

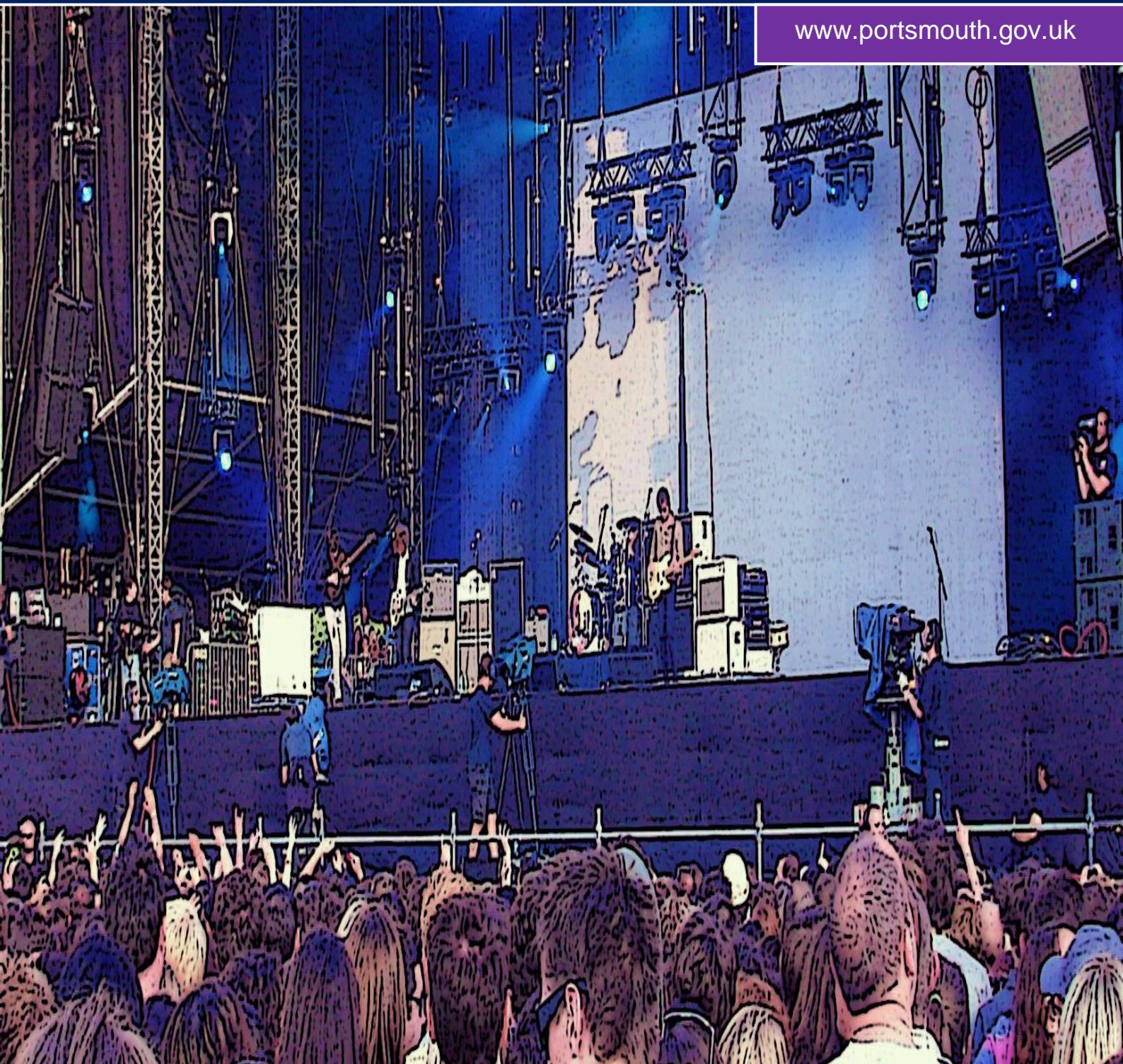


Portsmouth
CITY COUNCIL

Noise From Open Air Events Guidance for Applicants

ENVIRONMENTAL HEALTH – POLLUTION CONTROL

www.portsmouth.gov.uk





Noise from Open Air Events Guidance for Applicants

1. Introduction

- 1.1. Portsmouth City Council supports musical entertainment and cultural events which take place in the community.
- 1.2. The 2010 - 2026 Seafront Strategy recognises that music performances are some of the most successful events that take place in Portsmouth and that the Southsea seafront area in particular provides an ideal venue for such events to be held.
- 1.3. The Strategy sets out a clear intention to attract more independent festivals to the seafront and a desire to increase the number of music performances held in these areas. This same intent is equally strong for most other open public areas that exist in Portsmouth.
- 1.4. It is acknowledged that the number of open air events taking place has increased considerably in recent years along the seafront and also in other open areas in the city. There is a real enthusiasm to continue to develop this growth and ensure that it provides a wide variety of entertainment and event types ranging from single performers and small scale promenade performances to large audience music festivals.
- 1.5. Portsmouth City Council (PCC) is keen to ensure that an appropriate balance is achieved between the Strategy's vision, organisers' objectives, attendees' enjoyment and interests of the community at large, who may be affected by the resultant entertainment noise levels.
- 1.6. In adopting this balance, PCC accepts that not everyone will enjoy the musical entertainment provided and some residents and businesses may suffer some disruption from the music provided.
- 1.7. In addition, in areas where residential accommodation is in close proximity to open sites such as Southsea Common, PCC accepts that negative impacts from musical entertainment, particularly if it can be heard inside peoples' homes, may lead to complaint.
- 1.8. This document sets out PCC's approach in respect of controlling noise from open air events. It describes the advice, support and expectations of the city council's Events Team and the Environmental Health service. The approach is based upon officer experiences in noise control and good practice already adopted by other authorities that permit open space musical entertainment on a regular basis.
