

**Cherwell District Council
Public Protection and Development Management
Anti-Social Behaviour Units Licensing Consultation Response.**

**Licensing Act 2003: Application to vary a premises license
Applicant(s): C.Kaberg on behalf of Oxon Investments Ltd**

Premises:

**Weston Manor Hotel Northampton Road Weston on the Green Bicester Oxon
OX25 3QL**

Details of the application:

An application to vary Premises License **CHERWELL PRM 0027** in the following manner:

- To add the provision of regulated entertainment in the form of live music both indoors and outdoors between the hours of 11:00 and 23:00 hrs Mon – Wed and 11:00 and 01:00 hrs Thurs – Sat and 12:00 and 01:00 hrs Suns, **Indoors** and between 11:00 and 23:00 hrs Mon- Wed and 11:00 and 23:59 hrs Thurs –Sat and 12:00 and 21:00 hrs on Sundays, **Outdoors**
- To add the provision of regulated entertainment in the form of recorded music both indoors and outdoors at the same times as listed above.
- To add the provision of regulated entertainment in the form of the performance of dance and anything of a similar description both indoors and outdoors at the same timings as listed above.
- To add facilities for making music dancing and anything of a similar description both indoors and outdoors at the same timings as listed above.
- To add the provision of late night refreshment between 23:00 and 01:00 hrs Thus – Sun both indoors and outdoors.
- To extend the period of time when the supply of alcohol can be made to residents and non residents until 01:00 hrs on any day.

History

There is no relevant history relating to public nuisance associated with these premises.

Observations.

The element of this application which is a cause for concern is the provision of regulated entertainment outdoors and in particular the provision of regulated entertainment that would use amplified sound.

In the applicants statement at Part P of the application he indicates that speakers will be placed at a minimum distance of 100 metres from the closest dwelling to the site and orientated so they point away from this location.

As the exact location where the entertainment will be taking place is not defined in the plan accompanying the application but rather a red line of the site has been submitted this location could be one of a number of properties depending on where the

entertainment was being provided. Equally when speakers are pointed away from one dwelling they are likely to be pointing in the direct of another dwelling albeit at a greater distance. It is not clear on what basis the 100 metre separation has been derived.

The statement goes on to say that sound levels will be controlled with electronic sound limiting devices set to isolate the power from sound amplification equipment should the music noise level exceed 95 dB for a period of time in excess of 2 minutes. Again it is not clear how this level has been derived as in my experience most bands and disco acts operate at level that exceeds 95 dB.

The same paragraph goes on to say that where this threshold is exceeded on more than three occasions during a performance then the music will be switched off. Whilst I accept this proposal has been made in good faith in practice it is very difficult to enforce a sanction of this type as the operator of the site would no doubt come under severe pressure for their customers and the performers to reinstate the entertainment. In some circumstances an attempt to enforce such a sanction could have public order implications.

Mention is made of a lower noise threshold of 80 dB for 'open air' performances. It is not clear as to the exact nature of these performances but this lower level is likely to be impractical for the reasons indicated above.

A figure of 18 outdoor events per year is quoted as the applicants' aspiration. A range of activities are described including open air theatre, farmers markets and private events involving regulated entertainment. Some of these activities are capable of taking place with no detriment to the occupants of nearby dwellings but those events involving the production of music and voices using sound amplification equipment remain a concern.

It is suggested that the use of sound limiting devices could be used to restrict music noise levels from outdoor entertainment to below 95 dB or even possibly 80 dB. Sound limiting devices usually operate by measuring the music noise level on an A weighted scale. The A weighted scale is designed to far as it is possible to replicate the performance of the human ear in terms of its response across the range of audible frequencies. It has been found however that at the lower or bass end of the frequency range its performance leaves something to be desired. This can result in an acceptable sound pressure level being measured by the equipment but disturbance from bass frequencies arising. Sophisticated frequency specific sound limiting equipment is available but this type of equipment is only generally found at fixed venues and requires careful calibration in order to be effective.

In addition to the difficulty in controlling bass noise at source it is also able to propagate over considerable distances without significant attenuation.

Looking at the proximity of the nearest dwellings Monks Walk and The Moat appear to be the closest being approximately 140 m from the centre of the lawn to the rear of the hotel. Applying the inverse square law that allow the calculation of the attenuation (reduction) in sound level with distance 95 dB at the hotel would produce a music noise level in the region of 52 dB at these dwellings. Assuming a warm evening with the occupants trying to sleep with a window open, and, allowing 10 dB attenuation for the window itself, the internal music noise level could be in the region of 42 dB.

In its document Guidelines for Community Noise (1995) the World Health Organisation suggests an internal noise level of 30 dB LAeq as being suitable for sleeping rooms. Whilst I accept the LAeq is a time weighted average unit the simple calculation above indicates this proposal has the potential to cause public nuisance by way of noise from amplified sound produced outdoors.

Recommendation.

I would not object to the variation of this premises license to allow a range of regulated entertainments within permanent structure of the hotel subject to a condition or conditions requiring the installation and calibration of sound limiting device(s) and for the doors and windows of the part of the premises being used for such activity to remain closed during such activities except for essential access and egress.

I would however object to the grant of a premises license that permitted the provision of regulated entertainment involving the use of amplified sound outside the permanent structure of the hotel. This prohibition would include activities taking place within marquees or other temporary structures that offer negligible levels of sound attenuation. My grounds for seeking this prohibition are a well founded concern that public nuisance from noise will arise if the activities were to be permitted.

Rob Lowther
Anti Social Behaviour Manager
27/07/12

A copy of this report is sent to the applicant(s) or their agents and to the Licensing Authority for the Cherwell District Council Area. Should you wish to discuss the contents of this report and its recommendations please contact Rob Lowther on 01295 221623 or rob.lowther@cherwell-dc.gov.uk.

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THAT YOU AGREE THE RECOMMENDED CONDITIONS OR THAT YOU INTEND
TO CHALLENGE THE RESPONSIBLE AUTHORITIES RECOMMENDATION**

Correspondence must be addressed to Safer Communities, Urban & Rural, The Licensing Authority, Cherwell District Council, Bodicote House, Bodicote Banbury OX15 4AA

