

Please find below Environmental Health's outline response to the further evidence presented by the applicant's agent.

1. Applicants notes of meeting in the grounds of the premises 30th May 2022

They were not taking notes during the course of the meeting, these notes will be their best recollection written down sometime later.

Neither did we make notes in the course of the meeting. This was feedback on the effectiveness of the precautions rather than questioning the applicant for alleged breach of the TEN. My best recollection is that the applicant was told that Miss Walsham and I had heard the noise from the marquee in the neighbours' bedroom and that the applicant questioned how this might be given the noise readings he had taken. I did make contemporaneous notes about the noise I experienced on the street and inside the complainants.

2. Video of Sound Meter Readings at the premises on 30th May 2022

2.1 The applicant presents no evidence of the calibration of the noise meter nor the competency of the operator.

2.2 I can see on some of the shots that the meter appears to be adjusted to an A weighting which is generally used to relate to the human perception of sound but has its limitations with analysis of music, particularly the bass element.

2.3 It is not clear from the video whether there was constant measurement or spot readings were taken. It is not clear whether the readings themselves were samples of one minute, two-minute, three-minute durations, 5 minute Leq. In other words was the sampling representative of the varying noise levels within and around the marquee during the course of the event?

2.4 The applicant seeks to compare the results with the noise thermometer to show that the sound levels at the point of measurement are comparable to say an office or a toilet flushing.

2.5 The comparison with the noise thermometer misses the point that what people perceive as a nuisance, what disturbs people, is the difference (in level or character) between the disturbing noise and the background noise. If we accept the applicants noise readings at face value, the activity would most likely be drowned out or masked by other activities in a noisy town centre location but is very apparent in this location late at night. This is borne out by the officer's experience in the complainant's bedroom on the night of 30th May.

2.6 This is why the conditions for the TEN were not expressed in numbers because there are too many variables to produce a figure that can readily be understood and operated by the Licensee.

2.7 If anything the video illustrates that the applicant attempted to follow guidance provided by the Licensing Guys, in the spirit of the conditions for the TEN (but this has still failed to prevent noise intruding into the neighbours bedroom)