- 1.9. Included within this document are the general principles of noise control and effective noise management which is expected of organisers. It contains clear guidance on the measures which organisers must have regard to prior to application, during and post event and clarifies PCC's policy with respect to the investigation and enforcement of noise nuisance from open air events.



- 1.10. By following this guidance, it is hoped that events will be successful whilst the right of the local community not to be unduly disturbed by noise is maintained.
- 1.11. This guidance applies to all open air events providing musical entertainment irrespective of applicant source. Open air events include events which may be held within a marquee or similar temporary structure.

2. The aim of the guidance

2.1. This guidance is aimed at:

- Applicants – involved in the planning or hosting of open air events which involve musical entertainment;
- Open air event organisers, promoters and consultants of musical events where entertainment is planned – to provide general guidance with respect to acceptable noise levels or where such guidance can be found;
- The public – to provide information regarding the Council's powers with respect to musical entertainment in open spaces;
- Elected Members – to provide an understanding of the potential conflicts in permitting open air musical entertainment and the measures in place to ensure the correct balances are maintained.

2.2. The appropriate planning of events is absolutely essential and PCC shall give careful consideration to this guidance when considering the merits and potential approval of events providing musical entertainment.

2.3. All applicants are required to have regard to this guidance when entertainment is provided as the main attraction or is ancillary to the main focus of the event.

2.4. This guidance does not have regard to risks to hearing, for both those working at an event or the audience, caused by high music volumes, nor does it consider the potential impact music generated vibration can have upon the integrity of temporary and permanent structures.

3. Requirement to notify PCC when recorded or live music is to be provided

3.1. All applicants are required to complete and submit an Event Application Form to the Events Team at least 6 weeks prior to an event taking place.

