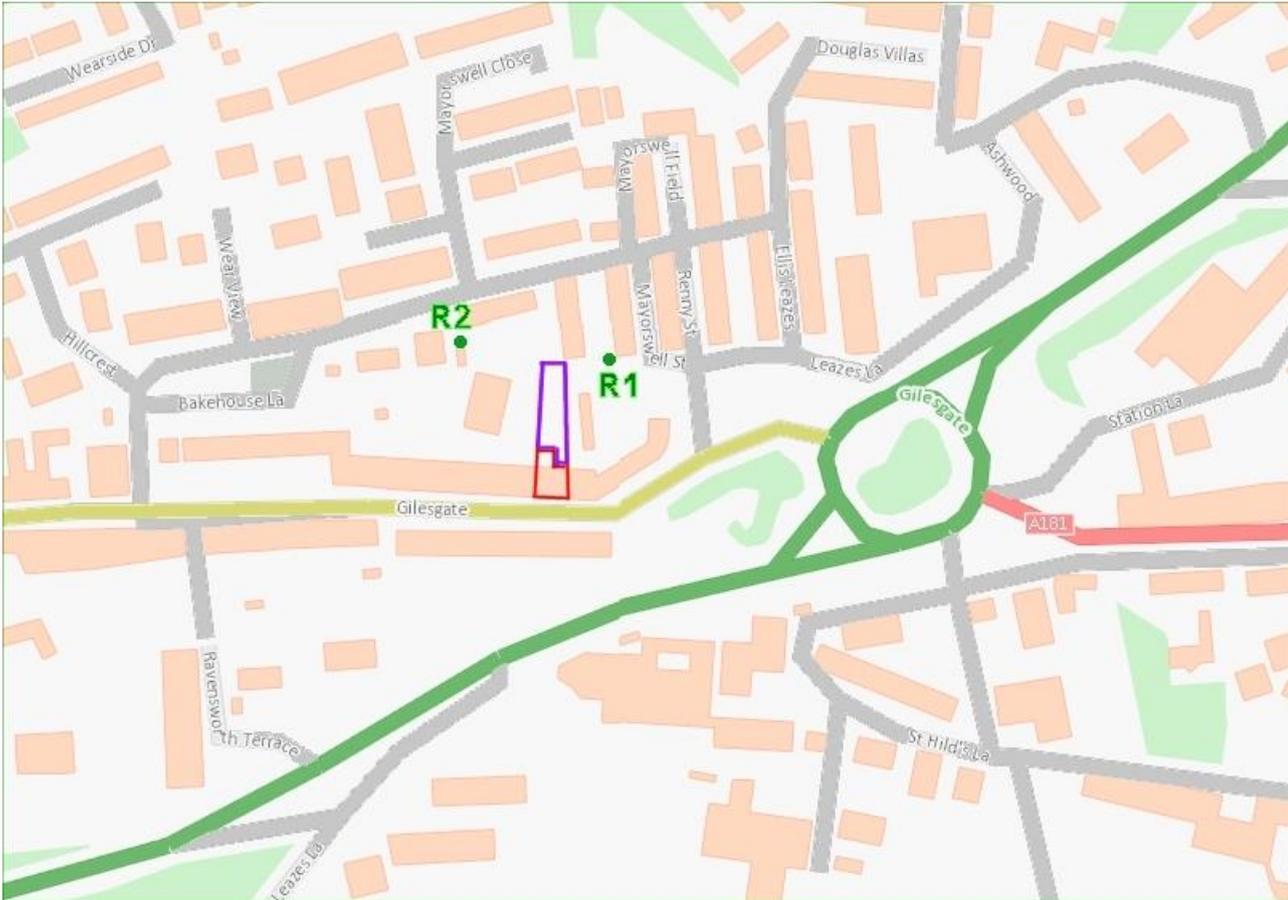
A review will include a quantified assessment of any identifiable noise source which has triggered the review and will also include measures in mitigation (either structural or procedural) which will be effective in controlling noise escape to avoid nuisance or disturbance.

This document shall be updated accordingly and circulated to the responsible personnel at *The Woodman Inn* and to the EHO of Durham County Council.

APPENDICES

Appendix A - Site Plan

Showing The Woodman Inn premises with stage area, and nearby residencies.



Crown copyright

	"The Woodman Inn" premises
	"The Woodman Inn" garden
	Residential receiver properties
	R1 – SW corner of No 7 Mayorswell Street
	R2 – rear of 6 Kepier Villas

Appendix C

Author

The author of this report is Dave Cross, who has over 45 years experience working in the field of sound, its control and its impacts, and 18 years in developing strategies to protect residential amenity around music events and venues.

Qualifications

Acoustics Qualification:

Measurements were performed by, or under the direct supervision of Dave Cross who holds a current *Certificate of Competence in Environmental Noise Measurement* awarded by the *Institute of Acoustics*.

Equipment

Sound measuring equipment:

instruments include *Bruel & Kjaer 2250* and *2238* Class 1 sound analyser meters, including logging and 1/3 octave spectral analysis functions, and *Cirrus Research CA162C* Class 2 analyser with whole octave analysis.

Meters are calibrated before and after tests with *Bruel & Kjaer 4230 'Pistonphone'* calibrator.