3.2. Where recorded or live music is to be provided, in any form, the applicant shall precisely detail what is to be included within the following sections:

- Full description of the event – page 3;



- Activity at the event – page 5;
 - Temporary structures / equipment – page 7.
- 3.3. Applicants providing recorded or live music should have high regard to the Terms and Conditions of hire – page 12, and particularly Section 6.16 - Noise, Nuisance and Public Address and Section 19 - Prevention of Public Nuisance.
- 3.4. The Event Application Form can be found at:
<https://www.portsmouth.gov.uk/ext/documents-external/cul-evntapplform.pdf>
- 3.5. Advice on completing the Event Application Form can be located at:
<https://www.portsmouth.gov.uk/ext/documents-external/cul-evnts-gdncnotes-2011.pdf>
- 3.6. Upon receipt of a completed application form, the Events Team will assess the likelihood of noise disturbance based upon the content of the Event Marketing Form.
- 3.7. Further advice upon the required content of the Event Application Form with regard to noise is contained within Section 10 onwards.
- 4. The likelihood of disturbance**
- 4.1. Where recorded or live music is to be provided, the Events Team, in conjunction with the Environmental Health service will decide whether the event is likely to cause a noise disturbance.
- 4.2. Factors influencing their decision include, but are not limited to, the:
- size of the audience;
 - timing and duration of the event;
 - numbers of stages and performances;
 - output of sound systems;
 - previous history of compliance;
 - location of the event and staging;
 - inclusion of an admission fee.
- 4.3. Although all of the above will influence their decision, it is the size of the predicted audience which is likely to be the primary consideration.
- 4.4. As a guide, events which have live or recorded music as the primary attraction are likely to be assessed as follows:



- when event attendance / predicted audience size is less than 500, it is considered unlikely that noise disturbance will be caused;
 - when event attendance / predicted audience size ranges from 500 to 5,000, the likelihood of noise disturbance significantly increases;
 - when event attendance / predicted audience size is greater than 5,000, the likelihood of noise disturbance should be a primary consideration during the organisation of the event.
- 4.5. On all occasions, where the Events Team believes that noise is a primary consideration, it will raise these specific concerns directly with Environmental Health.
- 4.6. Upon receipt, where possible, Environmental Health will work with interested parties to try and resolve any potential conflict(s) between the event and its predicted impact upon residents / businesses. Where the conflict cannot be resolved, a recommendation of refusal will usually be submitted by Environmental Health to the Events Team.
- 4.7. Failure to submit adequate information within the Event Application Form with regard to the provision and control of recorded or live music to enable the determination of whether noise disturbance is likely, may be considered grounds for the Events Team to refuse the application.
- 4.8. Depending upon the scale of non-conformity or where an applicant has disregarded the recommendations contained within the guidance, future event applications from the same organiser will attract a significantly higher degree of scrutiny and greater emphasis will be placed on dealing with them on a formal basis from the outset, or will result in a recommendation for refusal from Environmental Health.
- 4.9. This guidance will normally be applied to all outdoor events that have the potential to cause widespread noise annoyance, other than in exceptional or unusual circumstances, in which case, any departure from it will require approval. For the purposes of this document *widespread annoyance* is defined as that likely to give rise to more than six complaints from separate households.
- 5. Policy**
- 5.1. PCC has an adopted policy for the investigation of noise disturbance. Complaints regarding noise from open air events will be investigated in accordance with this Policy.
- 5.2. A copy of the Policy can be found at:
<https://www.portsmouth.gov.uk/ext/documents-external/cmu-noise-policy.pdf>



6. Conditions

- 6.1. Where an application for recorded or live music is deemed likely to cause *widespread annoyance*, additional event terms will include conditions specifying what additional measures applicants will need to undertake prior to and during the event with respect to noise control.
- 6.2. The scale of the event and the information contained within the Event Marketing Form will influence the form and application of conditions.

7. Environmental Protection Act 1990

- 7.1. PCC receives approximately 2,500 noise nuisance complaints from separate households each year. In each case, we aim to work with all parties to resolve any noise problems that may arise. In approximately 10% of cases, legal action is required to protect residents from nuisance.
- 7.2. PCC accepts that there is no right to absolute peace and quiet and expects people to be tolerant of occasional disturbance from noise whatever its source.
- 7.3. What is more, controlled noise from events held for the general benefit of the residents of Portsmouth, despite their potential to give rise to a high number for complaints, may cause less reported nuisance as they are enjoyed by many and generally tolerated and accepted by the community as a whole.
- 7.4. PCC does however aim to effectively investigate serious or persistently unacceptable levels of environmental noise and thereby maintain a quality of peaceful life through the prevention and abatement of statutory nuisance. These guiding principles are duplicated with respect to noise created by open air musical events or events where music is ancillary to the main focus of an event.
- 7.5. Where it is established that noise from an event is causing a statutory nuisance, PCC has a duty to serve an Abatement Notice, requiring that the nuisance is abated. In cases where an application has been submitted and approved it may be appropriate to serve this document upon the applicant as the person responsible for the nuisance. In cases where Notices are not complied with, that person is subject, upon conviction, to a fine not exceeding £20,000.

8. Code of Practice on Environmental Noise Control at Concerts

- 8.1. This national Code of Practice, currently going through a process of review, was issued by the Noise Council in 1995. It remains the most up-to-date guidance on the control of noise from outdoor concerts. It is available free from the Chartered Institute of Environmental Health website at:
http://www.cieh.org/policy/noise_council_environmental_noise.html
- 8.2. The Events Team and Environmental Health will have regard to this Code when considering the appropriateness of event applications. Applicants of events expecting audience sizes of greater than 5,000 are strongly advised to be familiar with this document prior to submitting an Event Application Form.



- 8.3. Depending upon the circumstances and nature of the event, Environmental Health reserves the right to specify its own target noise criteria. Each application, and the necessity for control, will be considered on a case by case basis.

9. Licensing Act 2003

- 9.1. Any premises where regulated entertainment takes place is likely to require a Premises Licence or be the subject of a Temporary Event Notice. If such activities take place without the benefit of either, then an offence may be committed.

- 9.2. For further information see PCC's website at:
<https://www.portsmouth.gov.uk/ext/business/licensing/premises-licences.aspx>

10. Details to be included within the Event Application Form regarding noise

- 10.1. Any, and all, measures to mitigate the impact of noise from music sources must be detailed in the Event Application Form.

11. Event guidance

11.1. Before the event

- 11.1.1. The most effective controls will be achieved by considering noise at the planning stages and adopting measures at the outset to minimise the impact of noise.

11.2. Location and timing

- 11.2.1. When deciding upon the location for an event, applicants need to consider the potential impact that noise from the event may have on local residents.

- 11.2.2. All open spaces in Portsmouth are in close proximity to densely populated residential areas and therefore applicants may have to accept that they may either need to downscale their proposals, restrict the number of days the events take place and/or limit the time at which the music is played prior to an application being granted.

- 11.2.3. Applicants should note that it is unlikely that high levels of music be permitted after 23:00 hours.

11.3. Performance areas

- 11.3.1. Once the site is decided upon, consideration of the most appropriate position on the site for the stage and direction of the speakers is required.

- 11.3.2. The applicant must accept that, in the vast majority of cases, speakers must be directed away from the nearest residential accommodation. The visual advantages of locating stages close to landmark buildings may need to be compromised if noise controls are negatively affected.



11.3.3. All speakers should direct sound at, and downwards towards, the audience in order to reduce the over-spill into the surrounding area.

11.3.4. In view of the restrictions placed upon sites as a result of their proximity to residential accommodation, applicants need to carefully consider stage location and the benefits that increasing distance from dwellings may bring against the negative impacts of directing speakers towards residents.

11.4. Local climatic conditions

11.4.1. Portsmouth's onshore south-westerly prevailing wind is likely to carry noise towards sensitive receptors. These conditions are variable and are likely to vary over the duration of a single event. Audible noise at sensitive receptors is therefore likely to fluctuate considerably according to wind direction and strength. Monitoring requirements are likely to be dramatically influenced by the wind conditions experienced on the day of the event.

11.4.2. Depending upon the area chosen, orientation of the stage etc., if the wind is directed away from the audience then some may experience difficulties in hearing the performers. Volumes should not be adjusted to compensate as noise receptors downwind will suffer as a result. Events taking place in strong / gusting wind conditions may have to accept lower levels of entertainment volume than would otherwise be anticipated.

11.5. Type of event

11.5.1. Applicants must consider the type of entertainment to be provided. Some acts will result in higher sound levels than others and some acts may have higher levels of low frequency noise. Low frequency noise has more energy than high frequency noise, will travel further, penetrate buildings and therefore result in increased disturbance to local residents.

11.5.2. Applicants must pay particular attention to the control of low frequency noise and explain how it will be controlled within the Event Application Form.

11.6. Larger scale events - audiences greater than 5,000

11.6.1. The amplification of most bands consists of amplifiers and speakers for the instruments and vocalists. Sound is mixed and balanced by a sound engineer at a sound desk prior to and during the performance.

11.6.2. The use of noise limiters/compressors is likely to be required as this sets a maximum volume across all frequencies for the music.

11.6.3. In order for the performers to be aware of the sound around them, a 'backline' of speakers is commonly positioned on stage. This equipment may not be directly controlled by the sound desk and it is essential, therefore, that sound engineers are fully aware of the necessary restrictions on sound levels and are in a position to set up the backline to enable full control to be exercised during the performance. Applicants must satisfy themselves that the levels are set accordingly.



- 11.6.4. The output of the sound system(s) should be suitable for the size of the event.
- 11.6.5. It is important that bands booked to appear are aware of the need to be sensitive to potential noise problems and must accept restrictions that may be imposed.
- 11.6.6. Applicants should be aware the Events Team is unlikely to approve simultaneous performances at different locations, unless these are controlled / co-ordinated within a single multistage event / festival. This will avoid music from one sound system interfering with another and possibly of noise levels being increased as a result.

11.7. Sound systems

- 11.7.1. Where events are sufficiently large, the applicant should employ a sound system that uses circuit speakers (i.e. a range of relatively low powered speakers sited around audience rather than one with a bank of speakers either side of the stage).

11.8. Monitoring

- 11.8.1. For events with a predicted audience size between 500 and 5,000, applicants may be required by condition to monitor noise at predetermined positions. This will require the applicant to listen to the music and make a judgement based on qualitative criteria of the likely impact.
- 11.8.2. All assessments shall be recorded within a monitoring log which shall be returned by the applicant to the Events Team after the event. An example of a monitoring log can be found in *Appendix 1*.
- 11.8.3. It will be necessary for the applicant to appoint a responsible person for entertainment volumes to ensure that noise does not cause unreasonable disturbance to local residents and the monitoring conditions are complied with.
- 11.8.4. The appointed person shall be on site and contactable during the event and have the necessary authority to reduce volumes. It is important that the nominated responsible person is not exposed to high levels of noise at any time during the event to ensure that their ability to assess impact upon residents is maintained.

11.9. Measurement

- 11.9.1. In addition to the requirements of Section 11.8, events with a predicted audience size exceeding 5,000 may be required by condition to undertake the measurement of entertainment noise levels by a competent person using a sound level meter to ensure predetermined noise target criterion are not exceeded. Examples of possible conditions are attached in *Appendix 2*.
- 11.9.2. Depending upon the profile of the event or other factors Environmental Health may deem audience size events of more than 5,000 people to be more likely to give rise to disturbance (see Section 4) or fall within the 'exceptional circumstances' (as defined in Section 11.11).



11.10. Acoustic consultants

- 11.10.1. In addition to Section 11.8 and Section 11.9, events with a predicted audience size greater than 10,000 may be required to commission a suitably qualified acoustic consultant to help plan the event and to monitor noise levels throughout the event.
- 11.10.2. For these events, the applicant shall include a noise survey to determine the background noise levels at locations around the site. It is expected that an acoustic consultant will need to be involved in this process from the outset.
- 11.10.3. The Institute of Acoustics is the professional body for acoustic consultants and there is a list of registered consultants on their website at: www.ioa.org.uk
- 11.10.4. In addition, applicants may wish to look at the website of the Association of Noise Consultants at: www.association-of-noise-consultants.co.uk

11.11. Exceptional circumstances

- 11.11.1. Only in exceptional circumstances will an event be allowed to exceed the normal maximum allowable noise levels. This will be with the express permission of the Council and be part of an agreed Noise Management Plan (NMP).
- 11.11.2. Exceptional circumstances are likely to occur when the event is predominantly musically based (such as a music festival) and / or its scale significantly exceeds an audience of 10,000 people.
- 11.11.3. Where such circumstances occur, events may be subject to necessary Member endorsement.
- 11.11.4. When such situations occur the following will be necessary:
- organisers will appoint a reputable acoustic consultant at their expense to manage and control noise levels;
 - maximum permitted noise levels will be agreed at the nearest noise sensitive premises and other suitable locations;
 - the impact of these levels in terms of public disturbance will be understood, acknowledged and accepted during the approval process;
 - the increased likelihood of significant levels of complaint will be recognised;
 - communication with residents with respect to the magnitude of disturbance will be undertaken;



- investigation of complaints of noise nuisance and levels in accordance with those agreed will be undertaken by event organisers and their consultants
- organisational arrangements will be monitored and reviewed;
- identified problems will be addressed prior to repeat performances being permitted.

11.12. Cumulative impact

- 11.12.1. The impact of repeated use of the open areas is likely to generate greater concern to residents, even if each is operated by a different applicant.
- 11.12.2. Acceptable levels of noise from repeated use of areas are likely to be significantly lower than those permitted for a single event within a 12-month period. The target noise criteria may therefore become more stringent as the number of events from a single applicant increases.

11.13. Public relations

- 11.13.1. Depending upon the size of the event, applicants may be required to deliver a briefing note to noise sensitive premises around the site, advising residents when and where the concert or event is to take place, asking for their tolerance, advising of the precautions being taken against disturbance and giving a telephone number where someone responsible can be contacted in case of problems. Alternative notification methods will be considered.
- 11.13.2. The Events Team and Environmental Health has considerable experience in managing open air events which has shown that, where people are aware of what is to take place and how to contact someone if there are any difficulties, then very few people will feel the need to make an official complaint.

11.14. The event - set up

- 11.14.1. For all larger events exceeding an audience of 5,000 sound propagation tests shall be carried out, where possible, on the day of the event, not before 10:00 hours, to ensure that sound levels at the prescribed locations are as expected - taking into account the weather conditions on the day.
- 11.14.2. The applicant's responsible person shall ensure that sound levels are correct/meet the noise targets criterion to minimise further adjustment during the event. Where such tests are necessary, levels will be recorded.

11.15. During the event

- 11.15.1. Monitoring/measuring as required by the Events Team or Environmental Health will be carried out by the applicant, the applicant's nominated responsible person or the applicant's consultant at the



predetermined monitoring positions throughout the event, and a record kept of the monitoring results.

- 11.15.2. Action must be taken to reduce noise levels where the agreed noise assessment / levels are exceeded. Records of all monitoring/measuring must be kept, along with an explanation for the reason for the breach and the action taken to resolve the problem.
- 11.15.3. Where a complaint hotline is required, it shall be manned at all times during the event, from before the sound propagation test and until all members of the public have left the area. Any complaints should be passed on to the applicant/the appointed responsible person. Action should be taken to investigate all complaints and, where appropriate, remedial action taken.
- 11.15.4. The applicant should remember that noise levels set during the sound propagation test may vary at noise sensitive premises and may need to be reduced as a result of climatic conditions. Whilst the setting of maximum levels is recommended, sound levels should not be run at these levels if lower noise levels are sufficient for the purposes of the event.

11.16. After the event

- 11.16.1. The results of the noise monitoring/measurement shall be submitted to the Events Team along with details of any complaints received and the action taken to resolve them.
- 11.16.2. If it is proposed that the event is repeated, consideration shall be given to compliance with conditions, the number of complaints received and the applicant's ability and co-operation in controlling music from the event.



Appendix 1

Example of sound monitoring form

Noise monitoring form page 1

Event name:.....

Applicant:.....

Name of responsible person:.....

Sound Monitoring Instructions

1. Regular observations (at the start of the event and then at the start of each new performance within each consecutive period of 60 minutes until the end of the event) shall be undertaken by a responsible person at the following locations:

- a)
- b)
- c)

(See map attached) *map not included in this example*

2. A log of each observation shall be kept. The log shall include the following details:

- A – Inaudible (no noise can be heard)**
- B – Detectable (when bass thump/PA is heard during lulls in traffic movement)**
- C – Noticeable (when bass thump/PA is heard above traffic noise)**
- D – High (when elements of the music are identifiable at any time, such as lyrics or words spoken/sung, guitar noise, drums or other instruments through the PA are identifiable)**

Note: if C or D is recorded, the sound engineer/license holder must be contacted immediately to have the sound level reduced. You must then return to the monitoring location where C or D was recorded to reassess whether the reduction in sound level is enough to achieve A or B. If it is not, then the sound engineer/license holder must be approached again for a further reduction in sound levels. This process must be repeated until an acceptable noise level (i.e. A or B) is reached.



Sound monitoring form page 2

Date: Music style:.....

Person recording description of noise:.....

Example of Time	Example location			Example of weather / wind direction	Example comment
	1. Opposite Saville Court (Clarence Parade)	2. Beside roundabout, junction of South Parade and Clarence Parade	3. Opposite Junction of South Parade and Burgoyne Road		
Sound check	C	B	B	SW	Levels reduced until A&B recorded during check
10.30am	B	A	A	SW	
11.30am	A	A	A	SW	
12.30pm	B	B	B	SW	
1.30pm	C	D	D	S	Immediately reduced levels and reassessed
2.30pm	B	B	B	SE	
3.30pm	B	C	B	SW	
4.30pm	A	A	B	SW	Immediately reduced levels and reassessed
5.30pm	A	B	B	S	



Appendix 2

Example noise control conditions

1. The licensee shall appoint a suitably qualified and experienced noise control consultant, to the approval of Environment Health, no later than *****. The noise control consultant shall liaise with all parties including the Licensee, Promoter, sound system supplier, sound engineer and Environmental Health on all matters relating to noise control prior to and during the event. A report detailing the noise control strategy, approved by Environmental Health, shall be in place by close of business on *****. The report for approval shall be submitted at the latest by close of business on *****.
2. The noise control consultant shall carry out a survey to determine the background noise levels (as defined by the Code of Practice on Environmental Noise Control at Concerts) at three locations ***** (DETAILS OF LOCATIONS) ***** around the venue representative of the noise sensitive premises likely to experience the highest noise level as a result of the concert. The information obtained from this survey shall be made available to Environmental Health by *****.
3. Neighbouring residents that are likely to be affected by the noise are to be mail-dropped by the event organiser. The mail drop will include the details of the event including the times of likely disturbance and shall include a contact telephone number for complaints to be made. The extent of the mail drop will be approved by Environmental Health.
4. A noise propagation test shall be taken at least two hours prior to the start of the event in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music likely to be produced during the event.
5. The control limits set Team at the mixer position shall be adequate to ensure that the Music Noise Level shall not at any noise sensitive premises exceed ** dB(A) (or **dB in either of the 63 Hz or 125 Hz octave band frequencies) over a 15 minute period throughout the duration of the concert.
6. The control limits set Team at the mixer position shall be adequate to ensure that the Music Noise Level shall not at any noise sensitive premises exceed ** dB(A) (or **dB in either of the 63 Hz or 125 Hz octave band frequencies) over a 15 minute period throughout any sound check for the event.
7. The Licensee shall ensure that the promoter, sound system supplier and all individual sound engineers are informed of the sound control limits and that any instructions from the noise control consultant regarding noise levels shall be implemented.
8. The appointed noise control consultant shall continually monitor noise levels at the sound mixer position and advise the sound engineer accordingly to ensure that the



noise limits are not exceeded. Environmental Health shall have access to the results of the noise monitoring at any time.

9. Sound checks are permitted only between the following hours:
**** hours to **** hours.

10. Music from the event is permitted only between the following hours:
**** hours to **** hours.

Environmental Health - Pollution Control
Portsmouth City Council
Telephone: 023 9283 8366
Email: public.protection@portsmouthcc.gov.uk

www.portsmouth.gov.uk



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